

# WHAT'S IN A NAME?

## NICHOLS HALL: A REPORT

by  
Patricia Nelson Limerick  
with the assistance of Jeffrey Hickey and Richard DiNucci

CENTER OF THE AMERICAN WEST | UNIVERSITY OF COLORADO BOULDER



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# I

Humans are distinguished by the possession of a wonderfully developed talent for thinking and a wonderfully developed talent for taking things for granted. On the whole, that combination probably works in our favor. If we set out one day determined to wonder about and inquire into the origins and meanings of all the various buildings, institutions, mechanisms, and people we encounter, the result would have to be paralysis. The human talent for taking things for granted, for ignoring the complex story behind every apparently simple object, is in fact the talent that keeps us functioning and sane.

On that count, to some people, the very idea of inquiring into the origins and meaning of the name "Nichols Hall" is intrinsically irritating. To those readers, devoting one hundred pages to the name "Nichols Hall" could seem to be exactly the sort of exercise which keeps us from getting on with the business of life and sends us off on a self-conscious and time-consuming exploration of trivia. The important concerns for a university, one might argue, involve what happens in the building, not what its name means.

In the case of Nichols Hall, that argument can be persuasively refuted. When a name that most people take for granted brings distress to a significant number of people within the University, then the University has an obligation to look into the problem. But even beyond the concerns of administrative policymaking, the inquiry exactly harmonizes with the broadest purposes of the University. In research as well as in teaching, in the humanities, in the social sciences, and in the natural sciences, our basic enterprise is precisely to take up issues that at first seem commonplace and simple, and to examine them closely and thoughtfully. On that count, while I (with perhaps better reasons than anyone else) shudder at the notion of a building-by-building investigation of all the campus names we now complacently and thoughtlessly use, I still believe that the exercise here has been eminently worthwhile. If one wanted to design an ideal topic to raise the crucial questions of Colorado's complex history, one could not do much better than to consider the name, "Nichols Hall."

In 1961, when the Regents changed Fleming Hall to Nichols Hall, neither they nor the University administrators who proposed the change did a great deal of what one could call "considering." Let me quote the minutes in full:

Dean Wilson reported that the Executive Committee of the Faculty Senate had approved a recommendation that Fleming Residence Hall be renamed Nichols Residence Hall, in honor of Captain David H. Nichols, pioneer speaker of the House of Representatives in the Territorial Legislature, and influential

leader in establishing the University of Colorado at Boulder. Dean Wilson said that considerable confusion has resulted because the Law School is named for its former dean, John Donaldson Fleming, and there is general agreement that a new name should be selected for the residence hall.

On motion of Regent Smith, seconded by Regent Danielson, the recommendation that Fleming Residence be renamed Nichols Residence Hall was unanimously approved.<sup>1</sup>

In the accompanying biographical sketch, submitted in support of the motion, R. Clifford Yoder, Director of Student Residences, included this remark in the description of Nichols's achievements:

It was during the Indian uprisings of 1864 that David H. Nichols was commissioned as a captain in the United States Army and entrusted with recruiting 100 men to defend the Platte River Wagon Road, principal supply route for the people of Colorado, from the Cheyennes. Captain Nichols and his company participated in the battles of Buffalo Springs, Beaver Creek, and Sand Creek with great credit [my emphasis].<sup>2</sup>

In 1961, 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.

By coincidence, in 1961, in the very year of the naming of Nichols Hall, the University of Oklahoma Press published Stan Hoig's book, The Sand Creek Massacre.<sup>3</sup> By its very title, Hoig's influential book cast doubt on the claim of the biographical sketch submitted to the Regents. Hoig called Sand Creek a "massacre." The CU biographical sketch called it a "battle." And therein lies one of the principal mysteries this undertaking explores.

I use the word "mysteries" quite intentionally. This is, by necessity, the kind of inquiry in which the often noted similarity between the historian and the detective fully applies.

The story offers a great deal in the way of hints and clues, but little in the way of hard, indisputable fact. The crucial events were immediately enveloped in a swirl of competing and conflicting reports and testimony. The question, "What happened at Sand Creek on November 29, 1864?" was, by November 30, 1864, irreversibly transformed into the question, "Whose story should one believe?" Under those circumstances, the historian can offer reasoned judgments, but no final and absolute answers. While this uncertainty will no doubt be a source of frustration to some readers, others should find that it lends interest to the undertaking. In fact, this is the one courtesy I would ask of all readers: that they adopt the spirit of open inquiry. This topic triggers strong, partisan responses; at least for the period of time necessary to read this report, I would like the partisans to come out of their bunkers and look, with me, at the evidence.

## II

David Nichols was, beyond question, an energetic contributor to [in the words of the biographical sketch submitted to the Regents in 1961] "the strengthening and growth of Colorado."<sup>4</sup> While there are certainly thousands of people familiar with the adventures of George Armstrong Custer or Kit Carson for every one who knows the name "David Nichols," still, Nichols is in many ways a more representative figure in the story of the expansion of the United States in the nineteenth century. His life provides a valuable case study in the moral complexity of Western American history. He was an enthusiastic and willing founder of the University of Colorado at Boulder. He was also an enthusiastic and willing leader of attacks against Indians. From the perspective of 1987, we might see those two enthusiasms as contradictory or disharmonious. But to Nichols himself, and to many of his Anglo-American contemporaries, the founding of universities and the killing of Indians represented service in the same cause. The project was to "bring civilization" to Colorado and to most nineteenth-century Anglo-Americans, that meant displacing the natives, establishing and allocating property claims, installing territorial, county, and town government, and setting up schools, colleges, and churches. In

1987, we may see Indian-killing and university-founding as activities of opposite moral meaning: one malevolent, one benevolent. But in the 1860s and 1870s, in the mind of David Nichols and many of his contemporaries, they were harmonic, two ways of pushing the region ahead to its proper destiny.

Nichols is a representative figure, as well, in his early adaptation to a life of great, one might almost think exhausting, mobility. The nation's western expansion was, on the ground level, the accumulated actions of an army of moving people, but an army who moved by their own wills and not by "orders." In his early career, David Nichols was, to put it mildly, highly mobile. Born in Vermont in the late 1820s, Nichols and his family moved to Illinois ten years later.<sup>5</sup> After his father's death, he left home as a teenager and worked in the Upper Midwest's logging industry, helping as well in the river transport of the timber. That line of work did not place Nichols in morally elevated social environments. If he developed a character inclined toward what we might now call "assertiveness," and if he took comfortably to the use of violence, his youthful outings into the working world probably did a great deal to develop those traits. As a writer who interviewed Nichols in the 1880s put it, "The vices of a River life which he entered were not very conducive to the moral culture of young Nichols."<sup>6</sup>

After several years on his own, Nichols pursued an education, attending an Illinois college. But study was again interrupted by mobility,



and Nichols went off to the Mexican-American War. After a brief return to Illinois to marry, Nichols was off again to the gold rush in California, where he stayed until 1853. Back in Illinois, he went into the mercantile business until, true to the patterns of his youth and young adulthood, he was off again—this time to the Front Range of the Rockies and a new gold rush.

Looking at Nichols's pre-Colorado life, we face a familiar interpretative paradox of Western American history: we can see him as a determined, energetic, courageous, enterprising pioneer, the sort of fellow who built his country, or we can see him as an unstable, flighty, opportunistic, self-interested adventurer, the sort of fellow who unsettled his country. The two ways of seeing David Nichols do, in fact, point to a larger quality of Western American history: while it literally built the country, westward expansion was nonetheless an exercise in impulsiveness and instability, in which people moved in haste, and explored the consequences—both good and bad—at leisure. Pioneer qualities both settled the country and unsettled it.

By the interesting alchemy of Western history, men and women, whose early behavior showed something other than stability were transformed, over time, into "Founders," the very source and origin of social stability. When he came to Boulder and began to settle in, David Nichols embarked on that path of transformation. As members of the territorial legislature, Nichols and his fellows quite consciously took up the

role of founders. By the time of his late middle age, Nichols had completed the typical pioneer transition from rolling stone to rock of the community.

To the same degree, Nichols's role in getting the university located and operating stands for a typical stage in the American process of settlement. In early territorial politics, in Colorado or elsewhere, an engrossing activity was the division of the institutional spoils—determining which towns would become county seats, which city would become the capital, which localities would receive the various institutions—asylum, prison, and university—and the reliable economic activity and jobs they represented. This process of resource distribution usually involved a significant amount of interest-trading and string-pulling, with the overall aura of a trip to the pork barrel. It was certainly true that indecision on locality stalemated the process of getting an institution open and functioning; to that degree, the individuals who could break through the logjam and settle on a location were truly the institution's founders. But that victory would hardly make them heroes to the competitors they defeated; David Nichols would not necessarily have been a hero to the representatives of other localities who watched Boulder get the University while, for instance, Canon City did not.

As Speaker of the House in the Territorial Legislature in 1874, Nichols was in a prime location to shepherd through the legislation that would authorize the actual opening of the university. (An earlier act of the

Territorial Legislature, 1861, had "authorized" the opening of a university, but made no provisions for its funding.) The 1874 bill, however, came with the restriction that Boulder, as the host community, would have to provide \$15,000 in matching funds. Folklore, and most especially Nichols's friend and fellow legislator J. P. Maxwell, insisted that Nichols pushed beyond legislative maneuvering to the heroism of a Denver-to-Boulder-and-back ride through a January night's drizzle, to secure the promise of Boulder's matching funds. Did he in fact make the ride? "Nichols's midnight ride may not actually have happened," wrote Frederick S. Allen, Ernest Andrade, Jr., Mark S. Foster, Philip I. Mitterling, and H. Lee Scamehorn, in their centennial history of the University of Colorado.<sup>7</sup> Newspaper articles of the time did not refer to the ride, and there were no toll-takers on the road to leave a permanent record of the passage of the legislator-horseman. It is hard to improve on the summary of the situation, provided by Allen, Andrade, Foster, Mitterling, and Scamehorn:

It is significant that the accounts of this ride date mostly from a period more than thirty years removed from the time when it was supposed to have taken place. . . . It is probable that if such a dramatic event occurred, it would have been reported. This is not to say positively the ride did not take place but simply to note the weight of evidence is against it.<sup>8</sup>

While we can certainly assume that Nichols's position as Speaker of the House worked to Boulder's advantage, with the evidence available, we simply cannot prove or disprove the claim that Nichols rode to Boulder and

secured the money to launch the university. It is worth noting, as well, that weeks after Nichols's alleged ride, the sponsors of the University were still having trouble collecting on the various funding promises made by the locals. Whatever promises Nichols did or did not secure in January, 1874, Boulder was not able to deliver the matching funds until the spring of 1875.<sup>9</sup>

Boulder is indeed a lovely place for a university, and those of us who have the daily pleasure of watching the Flatirons are in the debt of those who maneuvered to bring the University here. But it would be unconvincing—and certainly ungracious—to say that there is an inherent rightness in having the University in Boulder. Especially at a time when the Boulder campus tries to persuade the people of Colorado that the University belongs to and serves the entire state, it seems a bit awkward to honor David Nichols for his spirited insistence that it belonged, first, to Boulder. If he did indeed take his midnight ride, rather than setting a new standard in human heroism and public service, David Nichols brought extraordinary vigor to the familiar operation of securing institutional benefits for his own district.

"If \$15,000 is what they want, we'll get it," Nichols said to me after the vote," his fellow Boulder County legislator J. P. Maxwell remembered. "He was that kind of man who fought for what he wanted." Maxwell, was referring, of course, to Nichols's legislative warfare, but the sentence could

apply nearly as well to Nichols's Indian warfare. Maxwell remembered, as well, a stormy political meeting Nichols attended. The meeting had almost fallen apart, when "Captain Nichols jumped to his feet and shouted, 'I'm hell on harmony. We're going to have harmony or fight for it!' And there was harmony."<sup>10</sup> Midnight ride or not, there certainly seemed to be consistency in David Nichols's forceful ways of responding to opposition. Maxwell had a talent for capturing the spirit of events, even if, on other occasions, he might have faltered on the facts.

### III

The newcomer to serious Western history, with illusions nurtured by a diet of Western movies and novels, might well think that Plains Indians and Anglo-Americans encountered each other in one clear, sudden shock in the struggles of the 1860s. Before 1858, the conventional image would go, the Plains Indians lived a pristine and traditional life in a pristine and traditional wilderness; when gold brought Anglo-Americans to Colorado, they abruptly introduced the Indians to a whole new modern world of changes and problems.

The picture drawn by recent historians is, of course, dramatically different. Long before 1860, the European presence in North America had brought a whole constellation of changes to the Plains. The arrival of the horse, via the Spanish settlements in the Southwest, and the pressures radiating from the French fur trade in Canada set off a massive process of relocation and adaptation. Tribes formerly located near the Great Lakes moved westward onto the Plains, adopting the use of the horse and reorganizing their lives around the pursuit of the buffalo. Leaving the Upper Mississippi Valley in the eighteenth century, the Cheyenne moved to the west.<sup>11</sup>

Not long after these changes, European and American explorers and traders began to make their appearance. By the 1830s, the Cheyenne and Arapahoe had become quite familiar with white people; anyone still carrying an image of Indians living in a pure and pristine world might think of the Arapahoe Left Hand, born in the early 1820s, whose sister married a white trader, providing Left Hand with both a brother-in-law and an English tutor. Left Hand was soon fluent in English—with a considerable power to surprise Anglo-Americans expecting a more conventional "untouched" Indian.<sup>12</sup>

Amicably trading buffalo hides at Bent's Fort, the Cheyenne and Arapahoe might have appeared to be on their way to an era of coexistence with Euro-Americans, in which both sides got, roughly, what they wanted. We do not, of course, want to overstate the balance and harmony here; there are a number of indications that Indian hidehunting was beginning to reduce the size of the herds. Moreover, the Cheyenne and Arapahoe were at periodic war with the Kiowa, the Pawnee, and the Utes. In The Southern Cheyennes, Donald Berthrong tells of a Cheyenne and Arapahoe attack on the Kiowa in the 1830s. When scouts had located the Kiowa camp, "[a] group of Kiowa women, digging roots opposite the camp, was immediately attacked, and twelve of them killed."<sup>13</sup> Intertribal wars carried on into the period of heavy white invasion; in the early 1860s, on a number of occasions, Arapahoe leaders (often described as "peaceful" from the white

point of view) led attacks against the Utes.<sup>14</sup> Intertribal war was undeniably brutal at times, but it often took place within ritualized and routinized limits, in which, for instance, a man could earn greater status from counting coup by touching a live enemy than by killing him.

The upsurge of American travelers on the overland trails introduced fractions that wore away at the comparative balance of the trader era. Officially, before 1851 the white travelers were invaders and trespassers with no treaty guaranteeing their right of way. Their use of water and grass and indeed their very presence disrupted the patterns of game migration and proved a tempting target for traditional Indian raiding. Historians of the overland trail have noted that emigrant/Indian relations were, by and large, surprisingly peaceful. Indians were on occasion directly helpful to emigrants in trouble; in any case, the most careful counting provided a total of 362 emigrants killed by Indians on the overland trail in the years 1840-1860, and a corresponding total of 426 Indians killed by emigrants in the same years.<sup>15</sup>

Nonetheless, the friction that came with overland travel had, by the late 1850s, brought the Cheyenne and Arapahoe into direct conflict with the United States Army. In 1857, responding to reported Indian threats against emigrants, Major John Sedgwick and Colonel Edwin Sumner led a double-pronged campaign against the Cheyenne, resulting in not-very-conclusive battles. As usual, these campaigns bring the complexity of Western history



back to our attention: these were not simply and purely white versus Indian campaigns. On the contrary, Sumner was aided by the use of Delaware and Pawnee Indian scouts.<sup>16</sup> In their enormously complicated history, Delaware Indians originally from the Mid-Atlantic had survived their own conquest and come to play a role in a later, Far Western invasion.

When the news of gold brought the "Pike's Peak" rushers of the late 1850s, the human situation in what would become Colorado was already politically and militarily complicated. But that fact, obvious to the Cheyenne and Arapahoe at the time and obvious to us in hindsight, was not much on the minds of the new emigrants.

Why not? First, over many decades, westering Anglo-Americans had persistently seen "new" areas as virgin, undeveloped, untouched wilderness— despite the obvious presence of natives and despite the abundance of earlier Euro-American influences and activities. Second, Anglo-Americans in the nineteenth century had a compelling sense of the legitimacy and rightness of their own actions: by the 1850s, after all, the Far West had been purchased from France, ceded by Britain, and conquered from Mexico, and the fact that those international transactions did not cancel Indian claims left a rather faint impression on Anglo-American minds. And third, the behavior of Americans in mining rushes showed a particular kind of "consequences-be-damned" impulsiveness. Americans simply went after minerals and inquired later, if at all, whether

they had a right to those minerals. Americans of the nineteenth century habitually used the word "fever" to describe their response to mining rushes. When they said "gold fever," one suspects they meant the analogy quite directly, considering fever as a kind of compulsion which disrupted normal patterns of behavior and normal patterns of thought. For all its apparent rational calculation, the profit motive in mining rushes acted like a passion, sweeping people past ordinary restraint and good sense, distributing them throughout the mid-nineteenth-century West in places where, more often than not, they had no right to be. Hence, entering historically complicated situations where (it might seem to us) caution was in order, Anglo-American emigrants saw only vacant land, unused resources, and a new frontier.

Despite the force of their own self-perception, the American opportunity-seekers who came to the Front Range of the Rockies in the late 1850s were, in literal terms, trespassers. In 1851, in a treaty negotiated at Fort Laramie, the federal government had agreed that the territory between the North Platte and Arkansas Rivers belonged to the Cheyenne and Arapahoe. In that treaty, the Plains Indians did concede a right of travel to overland emigrants. But they did not concede—and the federal negotiators did not ask them to concede—the right of American prospectors, miners, and townbuilders to develop the mineral resources or to settle permanently in the territory. By the terms of the Fort Laramie treaty, the

Americans who, in the 1850s, appeared in what would become Colorado—and this includes David Nichols, arriving in Boulder in 1859—were settlers without legitimacy.

Those were not, however, the terms in which later Americans in Colorado chose to remember the founders of their state. On the contrary, David Nichols and his contemporaries became—and probably were in their own eyes—not trespassers, but courageous pioneers bringing civilization to the wilderness. Rather than invaders, they went on record as heroic discoverers and developers of unused resources, men and women who used their courage as the key to unlock the door that the Indians tried to hold shut. They pursued personal profit, certainly, but in the context of the United States' westward expansion, personal self-advancement seemed to provide the fuel for national service.

Even in their own terms, however, Colorado settlers were creatures of unfortunate timing, timing that made their profit-seeking seem something other than a contribution to national service. They had barely arrived in the Far West before the American Civil War began. Putting down the Southern rebellion was certainly enough to occupy the Union governments; it was almost beyond probability to think that the same embattled government was also obligated to attend to the needs of a number of fledgling colonies far to the West. Defending the Union was burden enough, without the added trial of maintaining, reinforcing, and

defending scattered settlements in Oregon, Washington, California, New Mexico, Arizona, Nevada, Utah, Montana, Wyoming, Idaho, and Colorado.

It would hardly be an exaggeration, then, to say that in going to Colorado during these troubled times, the early white settlers had asked for trouble, and asked for it in a time when their government would be ill-equipped to help them. Since the settlers were intruders in violation of an earlier treaty, since they drove Indian people from their accustomed hunting and living sites, since their presence furthered the depletion of the buffalo (the Indians' essential source of food), what else could the settlers have possibly expected if not, eventually, armed resistance? The notion of "an Indian point of view," much on our minds these days, was not much in theirs; nonetheless, it is perfectly clear that in occupying Colorado, Anglo-Americans courted the risks and dangers intrinsic to invasion, and it can hardly come as a surprise to us that they eventually reaped the harvest of their actions.

While white settlers in Colorado did not exert themselves to see the Indians' point of view, the luxury of hindsight allows us to see the Indian response to invasion in different terms. The white pioneers saw Indian livestock raiding as an intolerable threat to property and an intended invitation to a conclusive war. We can see it, instead, as a continuation of the warrior tradition of courageous raiding, and also as an understandable response to a growing scarcity of game and a loss of hunting grounds: The

settlers saw Indian resistance as something comparable to the Confederate rebellion: an illegitimate revolt against a legitimate authority. We can see it as something else entirely: a logical, even predictable response to invasion, a defense of a homeland. Similarly, the settlers saw much Indian behavior as secretive, tricky, or treacherous—while we can see the "inscrutability" of Indians as a quite understandable refusal to tell all to a group of strangers who were, often quite literally, out to get them. In other words, much of what nineteenth century Anglo-Americans saw as perversity, barbarity, theft, and unprovoked attack might well look to detached observers as something closer to intelligent self-defense and resistance to invaders.

## IV

Recent student protests have intertwined the judging of David Nichols with the judging of the attack at Sand Creek. Accordingly, the press has taken up the practice of referring to Nichols as a "leader" at Sand Creek. This is, of course, literally true; he was the captain, the certified leader, of Company D, Third Colorado, before and during the attack, and from all the evidence, he and his men were fully involved in the attack. And yet, in the next sections of this report, Nichols will not play a very central role because (1) he was not much more than a bit player in the events leading up to the attack; (2) Nichols was only a captain, ranking well below Colonel John Milton Chivington, commanding the District of Colorado, Colonel George Shoup, commanding the Third Colorado, and Captain T. G. Cree, commanding the Third Battalion of the Third Colorado at Sand Creek; and (3) the attack itself was simply not the kind of event in which we can clearly track the activities of any one person. Accordingly, the focus of the report must shift to a general portrait of the event and its background. Evaluating the individual thus becomes less a matter of evaluating his clearly recorded individual acts, and more a matter of evaluating an event in which he was an admitted, enthusiastic participant.

Clarity is, however, better served by an incident that preceded Sand Creek by nearly two months. In that incident, an attack on an Indian camp on October 20, 1864, Nichols was in command. Readers anxious to see Nichols in a focus clearer than the swirl of Sand Creek should consult Section IX.

The events leading up to Sand Creek are by no means clear or linear. To make the sequence as traceable as possible, I have divided the events into six phases.<sup>17</sup>

## **Phase One: The Fort Wise Treaty of 1861**

White officials and settlers did finally turn their attention to the problems posed by the Fort Laramie Treaty and its guarantee of territory to the Cheyenne and Arapahoe. In negotiations not distinguished by their fairness or foresight, white officials steered a number of Cheyenne and Arapahoe chiefs toward the surrender of the land now occupied by the eager white miners and settlers of Colorado. By the terms of the treaty, the chiefs gave up their broad Fort Laramie claims and settled for a small reservation in southern Colorado.

Did this resolve the conflict between whites and Indians in Colorado? Hardly. Even though a few Cheyenne and Arapahoe chiefs signed the treaty, a large number of their people rejected the concessions. In securing the agreement of a few chiefs, whites had acted under the fiction that those men could speak for—and decide for—their people as if these chiefs were elected officials representing clearly defined constituencies. That was not, however, what they were. Plains Indian decision-making was much more a matter of discussion, debate, and the eventual forming of a consensus. A treaty signed in the absence of most of the people was a treaty bound for trouble. Moreover, of the chiefs who did sign the Fort Wise Treaty, even some of them later said that they had not known what they were signing, and they, too, rejected the Treaty. Certainly the reservation that the treaty set up, guaranteeing instruction and



opportunity in farming, never turned into much of anything.

On paper, then, but only on paper, the Fort Wise Treaty removed the problem of an Indian claim to most of the Front Range. Quite clearly, the Cheyenne and Arapahoe had not accepted the idea of life on a reservation, and just as clearly, they had not accepted the idea of surrendering their earlier claims. Only the most committed of dreamers could have thought that the Fort Wise Treaty was the happy ending to a worrisome story.

## Phase Two: Raids and Punishments

In 1862, hundreds of miles from Colorado, the Santee Sioux in Minnesota suddenly attacked settlers. The attack might have been sudden, but the provocations were long in accumulating—shrinking territory, lost food resources, and dealings with irritating officials exercising autocratic powers. At least four hundred whites were killed. The story of the "Minnesota Horrors" spread throughout the nation, deepening the distrust and fear that white Westerners already felt toward Indians. The Santee Sioux had, after all, seemed peaceful. The story of the Minnesota uprising caused white men and women all over the West to look at their Indian neighbors and wonder if they were only pretending to be peaceful, the better to pull off a surprise attack.

In Colorado, reaction to the Minnesota killings coincided with an upsurge in Indian raiding activity. When Indians stole livestock, or in some cases seemed to steal livestock, white officials reacted quickly and violently. To the degree that Indians provoked the violence of the 1860s, their provocation most often came in the form of raiding and theft. But this fact returns us squarely to the problem of point of view. What whites took to be provocations to war often fit more clearly into the Plains Indian tradition of raiding as a route to higher status and proven bravery. Raiding was a taken-for-granted activity in Plains Indian life; but to whites, theft—especially of livestock—was a crime calling for punishment.

As concepts, "crime" and "punishment" made a rather poor fit to the Plains situation. In American jurisprudence, an identifiable individual, or an identifiable group of individuals, committed the crimes they were then to be arrested and brought before a court, where evidence would then be presented and weighed; a judgment would then be arrived at, and an appropriate punishment assigned—to the individuals who had been proven to be the ones who committed the crime. But on the Plains, at the very bedrock of the situation, was a matter of unsettled sovereignty—the Plains Indians had not deferred to the preeminence of American law and to American definitions of crime. But even if they had, what Americans offered Indians in the way of "punishment" was a mockery of formal judicial procedure.

A raid would occur against a ranch and cattle would be stolen. There was the crime, but where was the criminal? Here, a poorly thought-out notion of collective guilt came into play; "Indians" had committed the crime, and "Indians" would pay for it—and not much time or attention would go into the project of determining if there was any direct correlation between the Indians who stole and the Indians who were punished. Thus, even though the metaphors of "crime" and "punishment" received wide usage—and certainly shaped the thinking of John M. Chivington, David H. Nichols, and their allies—still, the users nearly always omitted the intermediary stages of the judicial process: identifying the criminals,

charging them, hearing evidence, permitting the criminals to offer their own defense, weighing testimony, reaching a reasoned conclusion, and choosing an appropriate punishment. On the contrary, white Americans in Colorado in the 1860s heard of a raid and set off to kill Indians.

The intention of exercises in "punishment" was, in theory, to teach the Indians a lesson, and thereby cut short violence. Often the result was quite the opposite: the poor aim of the punishment often further angered already hostile Indians, made peaceful Indians find the arguments for war more persuasive, and gave all Indians a new, much-resented injury to avenge.

Consider, for instance, the workings of collective guilt and punishment in the case of the Arapahoe leader Left Hand at Fort Larned in the summer of 1864. The Kiowa; not the Arapahoe, tricked the soldiers at Fort Larned, and stole a significant number of their horses. In another of his several attempts at cooperation with whites, Left Hand (again, an Arapahoe, not a Kiowa) approached the fort in order to offer his help in tracking the lost horses. As he, with several of his men, approached the fort, they were fired on by a howitzer, despite Left Hand's declarations of peace. Left Hand later explained that this incident, while only frustrating him, made many of the young Arapahoe men angry and inclined toward war.<sup>18</sup> Moreover, Left Hand's treatment did expose a Catch-22 at the heart of white attitudes: If all Indians were assumed to be hostile and to want

war, and therefore all Indians were to be greeted with violence, how was any individual Indian, or any group, ever to communicate a different desire to white officials? If every Indian approaching an army post was fired on, how could any Indian ever identify himself as friendly and approach a fort on a mission of peace? The intention of white violence may have been to teach a lesson which would force the Indians toward peace, but the idea in practice led to an accelerating rhythm of friction and misunderstanding.

Indian attacks on ranches, freight trains and overland travelers sometimes went beyond livestock-theft to the killing of men and the capturing of women and children. At Sand Creek on November 29, 1864, Colonel John Milton Chivington would give his troops simple orders: "Now, boys, I sha'n't say who you shall kill, but remember our murdered women and children."<sup>19</sup> Whatever his flaws as a leader, Chivington did know how to raise the pitch of Anglo-American emotion to its peak. The idea of murdered women and children—and in some ways even worse, captive women and children—had, since the seventeenth century, carried an ideological freight that went far beyond the numbers of individuals involved. When Indians took white women captive, this seemed to embody the symbolic threat Indians posed to whites: with the captive white woman, the people who represented savagery took possession of the person who represented trusting, vulnerable civilization.

We must note, of course, that this was no one-way process of victimization. Across the broad sweep of North American conquest, the score was at the least even—and at the worst, unbalanced toward the side of white men taking advantage of Indian women. Moreover, some white women captives made a quite satisfactory adjustment to their situation, married into the tribe, and felt mixed emotions about being "liberated" and restored to white society. Nonetheless, the idea of white women captives kept a great deal of its power to enflame Anglo-American emotions; it was certainly enflaming many people's emotions in Colorado in the early 1860s. Most important, captivity rearranged the categorization of victim and victimizer. Casting the white women as victims and the Indians as victimizers drew attention away from the larger context in which whites were the invaders and Indians the invaded. Instead of a war of aggression and territorial conquest, whites could then seem to themselves to be fighting a well-justified war of retribution and liberation.

The idea of captivity offered a model of malevolent Indians holding white fortunes hostage. That, indeed, became the broad pattern that organized much of the thinking of white Coloradans. The territory was full of wonderful resources; these settlers had, to their minds, sacrificed and suffered in order to make use of those resources. And yet something was going wrong; the anticipated prosperity was awfully slow in arriving. In hindsight, we could have a relatively easy time explaining the problem.

Unlike California, Colorado's precious minerals often came bonded with other minerals; there would, inevitably, be a lag as capital and technology caught up with the problems of Colorado extracting and refining.<sup>20</sup> Moreover, there was a Civil War on; the nation had a number of preoccupations beyond sponsoring the prosperity of Colorado. But to white Coloradans of the time, those factors could pale in comparison to "the Indian problem." Colorado should have been prospering; it was not; therefore, the Indians were holding Colorado's prosperity captive. The mission, then, was to defeat the Indians and set prosperity free.

By 1864, white Coloradans were anxious and jumpy on the subject of Indians. Certainly one stimulus for jumpiness came from their geographical location and the development (or more accurately, the non-development) of their economy. Like many mining-based settlements, white Colorado was far from self-sufficient. Farms and ranches had not developed to the point where the territory could be self-sufficient in food, and the people were certainly not capable of filling their own needs for equipment and furnishings by their own manufacture. They were also, like many people in new settlements, deeply, emotionally dependent on the mails. They were eager to know the course of the Civil War, eager to stay in touch with family and friends, and most of all eager to keep the essential channel of import and export open and active.

What possible strategy, one might then wonder, would lead people

in that position to antagonize the native tribes who could, in fact, shut that channel down? If it was the common understanding that the supply line was absolutely vital to territorial prosperity, even to territorial survival, then why not seek out and forge ties with the people potentially in power over that line? In the midst of the Civil War, there surely could have been little argument in favor of deepening the misery with an Indian war.

The clarity of our hindsight should not, however, make us forget the psychological picture of those times. Recognizing their terrible vulnerability to a disrupted supply line did not make the white Coloradans more tranquil and open to diplomacy; on the contrary, it made them jumpier, more defensive, more impulsive, and far more inclined to violence than to negotiation. These were times in which killing appeared as a proper form of control, even when directed at white people; neither the Union nor the Confederacy had, after all, decided to negotiate their differences. These were times in which a significant percentage of white Westerners saw violence as the only form of communication with Indians. White Americans who saw Indians as savages, near to animals, were not inclined to adopt peaceful, restrained, rational approaches to conflict.

Indian warfare did, after all, fall far outside the categories of predictability from the white point of view. Nineteenth-century Indian warfare was, in our terms, essentially guerrilla warfare. The folk were,



after all, indigenous; they knew how to use and move through the countryside in a way that made the invaders look hopelessly inept. Repeatedly, white people would conceive the plan of attacking the Indians to "teach them a lesson"; they would then discover—sometimes with considerable surprise and anger—that the Indians felt no obligation to show up at the right time and place to be attacked. Repeatedly, expeditions to "punish Indians" found their targets uncooperative. Rather than finding this utterly to be expected, white men often seemed rather miffed—annoyed and frustrated that the "treacherous" Indians would not simply meet them in direct, planned battle. This may seem perfectly logical to us, but to whites of the time it was more evidence of the perversity of Indians.

White nervousness and hostility took a major leap upward in June of 1864, after the killing of the Hungate family. A man, his wife and their two small children were killed on a ranch outside Denver, evidently by Indians, though—typically for the problem of "crime" and "punishment"—no one could identify the culprits. The owner of the ranch brought the mutilated bodies direct to Denver, where they were displayed to an infuriated citizenry. The murderers of the Hungates were operating rather individualistically, on no official mission of war, under no chief's orders. But the Denver residents examining the corpses could only give their horror shape by seeing a pattern of long-range Indian design in the

attack. The fate of the Hungate family, the suggestible could conclude (and in the presence of mutilated bodies, one suspects, nearly everyone becomes "suggestible"), might well prove to be the fate of all the white residents of Colorado.

By the summer of 1864, the white population of Colorado had traveled far into an emotional storm of fear and (as we could see it now) overreaction. Might one, then, look to the governor of the territory for an example of calmness and restraint, for an advocate of careful thought instead of careless action? On the contrary: if the white citizens of Colorado were in a tizzy, then their governor was in the greatest tizzy of all.

### **Phase Three: Governor John Evans and the Proclamations of June 27 and August 11, 1864**

In 1863 and 1864, there were, undeniably, a variety of Indian raids and attacks in Colorado and along the routes of travel to the east. But the question of authorship, of responsibility, for those attacks was not easily answered. There were many tribes on the Plains, and many bands within those tribes; to say "Indians made a raid" was to say next to nothing in precise terms. Would white Coloradans learn to live with this occasional violence, and with the uncertainty of its origins and future direction? Keeping the territory calm, at least until the end of the Civil War, would have required firm and thoughtful leadership; on that count, Colorado's governor offered something else entirely.

In September 1863, Governor John Evans undertook to have a council with Indian leaders, to persuade them to agree to terms like the ones set out in the Fort Wise Treaty. Governor Evans traveled to the Republican River to attend the council; most of the Indians did not. His one effort at leading the Indians into peaceful concessions having yielded no results, Evans gave up on that line of approach and shifted to another tactic entirely.

In a range of incidents of theft, murder, and captive-taking, Evans claimed to see an oncoming war, a war that the Indians consciously, strategically, intentionally planned to start. By late 1863, Evans was telling authorities in Washington, D.C., that the Plains tribes had struck an

alliance, that they had, together, planned an all-out assault on white settlements in Colorado and along freight and mail lines, and that the settlers of Colorado would be impoverished, starved, and then attacked and destroyed unless the federal government reversed its policy of withdrawing troops from Colorado for service elsewhere and instead authorized the recruiting of extra forces for the defense of the territory.

The idea of a pan-Indian alliance was unlikely, if not wholly impossible, and the indications of an oncoming, broadly based Indian war were by no means clear or definite. Why, then, was Evans making these statements? It is certainly true that our tranquil distance in time can make his alarmism seem trumped up and inauthentic. We know, moreover, that Evans could have had reasons to solicit and welcome an Indian war. In a variety of episodes in Western history, outfitting soldiers proved to be a healthy stimulant for an economy otherwise ailing. Moreover, in Colorado the questions of unsettled land titles could be resolved if the Indians turned hostile and began a war; once they were defeated and conquered, the governor could then impose the terms of cession on them. Was that Evans' goal? He never committed to paper a full discussion of his motives, but his alarmist statements of 1863 and 1864 have struck most historians as peculiar: his claims were, at best, speculations fed by panic and set forth as if they were fact; or at worst, his claims were knowing exaggerations offered like a kind of spark to

ignite the war that would erase Indian claims to Colorado. In either case, Evans was demonstrating the consequences of an administrative overlap that seems, in hindsight, decidedly ill-advised. He was both Governor of the Territory of Colorado, responsible for protecting the interests of the settlers; and Superintendent of Indian Affairs for the Territory, responsible for protecting the interests of the Indians. The disharmony of the proclamations he made in the summer of 1864 demonstrates that this doubling of function was fertile ground for confusion.

Evidently convinced of an oncoming Indian war, Governor Evans took an apparently humane action of June 27, 1864. He issued a proclamation worth quoting at length:

To the friendly Indians of the Plains:

Agents, interpreters, and traders will inform the friendly Indians of the plains that some members of their tribes have gone to war, with the white people.

They steal stock and run it off, hoping to escape detection and punishment. In some instances they have attacked and killed soldiers and murdered peaceable citizens. At this the great father is angry, and will certainly hunt them out, and punish them. But he does not want to injure those who remain friendly to the whites. He desires to protect and take care of them. For this purpose I direct that all friendly Indians keep away from those who are at war, and go to places of safety.

Friendly Arapahoes and Cheyennes belonging on the Arkansas river will go to Major Colly, United States Indian agent at Fort Lyon, who will give them provisions and a place of safety. . . .

The object of this is to prevent friendly Indians from being killed through mistake; none but those who intend to be friendly with the whites must come to these places. The families of those who have gone to war with the whites must be kept away from among the friendly Indians.

The War on hostile Indians will be continued until they are effectually subdued.<sup>21</sup>

The terms here might seem straightforward, though we should note that the proclamation did not specify a definition of "friendliness," or a way of certifying that status. It did not, moreover, give a deadline or time limit, after which it would be too late to take advantage of the offer. In its suggestion that the families of hostile men would be considered as hostile, the proclamation did hint at the complexity of Indian communities, but it stopped well short of fully reckoning with that complexity. Finally, the proclamation pushed the governor (or any official who took him at his word) toward a nearly guaranteed dilemma in financing: if the friendly Indians were to be protected and fed, the expense of feeding them was sure, especially in the context of the Civil War, to arouse controversy and complaints.

It took, of course, some time for agents and traders to bring the proclamation to the attention of the Indians. It then took the chiefs and their people more time to weigh the issues: the reasons for war, the arguments for peace, and the wisdom of trusting an offer from a white official. One wonders what might have happened if the experiment had been allowed to run for three or four months, but that can only be a matter of speculation. On August 11, in a second proclamation, Governor Evans took a sudden, disorienting new tack.

This proclamation, too, is worth quoting at length:

Having sent special messengers to the Indians of the plains, directing the friendly to rendezvous at Fort Lyon, Fort Larned, Fort Laramie, and Camp Collins for safety and protection, warning them that all hostile Indians would be pursued and destroyed, and the last of said messengers having now returned, and the evidence being conclusive that most of the Indian tribes of the plains are at war and hostile to the whites, and having to the utmost of my ability endeavored to induce all of the Indians of the plains to come to said places of rendezvous, promising them subsistence and protection, which, with a few exceptions, they have refused to do:

Now, therefore, I, John Evans, governor of Colorado Territory, do issue this my proclamation, authorizing all citizens of Colorado, either individually or in such parties as they may organize, to go in pursuit of all hostile Indians on the plains, scrupulously avoiding those who have responded to my said call to rendezvous at the points indicated; also, to kill and destroy, as enemies of the country, wherever they may be found, all such hostile Indians. And further, as the only reward I am authorized to offer for such services, I hereby empower such citizens, or parties of citizens, to take captive, and hold to their own private use and benefit, all the property of said hostile Indians that they may capture, and to receive for all stolen property recovered from said Indians such reward as may be deemed proper and just therefore. . .

The conflict is upon us, and all good citizens are called upon to do their duty for the defense of their homes and families. . . <sup>22</sup>

The "evidence" for the full and utter hostility of the Indians was, of course, far from "conclusive"—the June 27 proclamation had hardly been given a chance. The August 11 proclamation was thus a jarring and abrupt change of policy. Without any safeguards or restrictions, Evans invited white Coloradans to go wild: to murder Indians and to take their property as a reward. The proclamation said, of course, that Coloradans were to go after hostile Indians, and spare friendly ones. But the proclamation left that distinction undefined as if the capacity to tell the difference were an

instinct developed by frontier life in all settlers. Instinct or not, once a citizen killed an Indian, the citizen had only to claim that the dead individual had been hostile, and there was no way the dead man (or woman or child) could disprove the claim.

Reading the August 11 proclamation today may well give the impression of a territory already far-gone in war, of a people who had already exhausted all the more formal and legitimate forms of defense and who found themselves pushed to the wall, pushed to the point where it became every man's duty to forego scruples and kill on sight. While that is the picture the proclamation evokes, it is not the picture we see in Colorado in the late summer of 1864. Certainly there had been serious attacks; the overland connection had indeed been shut down for a number of weeks; but with Denver and other towns still unthreatened, the situation was far short of an all-out war. The August 11 proclamation, then, was another one of those situations where Evans' efforts to protect his territory seemed better designed to provoke war than to prevent or control it.



#### **Phase Four: Wynkoop's Meeting with the Cheyenne on the Smoky Hill, September 10, 1864**

If Evans was indeed concerned about the dangers of war while Colorado's defenses were in disrepair, then he might well have welcomed indications that his June 27 proclamation to the friendly Indians was at last bearing fruit. Even if their response was a bit delayed, if friendly Indians wanted to step forward or, perhaps even better, if hostile Indians wanted to change course and convert to peace, then this would be rather good news for easing a tense time, even if it proved only a temporary release.

This was not Evans' reaction, but it does come close to describing the attitude of Major Edward Wynkoop, commanding the Colorado First at Fort Lyon (formerly Fort Wise, but renamed in 1862). In early September, three Cheyenne Indians came to Fort Lyon with a letter, written by Charles Bent, from Black Kettle and other Cheyenne chiefs. They wanted to talk about peace, the letter said, and about the possibility of prisoner exchanges. Major Wynkoop and his officers had doubts about the sincerity of this proposal, but he nonetheless felt that the prospect of rescuing white captives justified assuming the risk. Leading a party of around 130 men, Wynkoop marched to meet the Cheyenne who proved to be at least 500 warriors, equally prepared, it seemed at first, to fight or to talk. The diplomacy of the chiefs Black Kettle and One Eye turned the direction of the encounter toward negotiating. As a sign of good faith, the

Cheyenne turned over four white captives, and promised to bring more.

The meeting on the Smoky Hill introduced the problem that would plague the Cheyenne throughout the chain of events leading to Sand Creek: the problem of finding out who was in charge, and more than that, who would admit to being in charge. At the Smoky Hill meeting, Wynkoop made his own lack of authority clear: while he applauded their desire for peace, he told the chiefs, he was not a big enough chief himself to deal officially with them. He encouraged them to certify their good intentions by giving up their captives, and he promised to conduct them to Denver, where they could meet with Governor also Superintendent of Indian Affairs Evans. Evans, presumably, could respond with the authority Wynkoop lacked.

How then would Evans respond when Wynkoop and the chiefs—Black Kettle, White Antelope, and Bull Bear of the Cheyenne, and Neva, Basse, Heap of Buffalo, and Na-ta-nee of the Arapahoe—arrived at Denver?

### **Phase Five: The Camp Weld Conference, September 28, 1864**

According to Wynkoop, Evans first responded with outright evasion. He did not want to meet the chiefs at all. After further conversation, he agreed—reluctantly—to meet at Camp Weld, outside Denver.

What exactly did people say at the Camp Weld conference? At Evans' request, the Indian agent to the Utes, Simeon Whiteley, took notes, and we do have that record.<sup>23</sup> But we do not know if those notes fully record what the participants said, and, considerably more important, we do not have a clue as to what the participants actually heard. Here, we must recall a quality of the American West we often forget: the enormous diversity of languages, and the crucial role of interpreters and translators. At Camp Weld white men spoke, and then an interpreter translated English into Cheyenne. Then, when Indians spoke, the interpreter translated Cheyenne into English. This particular interpreter, as we will see later, was not a person to whom one would want to entrust one's own life. But neither the Americans nor the Cheyenne had much choice; without a command of each others language, they simply had to rely on the translation.

Language problems, however, are only one part of the Camp Weld puzzle. Even native English speakers can puzzle over the transcript Simeon Whiteley made, and still be hard put to say just what, exactly, the whites told the Indians. Evans, we can certainly recognize, told the

Cheyenne that, contrary to their expectations, he did not have the authority to accept their proposal of peace. They had been at war, he told them, and that removed them from his control as a civil official, and put them in the domain of the military authorities.

The Indians, then, might logically have turned to the highest ranking military authority present, and looked to him for guidance as to what to do next. And since that individual was the forceful Colonel John Milton Chivington, commanding the District of Colorado, one might well expect that they would have gotten a clear "Yes" (or, more likely, "No") to their request to make peace. But what did Chivington actually say? According to Whiteley's notes, Chivington began with uncharacteristic modesty: "I am not a big war chief, but all his soldiers in this country are at my command." He then said: "My rule of fighting white men or Indians is to fight them until they lay down their arms and submit to military authority. They are nearer Major Wynkoop than any one else, and they can go to him when they get ready to do that."<sup>24</sup>

While Chivington did not, by any means, say that going to Wynkoop would guarantee their protection, it still seems likely that the chiefs heard it that way. They had, after all, declared their intention to avoid war and lay down their arms; chiefs like Black Kettle seemed on that count to have met Chivington's requirement. Why, in any case, would they have accepted the recommendation to go with Wynkoop unless they believed

that this action could put them in the status of protected noncombatants? If they had any major doubts about that protection, what possible reason would they have had to go with Wynkoop to a known location—if they genuinely thought that their status was still uncertain and they stood a good chance of being attacked? Why, in other words, would they have volunteered to be sitting ducks?

The chiefs apparently left the Camp Weld conference in good humor, hugging Evans and Wynkoop—another indication that they felt encouraged by what they had heard. They traveled back to Fort Lyon with Wynkoop and then, following his suggestions, moved on to assemble their people and bring them back to the vicinity of the Fort. This, in itself, seems to be the strongest statement of the Indians' understanding of the state of affairs: a it is nearly impossible to imagine a reason why they would have undertaken to put themselves close to the fort if they did not think that they would be safe there.

But why, one might wonder, was Evans unreceptive to the notion of an arranged peace. Here, as elsewhere, one did not have to wait until the twentieth century to find disapproval of his course of action. Commissioner of Indian Affairs William P. Dole chided Evans on October 15, 1864: "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 amity. . . .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."<sup>25</sup> Why, after all, wouldn't Evans and Chivington have welcomed the idea of a reduced burden on their fighting resources? Here an important new development, on August 15, 1864, must be noted. On that date, Evans had finally received his much-requested War Department authorization to raise a regiment of 100-days volunteers, the Third Colorado. With recruiting and outfitting under way, a new pressure entered the picture. Evans had told authorities in Washington, D.C., repeatedly, that the threatened condition of Colorado demanded those troops. Already, as the days ticked by, the recognition may have begun to dawn: that the failure to use those troops, the failure to go ahead and have the much-anticipated Indian war, would put the governor in the embarrassing position of having cried "wolf" when there was, in fact, no wolf present. And, similarly, the ambitious Colonel Chivington, having developed a taste for military glory after his victory over the Confederates at Apache Canyon, would find it mortifying—to have these extra troops added to his forces, and to have them sit idle, collecting their pay and collecting popular scorn, while the Indians made peace.

We should note, as well, the distant but still significant position of a third player, General Samuel Curtis, commander of the Department of Kansas. Not an overly forceful man, Curtis was preoccupied with

Confederate activities in Missouri. Nonetheless, he sometimes turned his attention to his Western responsibilities. Responding to the reports of Indian attacks, Curtis had, in early September, 1864, led a force of 630 men in pursuit of Plains Indians. To his frustration, Curtis discovered a fundamental pattern in Plains warfare: When they knew soldiers were trying to attack them, groups like the Sioux or the Cheyenne felt no obligation to appear where the soldiers expected them to be. Curtis went to punish Indians, and could not find any. The experience not only deepened his irritability toward the enemy, it also cast a spotlight on the desirability of going to attack Indians when you knew where they were. Curtis did not put that lesson into his orders to Colonel Chivington; it was, in any case, too obvious to need an explicit statement. What Curtis did tell Chivington, in an order dated September 28, 1864, was this:

I shall require the bad Indians delivered up; restoration of equal numbers of stock; also hostages to secure. I want no peace till the Indians suffer more. . . It is better to chastise them before giving anything but a little tobacco to talk over. No peace must be made without my directions.<sup>26</sup>

These orders did not spell out the kind of attack that Chivington would launch at Sand Creek, but they did carry two messages to Chivington that would make Sand Creek possible: (1) he was to treat all Indians as if they were hostile, even if they had tried to make peace; and (2) he was to make them "suffer more"—a phrase that is at once concrete and open to considerable creative interpretation.

Curtis was issuing generalized orders not particularly tailored to the situation; Chivington was looking for opportunities to bring the Colorado Third into action; Evans was refusing to make peace, while also laying the groundwork for a kind of nineteenth century deniability; and Wynkoop was, meanwhile, encouraging the Indians to rally near Fort Lyon and await official word on their status from Curtis and department headquarters. Confusing is a mild term for the puzzle of authority that Black Kettle and his people confronted. Whatever the motives of the Cheyenne in seeking peace, that undertaking became a deeply frustrating exercise, a kind of blind man's bluff in which the Indians tried to find the white person in charge, and all the possible candidates seemed determined to elude them. Leadership and authority on the white side of the story, in other words, fell into no clear pattern. But it is only fair to note that the proposition holds on the other side as well. "Who was really in charge?" was a question equally difficult to answer when addressed to the Cheyenne and Arapahoe. Was Black Kettle the supreme chief of the Cheyenne, with firm control over all the people in the tribe? If true, that would have been an unusual and anomalous arrangement in Plains Indian politics; Black Kettle was a person of influence and stature, but he had no clear power of command over all the Cheyenne. At the Camp Weld conference, Governor Evans had devoted his questions to just this problem of authority. Could Black Kettle control all the young Cheyenne men? When he declared



himself for peace, did that mean that all the Cheyenne would fall into line behind him? The answer to both questions was "No," and yet Evans and other white officials would try to shape the question into an unlikely polarity: either Black Kettle had complete control over all and could thereby guarantee peace; or Black Kettle had no control over anyone and could not, thereby, make any statements that white people could trust. Black Kettle's actual position was at neither of those extremes, but it was also undefined enough to create genuine uncertainty in the minds of some white officials and in the minds of some historians. Both for Indians looking at whites, and for whites looking at Indians, guesses and speculations had to substitute for clear answers to the question, "Who's in charge on the other side?"

## **Phase Six: The Shift from Wynkoop to Anthony at Fort Lyon**

Before the Smoky Hill meeting, Major Wynkoop had done no more to make peace with the Indians than Colonel Chivington had. Wynkoop thought of them as savages, and told his men to suspect any Indians approaching the fort and to fire on them if they did not retreat when warned. But, according to his later story, the courage of the Cheyenne messengers who brought him his invitation from Black Kettle and the other chiefs began his process of conversion.<sup>27</sup> It is certainly true that after the Smoky Hill meeting and the Camp Weld conference, Wynkoop had cast his fate with the Indians—or at least with the particular group he had come to know. He and a number of his junior officers came to feel that they owed their lives to these Indians, who so much outnumbered them at the Smoky Hill meeting that the Indians could have easily destroyed the soldiers—but did not. At some point, compassion and careerism may have melded; Wynkoop would stand by the peacefulness of Black Kettle and others because he had, in many ways, staked his reputation and career on it.

It was a considerable surprise, then, on November 5, 1864, when Major Scott Anthony appeared at Fort Lyon to assume command. Rumors had reached department headquarters, indicating that Wynkoop had turned "soft" on Indians. He was sheltering—and even feeding—Indians who might in fact be hostile. Anthony therefore replaced Wynkoop, who was directed to return to district headquarters to explain himself.

Wynkoop remained at Fort Lyon for three weeks after Anthony's arrival; there was thus some chance to arrange for a smooth transition. Anthony evidently explained that he had come with the intention to stop sheltering Indians and to begin, instead, fighting them. But, he confessed, things at Fort Lyon did not match his expectations. He began to see some reason in Wynkoop's approach. Whatever his personal convictions, Anthony said nothing to alarm the Indians gathering around Fort Lyon, and certainly did nothing to drive them away. The chiefs knew, and regretted, that Wynkoop was leaving, but they received no indication that fort policy had shifted dramatically or that they would be well-advised to relocate. On the contrary, when Anthony told them that he could not afford to feed them at the fort, and therefore they should take their arms and move to the area at Sand Creek where they could hunt, they took his advice and moved, evidently under the impression that they were doing what Anthony wanted them to do and thereby showing their compliance with white military authority.

Wynkoop had, however, left Anthony with a perplexing legacy. Both Wynkoop and Anthony told the Indians that they, as officers, could not decide what to do, and that they had to await official orders on how to treat these attempted peaceseekers. When these orders came, they would let the Indians know the results.

But what if the orders were, in fact, to attack? Did this mean that the fort commander, whether Wynkoop or Anthony, would meet with the Indians and tell them that orders had finally come, that they had been—

despite their request—classified as hostile, and that at any moment the battle could begin? Wynkoop had, step by step, arrived at the improbable position of promising to give a warning before attacking, and even if he sincerely meant to do it, it was not within anyone's notions of how to wage a victorious battle.

Having come in late and missed the process that led Wynkoop to this curious position, Anthony certainly lacked Wynkoop's commitment to the arrangement. Anthony was willing to live with the improvised arrangements, and he was willing to let the Indians assume that he would keep faith with Wynkoop's promises. Anthony even wrote a statement in support of Wynkoop's actions, for Wynkoop to carry with him:

[I]t is the general opinion here by officers, soldiers, and citizens, that had it not been for the course pursued by Major Wynkoop toward the Cheyenne and Arapahoe Indians, the travel upon the public roads must have entirely stopped and the settlers upon the ranches all through the country must have abandoned them, or been murdered, as no force of troops sufficient to protect the road and settlements could be got together in this locality.

I think Major Wynkoop acted for the best in the matter.<sup>28</sup>

But Anthony's cards were not all on the table, and the change of leadership at Fort Lyon was certainly one of the most portentous moments in this whole story. If the story were fiction, Wynkoop's departure from Fort Lyon on November 26 would seem like the design of a heavyhanded author removing a crucial character from the scene of the story just when he would have most wanted to be there.

## V

In November of 1864, John M. Chivington had many reasons to act. A rival for Chivington's turf had appeared in the picture, as General Patrick Connor from Utah responded to a confusing (and later withdrawn) official request that he undertake to protect the overland trails, even when that undertaking took him into Chivington's domain.

With the Connor challenge beaten back, Chivington still had reasons to feel under pressure to act. The mood of white settlers was anything but conciliatory. Consider these remarks made to the various investigating committees, by people representing a full range of opinion on Sand Creek itself:

[T]he people emphatically demanded that something should be done. . . . They wanted some Indians killed whether friendly or not they did not stop long to inquire.<sup>29</sup>

Question: Is there a general feeling among the whites there in favor of the extermination of the Indians?

Answer: That feeling prevails in all new countries where the Indians have committed any depredations. And most especially will people fly off the handle in that way when you exhibit the corpse of some one who has been murdered by the Indians.<sup>30</sup>

The only fact is that, as I told you, the Colorado people are very much opposed to having peace with these Indians. It is almost as much as a man's life is worth to speak friendly of an Indian.<sup>31</sup>

I think and earnestly believe the Indians to be an obstacle to civilization, and should be exterminated.<sup>32</sup>

With the backdrop of this popular mood, the recently recruited, 100-days regiment of the Colorado Third was on its way to becoming an embarrassment. The regiment was not taking the actions that the public demanded, and the time of their enrollment was ticking away. Chivington could, of course, have taken the troops and headed east to the Plains where the Indians (including some Cheyenne, but other tribes as well) had not launched an attempt to make peace, and were more certifiably hostile. But there was a good chance, indeed, even a guaranteed prospect, that those Indians would be moving targets, fully capable of eluding Chivington, or only engaging him on their own terms. The regiment's time might well run out in a series of fruitless marches while Chivington looked for Indians.

But here was the potent argument for targeting the Fort Lyon Indians: Colorado's white officials knew where they were. There would be no need to waste time and effort in tracking down Indians who knew the countryside far better than their pursuers did. The Third Colorado could march on Black Kettle, White Antelope and their people, and find them. Ordering most of the Colorado Third to a rendezvous at Bijou Basin, Chivington undertook to do exactly that. To guarantee the "findability" of the Indians, Chivington posted guards as he went to make sure that no Indian-sympathizer got through to carry a warning. Reaching Fort Lyon

on November 28, Chivington took the post by surprise, with no advance notice of his coming. As he had elsewhere, he posted guards to make sure that no one could smuggle out a hint to the Indians of the threat they faced. With those guards, Chivington made a clear statement of distrust; he did not necessarily expect the men at Fort Lyon to be on his side.

On that count, Chivington's suspicions proved quite right: among the junior officers at Fort Lyon were several men loyal to Wynkoop and his promises. In later testimony, a number of them recounted their conversations with Chivington:

I said that there were some Indians camped near the fort, below the fort, but they were not dangerous; that they were waiting to hear from General Curtis.<sup>33</sup>

Colonel Chivington was denouncing Major Wynkoop's previous course; Lieutenant Minton and myself were upholding him (Major Wynkoop). I stated to the colonel how we were situated here in regard to the Indians, and that the Indian interpreter, a soldier, and a citizen were there in the Indian camp by permission of Major Anthony, and said all I could to prevent the command going out there to the Indians; . . . The colonel concluded the conversation by damning anybody in sympathy with the Indians.<sup>34</sup>

Some of the parties were endeavoring to press upon Colonel Chivington the injustice of going to attack that camp on Sand creek, and explaining to him the particular circumstances in which the officers of this post and the Indians were situated. Colonel Chivington was walking the room in a very excitable manner, and he wound up the conversation by saying, D—n any man who is in sympathy with an Indian.<sup>35</sup>

I had some conversation with Major Downing, Lieutenant Maynard, and Colonel Chivington. I stated to them my feelings in regard to the matter; that I believed it to be "murder," and stated the obligations that we of Major Wynkoop's command

were under to hose Indians. To Colonel Chivington I know I stated that Major Wynkoop had pledged his word as an officer and a man to those Indians, and that all officers under him were indirectly pledged in the same manner that he was, and that I felt it was placing us in very embarrassing circumstances to fight the same Indians that had saved our lives, as we all felt they had. Colonel Chivington's reply was, that he believed it to be right or honorable to use any means under God's heaven to kill Indians that would kill women and children, and "damn any man that was in sympathy with Indians," and such men as Major Wynkoop and myself had better get out the United States service.<sup>36</sup>

Chivington could not attack the Indians at Sand Creek, the officers told him; those Indians were there under a guarantee of protection. If he wanted hostile Indians, he could look for them further to the east, but Black Kettle's people were not a fitting target.

What would Wynkoop have done if he had still been there? We can only guess. But his replacement, Major Scott Anthony, proved to be adaptable. To him, Chivington's arrival evidently came as a pleasant surprise, even a relief. Since his arrival, Anthony now said, he had wanted to attack the Indians; it was just that he lacked the necessary troops. Now, reinforced, he was ready for action.

Chivington gave a forceful answer to the objections raised by the junior officers by organizing the troops—his original units from the Colorado Third, supplemented by men from Fort Lyon's Colorado First, including Major Scott Anthony. Overnight they marched the forty miles to Sand Creek. Just after dawn, the troops reached the village. Their arrival came as a complete surprise to the Indians, some of whom, from a



distance, mistook the men for buffalo. Capitalizing on the surprise, the men—at Chivington's order—stripped for battle and plunged into action.

One group undertook to separate the horse herd from the village. The Third Colorado, including Company D under David Nichols, plunged into the center of the village, where a smaller group of Arapahoe had set up their lodges among the Cheyenne. From that point on, it was clear that Company D would be centrally involved in the fight. David Nichols, of course, never denied his involvement in the event, but even without his ready admission, the very beginning of the attack showed Company D's full participation.<sup>37</sup>

What happened next? Some Indian men sized up the situation and went for their arms, determined to fight. A few men tried to communicate their peacefulness; some witnesses described Black Kettle trying to display an American flag and a white flag, and White Antelope standing unarmed before the soldiers, simply singing his death song. Women and children scattered, trying to escape the bullets of white soldiers who were, in the phrasing of the time, not "discriminating" when they fired. Many Indians took refuge in the creek bed where high banks provided them with limited protection.

This, however, is where narrative coherence breaks down. From this point on, there are individual stories and individual perspectives, but no over-arching coherent narrative of the engagement at Sand Creek.

Why? The one fact on which nearly every witness agreed explains the breakdown. The fighting, they all said in one form or another, "became general." The novelty of finding all the partisans in agreement on one issue justifies full quotations. From critics of the attack:

The troops at that time were very much scattered. . . . I am not able to say which party did the most execution on the Indians, because it was very much mixed up at the time.<sup>38</sup>

[A]fter that, I could see no order to the battle. The command was scattered and every man firing on his own hook on both sides of the creek.<sup>39</sup>

There seemed to be no organization among our troops; everyone on his own hook, and shots flying between our own ranks.<sup>40</sup>

From supporters of the attack:

The action became general. . . <sup>41</sup>

[T]he engagement became general. . . <sup>42</sup>

Our men fought with great enthusiasm and bravery, but with some disorder.<sup>43</sup>

The fighting became general; we killed as many as we could. . . <sup>44</sup>

Question: Had the officers control of their men at that time?

Answer: There did not seem to be any control.

Question: Could the officers have controlled their men, or where the men acting in defiance of the orders of their officers?

Answer: I did not hear any orders given but what were obeyed. As a general thing the officers and men were doing just what they saw fit to do.<sup>45</sup>

Once the engagement became "general," companies pursued their own objectives without much knowledge of or concern for an over-arching strategy; individual white men set out in pursuit of individual Indian

people; the struggles dispersed for miles up Sand Creek. Rather than one concerted charge met by one clear line of defense, the encounter became a free-for-all, with no center, no point of view from which the whole could be observed, and most important, no central source of command. In that crucial fact—"the battle became general"—we have the reason why eyewitness descriptions are so confused and various, why we will never have one, unified story to tell of this event.

We have, as well, the reason why the officers of the various companies, and the commanders of the whole operation, earned the responsibility for what happened that day—because, paradoxically, they so thoroughly abandoned responsibility for controlling and supervising their men. Whatever else Sand Creek was, it was a case study in the disintegration of leadership—of officers who did not control their men and, moreover, officers who may well have thought that such control was beside the point. The men, after all, were doing what they had come to do: killing Indians.

But the men were not, necessarily, killing Indians alone. One can see the failure of control most clearly in the problem of "friendly fire." When the Indians fled to the creek bed, white soldiers took positions on opposite sides of the creek. Firing at the Indians in the center, they put each other at risk. Some of the white casualties were evidently caused by this fire. Consider some of the testimony on this arrangement:

Question: How long was one portion of Colonel Chivington's command under fire of another portion. . . ?

Answer: I could not state how long; at different times during the fight. Companies were firing a cross-fire opposite each other.<sup>46</sup>

Question: At any time during the fight was a portion of Colonel Chivington's command under the fire of another portion?

Answer: They were.

Question: State how it was.

Answer: The troops were on both banks of the creek firing across at Indians under both banks, and if they over-shot they were liable to hit our own men.<sup>47</sup>

During this time, the Indians had been running up the creek, and the whole command moved forward and took such positions as best suited them, as there appeared to be no general organization, and no one to command, and at different periods of the fight they were in such positions that I thought and said they were firing on each other. . .<sup>48</sup>

One or two of the officers noticed the problem and tried to correct it, but the friendly fire put a spotlight on the behavior of other officers who were not thinking, not planning, and not commanding.

The struggle went on for hours, winding down in mid-afternoon. The troops camped at Sand Creek for two nights, allowing ample time for people to note the condition of the battlefield—and to note the condition of the bodies on it. This was, by most testimony, a very grim sight. While a few men denied that there had been much in the way of scalping or mutilation, the overwhelming testimony was that most of the Indian bodies had been cut up in some way. Most were scalped, and many were mutilated. Even Chivington himself, during the War Department's investigation, asked Corporal James J. Adams this odd question:

Question: Did not the men who were cutting the fingers off the dead Indians for rings tell you that they were simply obtaining trophies, to preserve as reminiscences, to bequeath to their children, of the glorious field of Sand creek?

Answer: No, sir.<sup>49</sup>

Whatever else this strange dialogue reveals, it is at least an admission on Chivington's part of the fact that soldiers mutilated Indian bodies. Perhaps the most frank estimation of the thoroughness of the scalping came from Morse Coffin, a member of David Nichols's Company D. "On looking over the field I did not see a solitary warrior not scalped," Coffin wrote.

. . . I noticed about the scalping in particular; for, to tell the truth, I was prepared to remove any Indian's top knot found intact. I know this is not to the credit of myself and others who did it: but it is the truth, and I am disposed to shoulder my share of it. At that time it was deemed all right and proper, and I may as well add that on the return trip to Denver those trophies were rated at an average rate of ten dollars each among the boys.<sup>50</sup>

How many Indians were killed? Chivington and those in agreement with him insisted that they had fought hundreds of warriors and killed around 500 Indian men. But most estimates, working from a total of around 130 lodges in the village, with a usual population of five to a lodge, suggested that there could not have been many more than 500-600 Indian people there altogether. Of the dead bodies, most estimates would suggest a total between 120 and 175, with a frequent guess that over half were women and children. Like Chivington, David Nichols went for the far larger number of "between 500 and 700" Indians killed.

Counting bodies on the field did not bring out a talent for mental clarity and precise calculation; it may well be that Edmond G. Guerrier, a half-Cheyenne, half-white person who was with the Indians during and after the attack, had the clearest perspective. "From all I could learn at the council held by the Indians," he said, "there were one hundred and forty-eight killed and missing; out of the one hundred and forty-eight, about sixty were men—the balance women and children."<sup>51</sup> The dispute, we might note, lingers on. As recently as August 20, 1987, the Colorado Daily said that 400-600 Indians were killed at Sand Creek, thus indicating an agreement with the defenders of the Sand Creek attack. If the subject were any less grim, the idea of the Colorado Daily ratifying the estimates of Chivington and Nichols might be amusing.<sup>52</sup>

## VI

As the use of numbers by both Chivington and the Colorado Daily indicates, the "facts" of Sand Creek are much shaped by polemical considerations. One might think that the passage of one hundred and twenty-three years would allow us to escape the passions of those past times and unearth the hard facts, as if the historian's enterprise had the concreteness and directness of a geological exploration. But the chaos of the event and the immediate partisanship of the records make a full arrival at certainty impossible. Nonetheless, we can accomplish a fair amount in weighing the evidence and suggesting probabilities.

For over a century, defenders of Sand Creek have argued that the Indians encamped there were, in fact, hostile, not peaceful. If they were hostile, the argument goes, they deserved to be attacked, and white behavior was justified. We should note that the connections in this argument are far from indisputable. As Yale's Western historian Howard Roberts Lamar put it, "Whether [the Indians] were peaceful or not, the Chivington forces did not care. Thus, I think the question, were the Indians 'feigning peace,' to be misleading and irrelevant."<sup>53</sup> This is a persuasive counterargument, resting on the easily demonstrated

propositions that Chivington and his men were determined to kill Indians, and that Plains Indians at war were notoriously difficult to locate Chivington and his fellow strategists knew where these Indians were, and as a qualification for "attackability," "locatability" counted above most others.

Nonetheless, defenders of white behavior have chosen to make this matter of Indian peacefulness or hostility into the major interpretive battleground of Sand Creek. An inquiry of this sort therefore must spend some time reviewing the issue.

Were the Indians at Sand Creek hostile or friendly? Why has the question been such a vexing one? Surely, one might think if one were viewing the question from a distance, people are either at war or at peace, in active opposition or not in active opposition. But that sense of two, clearly distinguished states of being has little relation to the state of affairs on the Plains in 1864.

Chivington and those in agreement with him repeatedly declared that the Indians at Sand Creek were hostile. Their reasons for holding to that position seem relatively clear. First, establishing the hostility of the Indians was the utterly essential groundwork for justifying the attack. If Chivington and his men admitted any doubt about the hostile status of the Indians, that doubt could have stripped everything in the way of glory, dignity, reason, justification and propriety from their actions. Chivington



and his supporters kept insisting on the "enemy's" hostility for the powerful reason that if they retreated one inch on that question, their whole enterprise collapsed into moral shambles. Second, to the attackers, their presumption of Indian hostility very likely seemed proven by the fact that the Indians had fought back. Chivington, quite naturally, stressed the fact of Indian resistance: though surprised, "they began, as soon as the attack was made, to oppose my troops, however, and were soon fighting desperately."<sup>54</sup> Of course, peaceful or hostile or anything in between, the Indians had a compelling and obvious reason to defend themselves from a vicious, unexpected attack. The fact that they defended themselves hardly disproved their pre-attack peacefulness, but to the soldiers who found themselves fired on in return, Indian self-defense seemed to sew up the question of their pre-attack hostility.

Consider, however, seven pieces of evidence and arguments on both sides of the case:

1) Wynkoop clearly felt that the Indians were sincere in their professions of peacefulness, and perhaps more important than that, he had given every indication to the Indians that he considered them peaceful and therefore not attackable. "I told them," he said of the occasion of his departure from Fort Lyon, "that I was no longer in authority, but that Major Anthony, who was now in command, would treat them as I had done, until something different could be heard from proper

quarters in regard to them."<sup>55</sup> A number of the Fort Lyon officers confirmed Wynkoop's story; Lt. James D. Cannon's version is typical:

[The understanding] was to the effect that the Indians came in here and were ordered to camp down below the commissary. They said they wished to become friendly and make a treaty with the whites. In council with the Indians Major Wynkoop told them that he had no power to make a treaty, but if they would deliver up the government stock which they had, and their arms, they could remain in the vicinity of the post and have protection until he could hear from Washington as to what could be done. Immediately afterwards Major Wynkoop was relieved from command by Major Anthony. There was a council called, and Major Anthony adopted the same policy in regard to the Indians that Major Wynkoop had.<sup>56</sup>

Many people—both younger white officers and Indians—were under the impression that Anthony, whatever his private feelings, had ratified and adopted Wynkoop's approach.

2) Three days before the attack, Anthony allowed three white men (the interpreter John Smith, a teamster named Watson Clark, and a soldier named David Louderbeck) to go to the Sand Creek village to trade. This gesture seemed—and seems—to carry a clear message from Anthony. The idea of an officer authorizing trade with hostiles, in a situation about to explode into war, seemed and seems most improbable. Allowing the three men to go to Sand Creek seems to confirm the proposition that Anthony gave every indication, before Chivington's arrival, that he was following Wynkoop's approach. These three men did get trapped in the fight; while they were not injured, they came close. Louderbeck recounted his later colorful, and no doubt animated conversation with

Major Anthony:

He said that he was sorry for getting us in such a scrape as he had got us into. That he had done the best he could to get us out. Then I told him I could see no best about it; that it was the tightest place I was ever in. I told him that I had been in many a tight place, but this beat all of them.<sup>57</sup>

3) In normal Indian life, warriors came and went; a peaceful village could on occasion contain a few young men who had just raided or who were about to raid, but who, in the meantime, were visiting their families. One could see this situation (as many whites did) as sinister and suspicious, with the village posing as peaceful precisely in order to provide a refuge and cover for the young men; or one could simply see it as normal—a perfectly understandable crossing of a porous border in which family ties defied any arbitrary division between peaceful and hostile. Thus, Black Kettle and the majority of his people may well have been at peace, even if the village did contain a few men who felt otherwise. It was to be expected that the same village might well contain men who had attacked white settlements and men who had argued against those attacks, women and children related to men who advocated war and women and children related to men who advocated peace. Imposing the broad concepts of "friendly" and "hostile" on these subtle and complex situations was certain to lead to misunderstanding, and probably to error.

4) For all his good intentions, Wynkoop had responded to a condition of uncertainty by improvising a "solution" which proved to be no

solution at all. His promises, indeed, proved more of a trap for the Indians than a boon. On his own, he had said, he could not declare the Indians to be peaceful; therefore, he would treat them as if they were peaceful until a determination from the upper echelons came down. Should the determination be that the Indians were hostile and should be attacked, then Wynkoop's arrangement required that they be warned first—a procedure that would strike a person like Chivington or Nichols as absurd and intolerable.

5) The Indians at Sand Creek were quite clearly not expecting armed attack. In situations where Plains Indians considered themselves at war, they often removed women and children from the vicinity of the expected violence. At Sand Creek, they not only felt safe enough to have families present, they also felt secure enough to go without a night guard for the lodges.

6) Chivington and those in agreement with him made a considerable case for the existence of "rifle pits" at Sand Creek, holes that the Indians had presumably dug in the creek in anticipation of a battle. But many witnesses said that the Indians dug those holes in a frantic effort to protect themselves during the attack.<sup>58</sup>

7) For a phase after November 29, the Cheyenne were angry at Black Kettle who, they felt, had set them up for the attack by trusting the promises of the whites and persuading his people to join him in that trust.

That anger at Black Kettle would certainly suggest that many of the Cheyenne had been following his lead and trying to make peace.<sup>59</sup>

Putting together all the variables, this seems to me the most likely conclusion: the great majority of Indian people at Sand Creek, whether or not they had fought the whites in the past or would fight them in the future, believed that they were at least temporarily at peace and under the protection of the officers at Fort Lyon. Chivington and others may well have seen Wynkoop as a softheaded bungler who had exceeded his authority and made inappropriate promises to the Indians, but there is, nonetheless, every indication that most of the Indians at Sand Creek had taken Wynkoop at his word. Under those circumstances, attacking Wynkoop would have carried more logic and justice than attacking the Indians.

## VII

Running parallel to the debate over the hostility or peacefulness of the Indians has been a debate over terminology: should one call the Sand Creek incident a massacre or a battle? In his 1879 narrative, the veteran member of Nichols's Company, Morse Coffin, made a succinct statement of his view of the controversy:

This battle is usually especially in the east referred to as the "Sand Creek Massacre" or ["Chivington's Massacre;" and as such has it gone forth to the world, and as such it is likely to be handed down to posterity. I think this is unjust. It merits no such infamous brand. If this was a massacre, and not a battle, in the ordinary sense of the word, then am I at a loss to know just what constitutes a battle, and I wish to be absent from all battles. Many who were in this fight had seen service, and been in battles elsewhere; and these called this a battle, and very much of a one too.<sup>60</sup>

Coffin's certainty aside, some witnesses called it a battle, and some witnesses called it a massacre. Indeed, the three investigating committees used the word massacre in titling their reports: "Massacre of Cheyenne Indians," "the Chivington Massacre," "the Sand Creek Massacre." One hundred and twenty years later, the contradictory description lies at the heart of our perplexity over Sand Creek. Was one group simply lying, we begin to wonder, and if so, which one?

Let me offer a possible explanation of the contradiction. To the

white participants at Sand Creek, especially to members of the Third Colorado, the engagement felt like a battle, and not like a massacre, because they were, at various times, scared to death. Once attacked, the Indians—quite predictably, quite appropriately—fought back. They showed, more than one white soldier admitted, bravery and determination. Individual Indians—especially women and children—may have simply tried to escape or even to surrender, but other individuals fought hard and effectively. Chivington reported that eight white men were killed, thirty-eight were wounded, and two later died of their wounds.<sup>61</sup> White men at the site felt, in other words, a fitting sense of danger. To add to that sense, without much (if any) guidance from their officers, the members of the Third Colorado took foolish and unnecessary risks. Morse Coffin gave an example:

The creek bank at this place was abrupt, and perhaps four to six feet high. I think an order was given to fire, at any rate many did fire; and without orders to do so many of the boys ran up very near the bank, stooping and dodging up and down to avoid arrows, which came plentifully from under the bank, while many called out, "take care, boys, look out for arrows."<sup>62</sup>

Disorganization even permitted situations in which white men found themselves in the path of friendly fire from their own comrades (see pp. 57-58 above).

The men, in other words, saw acquaintances get shot with both arrows and bullets; they saw acquaintances dying. Coffin told the story of an apparently well-liked Boulder man, Robert McFarland. In a struggle

with an Indian man, MacFarland "fell back and made some exclamation, like 'boys, I'm killed,' or 'Oh God, boys I'm killed,' or similar to this, and died."<sup>63</sup> A few incidents like this surely convinced white participants that they were in a battle, and not a one-sided massacre. Dispersed chaotically around the battlefield, they could not have felt much solidarity or safety in numbers, and they certainly could not have felt much reassurance from competent, careful leadership. Improbable as it might have seemed from the point of view of Indians fleeing the attack, the attackers evidently were prey to rumors that made them feel like the potential victims. "Some one had also heard that the Indians had been reinforced," Coffin remembered from the middle of the day, "and that we were having a hard fight. This was of course not true, but it depressed us the same as though it were true, as we were not at that time informed to the contrary."<sup>64</sup>

Many, if not most of the white men were inexperienced, incautious, and exhausted; they had all missed one night's sleep, and many had missed two. Coffin told the story of an alarm on the night of the engagement, as the men at last fell asleep:

Sometime in the night the pickets fired their guns and came running in, when the whole camp was aroused. Our portion of the square was first saluted with "Third battalion, turn out," from Major Cree, and the next moment the clear ring of Captain Nichols's voice calling, "Company D, turn out," and as the boys raised up, many repeated the call for the benefit of comrades not yet aroused. And then the Major's and the Captain's call to "Fall in third battalion," "Fall in Company D," and the like of this



going on throughout the camp, made a confusion not readily described. And the men suddenly awakened and a little confused for an instant, and likely each one thinking the camp was attacked, and many of those but half awake[,] calling "where are you falling in," and the reply, "this way, this way." I cannot describe it.

There is no telling the result of a sudden and determined Attack of even one hundred Indians at such a time; at any rate I should prefer not to be present when it happened.<sup>65</sup>

Men capable of this kind of disorder did not feel like the confident and cool-headed executioners who could have orchestrated and implemented a true massacre. Then and now, the idea of a massacre suggested utterly powerful murderers, unthreatened themselves, killing passive and unresisting victims. By contrast, the frightened, inexperienced, and uncontrolled men of the Third Colorado felt that they had been in a battle in which they had had to defend themselves as well as to attack.

Needless to say, after November 29, 1864, the veterans of Sand Creek found a whole new set of reasons to remember the event as a battle, not a massacre. If they wanted dignity, drama, glory, and a defense against their critics, they had to substitute "battle" for "massacre." The inclination to call it a battle may have originated in their fear and inexperience; it maintained its hold through their penchant for self-glorification, self-dramatization, and—in light of the criticisms and condemnations—self-defense.

## VIII

A number of men wrote reports on the engagement at Sand Creek, and three committees took testimony on Sand Creek: a joint House/Senate committee on the Conduct of War; a joint House/Senate committee on the Condition of the Indian Tribes; and a War Department investigating committee. How lucky, one might think, that we have such an abundance of evidence. But reading these records does not lead one to a confident sense of knowing what happened. On the contrary, one becomes astonished by the capacity of human beings to see the same thing and yet tell different stories. We should, however, note immediately that by the nature of the dispersed and uncontrolled violence, no two people literally "saw the same thing." An event like this, by its chaotic nature, does not leave clear records of who did what to whom. The chaos, shock, and passion of the event itself distort memory initially, and then (distorting honesty perhaps more than memory) comes the struggle to assign blame and to evade blame, to condemn and to justify. There were, in other words, reasons for both natural failures of memory and artificial failures of memory for the Sand Creek witnesses.

Why not simply sift out these distortions and isolate the hard facts of what really happened? Because Sand Creek is a prime case study in the

polemicizing of the facts: that is, as soon as one has stated what one thinks happened, one has unavoidably taken a kind of moral and political position. The testimony, from the participants, is conflicting. It seems likely that some people were lying, and lying in a pretty big way. Along with a hazy portrait of the events at Sand Creek, the testimony records a swirl of personality conflicts and careerist ambitions that pull the facts around as magnets pull metal filings. From 1864 to 1987, the deceptively neutral question, "What happened at Sand Creek?" has launched its askers into a storm of personal and ideological bitterness. On that count, the fact that the Nichols Hall dilemma has at last drawn the University squarely into the center of this longstanding controversy carries only one mystery: "How did the University manage to avoid it so long?"

Let me, first, demonstrate just how divided the testimony is:

I furthermore state that the Indians [at Sand Creek] were hostile.<sup>66</sup>

I can only say that they [the Indians at Sand Creek] were always friendly.<sup>67</sup>

\* \* \* \*

From all I could learn, I arrived at the conclusion that but few women or children had been slain.<sup>68</sup>

Question: What proportion of those killed were women and children?

Answer: About two-thirds, as near as I saw.<sup>69</sup>

\* \* \* \*

From the best information I could obtain, I judge there were five hundred or six hundred Indians killed.<sup>70</sup>

I estimated [the dead Indians at one hundred and seventy-five

or hundred and eighty; I do not think there were that many.<sup>71</sup>

Question: In your opinion how many Indians were killed?

Answer: From my own observation I should say about three hundred.<sup>72</sup>

Perhaps Sherlock Holmes could sort this out, one begins to think—but even Sherlock Holmes had to examine evidence, sites, living people. At this far remove in time, the historian begins to empathize warmly with the men who came before the investigating committees and said, in one version or another, "I do not know anything positively because I was not there."<sup>73</sup>

Overall, the conflicting testimony offers an unmistakable reminder of a crucial, but often forgotten fact about Western history: the diversity and even disunity of white people. Over the last century, many historical writers on the West—from all positions on the political spectrum—fell into an unfortunate dependence on the phrase "the white man." There was, of course, no such unitary person, no one individual who stood for all. On the contrary, even the phrase "white people" throws a deceptively simple net over a wide range of ethnic, class, political, and personal differences.

For all the confusion generated by the testimony, we can, nonetheless, discern some patterns that, to a degree, organize the disagreement.

1) Chivington and, of course, Evans were both much involved in territorial politics; they both stood for office on a statehood ticket in the

autumn of 1864. It proved to be a bitter, even vitriolic campaign; even without Sand Creek in the balance, the fall of 1864 would not go on record as the happiest period in Colorado history. Political rivalry carried into the investigation of Sand Creek, just as the investigation of Sand Creek then carried over into later political struggles. There were, in other words, a number of Coloradans who were perfectly happy to see Chivington in trouble.

2) Inside and outside politics, personal rivalries and even hatred shaped testimony. To some degree, this was the product of nineteenth-century careerism. Nearly as much as Chivington's, Wynkoop's standing and reputation were at stake in this fray. The vindication of Wynkoop would be the shaming of Chivington, just as much as the vindication of Chivington would have meant the shaming of Wynkoop. "[T]his inhuman monster," Wynkoop had called Chivington; Chivington had referred to the sufferings brought upon him by the "lying reports of interested and malicious parties."<sup>74</sup> When Chivington cross-examined Wynkoop before the War Department investigating committee, one wonders that the room did not explode.

3) A number of those who testified most passionately against the barbarity of Sand Creek were not themselves the purest of souls. The interpreter John Smith, for instance, was thrown out of Denver in 1861—for beating his Indian wife (to the point of a broken back) when she

wanted to dance with other white men. There are indications that the agent Samuel Colley (perhaps with the help of John Smith) was, in the manner of many agents of the nineteenth century Indian Bureau, embezzling from official supplies—on occasion, selling the Indians the annuity goods that they were entitled simply to be given.<sup>75</sup>

4) The investigating committees did not go out of their way on behalf of scrupulousness. The chairman of the War Department's committee, for instance, was Samuel Tappan, a known enemy of Chivington. Asked by Chivington to disqualify himself, Tappan said "No." Senator Benjamin Wade, who signed the Committee on the Conduct of War report that harshly condemned Chivington and the attack, is reputed to have missed most, if not all, of the hearings. Senator Doolittle, chairing the joint committee on the condition of the Indian tribes, was a known advocate of a more peaceful, less militaristic approach to "the Indian problem." Nonetheless, we should also note that all the committees admitted and recorded testimony defending the attack, and the War Department allowed Chivington to cross-examine all witnesses.

5) The troubling case of Silas Soule raises any number of questions about the conditions under which witnesses testified and, alas, definitively answers none of those questions. Silas Soule was a captain in the First Colorado, stationed at Fort Lyon, who opposed the attack from his first encounter with Chivington. He was outspoken in his opposition before the

attack; he evidently kept his own troops idle during the attack; and he was outspoken after the attack. In February of 1865, Soule testified in Denver to the War Department committee, strongly condemning the attack. On April 25, the committee adjourned for two days—"the members of the commission having been requested to assist in making arrangements for the funeral of the late lamented Silas S. Soule."<sup>76</sup> Soule had been shot in the street by a veteran from the Second Colorado, who escaped under mysterious circumstances. Soule had said that his testimony had earned him threats, and that he expected his enemies to kill him and then discredit his character and his testimony.<sup>77</sup> The circumstances of Soule's murder have joined the list of unsolved mysteries stemming from Sand Creek. If nothing else, it raises the possibility that witnesses may have had some reason to fear the consequences of their testimony.

6) The defenders of Sand Creek reached the nadir of their credibility when it came to numbers. Chivington, Nichols, Downing and other defenders of the attack made the repeated, extraordinary claim that their forces had killed four to six hundred Indians, most of them men. The arguments against the estimates of 400-600 warriors are many: there were only 130 (or so) lodges which could not possibly have contained a fighting force of that size, along with their families; an Indian force of that size would have had a much more devastating impact on a disorganized,

poorly led group like the Colorado Third; the loss of that many men would have come close to an annihilation of the tribe, or certainly a devastation of its fighting power, a proposition which the retaliations of 1855 that followed Sand Creek directly disproved. The improbability of the Sand Creek defenders' statistics activates a variety of doubts; unable to accept the notion of hundreds of dead and defeated warriors, one reads the defenders' other assertions with some cynicism.

For all the confusion in the testimony, one emerges from a close reading of the three committee transcripts with a few fairly well established propositions in hand:

A. Wynkoop had promised the Indians at least temporary protection; Anthony had seemed to confirm that promise; the Indians had located themselves at Sand Creek because they trusted those promises; and Chivington had had ample opportunity to learn of these arrangements and to learn that the Indians with Black Kettle were something other than murderous savages waiting for their chance to attack the fort (see pp. 48-50 above).

B. The officers at Sand Creek exercised little in the way of responsible leadership (see pp. 55-58 above)

C. Many, if not all, of the Indian bodies were scalped or otherwise mutilated.



D. A significant number of the Indians killed at Sand Creek were women and children.

Since the last two propositions run the risk of seeming arbitrary or abstract, and since they have not been much explored in the earlier parts of this report, it seems more instructive to quote at some length. On mutilation:

All manner of depredations were inflicted on their persons; they were scalped, their brains knocked out; the men used their knives, ripped open women, clubbed little children, knocked them in the head with their guns, beat their brains out, mutilated their bodies in every sense of the word.

John Smith, interpreter<sup>78</sup>

I saw some Indians that had been scalped, and the ears were cut off the body of White Antelope. One Indian who had been scalped had also his skull all smashed in, and I heard that the privates of White Antelope had been cut off to make a tobacco bag out of.

Captain L. Wilson, 1st Colorado<sup>79</sup>

The morning we left the battle-ground I rode over the field; I saw in riding over the field a man (a sergeant of the 3d ) dismount from his horse and cut the ear from the body of an Indian, and the scalp from the head of another. I saw a number of children killed; I suppose they were shot, they had bullet holes in them; one child had been cut with some instrument across the side. I saw another that both ears had been cut off. This is all I have to say, only there was an officer in company with the man that scalped the Indian.

Amos D. James, 1st Colorado<sup>80</sup>

I do not think I saw any but was scalped; saw fingers cut off, saw several bodies with privates cut off, women as well as men.

Lucian Palmer, 1st Colorado<sup>81</sup>

Question: On your second visit to Sand creek, did you find that the dead had been scalped and otherwise mutilated?

Answer: I did.

Question: All of them—men, women, and children?

Answer: All with the exception of Jack Smith (old man Smith's son) and one squaw that was burnt in a lodge. I could not tell whether she was scalped or not.

Silas Soule, 1st Colorado<sup>82</sup>

Question: Did the troops mutilate the Indians killed at Sand Creek?

Answer: They did in some instances that I know of; but I saw nothing to the extent I have since heard stated. . . . I saw a great many Indians and squaws that had been scalped; I do not know how many, but several.

Major Scott Anthony, 1st Colorado<sup>83</sup>

I saw some men unjointing fingers to get rings off, and cutting off ears to get silver ornaments. I saw a party . . . take up bodies that had been buried in the night to scalp them and take off ornaments. Next morning, after they were dead and stiff, these men pulled out the bodies of the squaws and pulled them open in an indecent manner. I heard men say they had cut out the privates, but did not see it myself.

Amos Miksch<sup>84</sup>

In going over the battle-ground the next day, I did not see a body of man, woman, or child but was scalped, and in many instances their bodies were mutilated in the most horrible manner, men, women, and children—privates cut out, &c. I heard one man say that he had cut a woman's private parts out, and had them for exhibition on a stick; I heard another man say that he had cut the fingers off of an Indian to get the rings on the hand. . . . I also heard of numerous instances in which men had cut out the private parts of females, and stretched them over the saddle-bow, and wore them over their hats, while riding in the ranks.

Lt. James D. Cannon<sup>85</sup>

[W]hen the third Colorado regiment came back from Sand creek I saw in the hands of a good many of the privates a great many scalps, or parts of scalps, said to have been taken in that fight; at a theatrical performance held in this city [Denver] I saw a great many scalps exhibited; at various times in the city I must have seen as many as a hundred scalps.

Simeon Whiteley, Indian agent<sup>86</sup>

On the killing of women and children:

All this time the cavalry were firing into them briskly, no respect paid to little or big, old or young.

Sgt. Lucian Palmer, 1st Colorado<sup>87</sup>

Question: Were they [dead Indians] men, or women and children?

Answer: Some of each.

Col. George Shoup, 3d Colorado<sup>88</sup>

Question: Were the women and children followed while attempting to escape, shot down and scalped, and otherwise mutilated, by any of Colonel Chivington's command?

Answer: They were.

Captain Silas Soule, 1st Colorado<sup>89</sup>

Question: Were those Indians killed on Sand creek, warriors?

Answer: There were all sexes, warriors, women, and children, and all ages, from one week up to eighty years.

Question: What proportion of those killed were women and children?

Answer: About two-thirds, as near as I saw.

James Beckworth, guide<sup>90</sup>

Question: Were any of the Indian women and children killed and mutilated while attempting to escape?

Answer: They were; they were followed and killed, but I do not know when they were mutilated. They were mutilated, though.

Lt. Joseph Cramer<sup>91</sup>

The Indians attempted to escape, the women and children, and our artillery opened on them while they were running.

Major Scott Anthony, 1st Colorado<sup>92</sup>

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

Answer: Indiscriminately.

John Smith, interpreter<sup>93</sup>

I counted 123 dead bodies. I think not over twenty-five were full-grown men.

Amos Miksch, 1st Colorado<sup>94</sup>

Question: Were the Indians killed at Sand creek all warriors?

Answer: No.

Question: What were they?

Answer: Squaws, papooses, besides the warriors.

Question: What proportion of the whole number killed at Sand Creek were women and children?

Answer: Half that were there, as near as I can guess.

N.D. Snyder, 1st Colorado<sup>95</sup>

Question: How many were killed?

Answer: I could not say; I saw a great many women and children that were killed.

Corporal James J. Adams<sup>96</sup>

I heard Colonel Chivington give no orders in regard to prisoners myself. I tried to take none myself, but killed all I could; and I think that was the general feeling in the command.

Major Jacob Downing, 3d Colorado<sup>97</sup>

I do not know that any Indians were wounded that were not killed.

Col. John M. Chivington<sup>98</sup>

While Chivington and others claimed that few women or children were killed and that mutilation had been limited, still, the testimony on the other side seems to me overwhelming, coming as it does from a very mixed group of people, a few of whom were Chivington's rivals but most of whom were not. In many ways, the soldiers who were not prominent in military or political circles speak most convincingly, as in this exchange with Dave Louderbeck, the soldier from Fort Lyon trapped in the Sand Creek camp at the time of attack:

Question: How many Indians were killed?

Answer: That I cannot say, as I did not go up above to count them. I saw only eight. I could not stand it; they were cut up too much.<sup>99</sup>

## IX

"Captain Nichols," wrote the Bancroft interviewer in the 1880s, "becomes historic because of the prominent part he took in the early [I]ndian troubles in Colorado."<sup>100</sup> In that interview, Nichols fully admitted his participation at Sand Creek. He never, as far as any record discloses, denied it. On the contrary, he continued to believe that the attack was fully justified. "No man of sense will doubt the necessity for this campaign against the Indians," he told the Bancroft interviewer.<sup>101</sup> Reporting on the Sand Creek engagement in a December 7, 1864, statement, Colonel George Shoup confirmed Nichols's involvement:

Early in the engagement, Captain Nickols [sic], with his company D, pursued a band of Indians that were trying to escape to the northeast; he overtook and punished them severely, killing twenty-five or thirty and captured some ponies.<sup>102</sup>

The records of the War Department inquiry raise the historian's hopes for a direct statement from Nichols when, on May 8, 1865, Chivington declared his intention to call, among others, "D. H. Nichols, Boulder," to testify on his behalf.<sup>103</sup> Nichols, alas, did not come; defending John Chivington may well have had a limited appeal for him. In the Bancroft interview, Nichols noted that "Chivington was justly unpopular with the soldiers while Shoup was very popular. The great trouble with Chivington

was that he was ambitious to be promoted."<sup>104</sup> This was, of course, the very charge that critics of Sand Creek made against Chivington. Nichols's remark is a further, valuable reminder of the divisions and factions obscured by the general category "white Coloradans," or even "white attackers at Sand Creek."

David Nichols certainly participated in the attack at Sand Creek, yet by the very nature of the day's chaotic violence, it is difficult to track the activities of any one individual. But if we want a clearer case study in Nichols's own approach to Indian warfare, the historical record does provide an example that places a much clearer spotlight on Nichols as a leader.

In October of 1864, Nichols and Company D were on duty at Valley Station, 115 miles from Denver, when a report came in from a local ranch. An Indian warrior in war paint had been sighted near the Wisconsin ranch, and that, in the "crime and punishment" thinking of the time, was grounds for a punitive expedition. With Nichols in command, a party of roughly forty men set out to track the reported warrior.

Nichols's own report to Chivington provides one version of the results:

VALLEY STATION, October 11, 1864  
Col. J. M. CHIVINGTON:

DEAR SIR: Thinking that perhaps a more minute description of yesterday's transactions would be interesting to you (if not necessary as a report), I will endeavor to give you a full account

of the transaction and its results. In the first place we heard Sunday night of an Indian being seen dressed in full war dress and painted (was seen five miles above this at the Wisconsin Ranch, about sundown, too late to follow him that night in the bluffs); but learning from Sam Ashcraft that there was a spring situated about twelve miles south of this, in the bluffs, and it being his opinion that the Indians were camped at those springs, I concluded to have a little surprise party on yesterday morning, and accordingly left camp at 2 a.m., accompanied by Second Lieutenant Dickson and forty of my men, and two citizens as guides. We arrived at the springs about an hour by sun and found two lodges of the red devils containing six warriors, three squaws, and one lad about fifteen, I should judge (I know he shot an arrow well), and two smaller children were said to be in the outfit, but I did not see any except the ten first named. We fired into them after getting between them and their ponies, and they returned our fire with a hearty good will, and having the advantage in the ground in the start, even dared us to the conflict; and when Big Wolf (for I have learned this was the name of the chief) gave us the dare we went for them in earnest, and in a very short time they raised the white flag, but too late. They went under, one and all, and as trophies we brought ten ponies, one mule, and various other Indian fixings, and recovered several things which were taken from the whites, some of which I will mention, and the first that I will mention was the scalp of some white lady and her shoes, covered with blood, and some articles of underclothing. We also found bills of lading, or perhaps more properly, freight bills, from parties in Saint Joseph to Denver merchants, and signed by one Peter Dolan, who no doubt went under. We also found Big Wolf's certificates of good character, friendship for whites &c., but the lady's scalp and clothing fail to corroborate the statements of the back handed-gents who gave the certificates. I reported eleven ponies, but was mistaken one in my count, which you will confer a favor by correcting. We are fully satisfied that there are more in this vicinity by scouting. We lack arms. Accept our thanks for the ammunition which you sent us, and for your kindness in supplying us soon. But, colonel, the coach has come, and I must close. There are some of the minutiae of this affair that I will give you personally in future.

Yours, respectfully,  
D. H. NICHOLS<sup>105</sup>

If Nichols felt any regrets for the extremities of behavior forced upon men in situations of conflict, if he had second thoughts about the killing of women, the report does not record them. The tone is, by contrast, confident, proud, cocky, even jaunty; phrasings like "surprise party" and "red devils" carry a mood quite opposite to regret, or even reflection.

To Nichols, the discovery of white people's artifacts in the lodges was indisputable proof of the Indians' guilt, and therefore indisputable justification for their punishment. Nonetheless, "General Field Orders No. 1," issued "by order of Major General Curtis" on July 27, 1864, for the Department of Kansas, decreed another course of behavior: "Indians at war with us," the order read, "will be the object of our pursuit and distinction, but women and children must be spared."<sup>106</sup>

Not only was the full slaughter of Nichols's attack on the two lodges in violation of Curtis' orders, it also violated the consciences of a few participants (we should note, however, that Nichols's immediate commanding officer, Chivington, approved Company D's actions). In Company D was Morse Coffin who, in 1879, expanded his notes from the time into letters to a Colorado newspaper. In that narrative, Coffin was writing primarily to correct what he thought was the misapprehension that Sand Creek had been a massacre, not a battle. Nonetheless, even as a defender of the Sand Creek attack, Morse Coffin told the story of the October 10 attack on the two lodges at Buffalo Springs in a tone quite



different from Nichols's.

"A shot or so was fired through the lodges," Coffin wrote, "when out ran the men and squaws like so many frightened sheep, and jumped out of sight below the bank, near the springs, and hid in the rushes."

After the exchanges with the adult men, [n]ext were found and killed four squaws, two papooses and one young warrior, say fifteen years old, or two thirds grown. Two of these squaws were rather young, and two middle aged ones had the babies in their arms. One of these was killed with her feet in a pool of water, and bent over her child as if to shield it, and as we came up it opened wide its eyes and looked up at us. I said, "boys don't kill it, it is too bad," etc., but one of the guides glad it was not a soldiery came up and coolly shot it, at the same time making a remark not indicative of pity. I strongly denounced this part of the work, using cuss words.

When the shooting of the squaws began, they jumped up and tried to crawl away, at the same time screaming in an agony of terror. This was too much for me, and I talked against it, and a few were with me, and would not do it; though the general sentiment was strongly in opposition to my view of it.<sup>107</sup>

Despite the few who disapproved, the rest of the men were, Coffin said, "in high glee." After the attack, when they had returned to the Wisconsin ranch, "one of the men there proposed three cheers for Captain Nichols, which were given with a will, when one of our boys from camp called for three cheers for the men under his command, which were well given, when Capt. N. said 'three cheers for our friends at home,' also given with vim. I was in no mood for cheering," Coffin wrote, "and took no part."<sup>108</sup>

We have, as usual, our standing problem with conflicting testimony. Nichols's statement—"they returned our fire with a hearty good will"—

stands in a rather striking contrast to Coffin's "they jumped up and tried to crawl away, at the same time screaming in an agony of terror." Coffin said four women; Nichols said three women. Coffin said two babies; Nichols said he heard of the presence of "two smaller children," but did not see them. Despite those discrepancies, we still have a fairly clear picture of the attack on Big Wolf's people at Buffalo Springs on October 10: with Captain Nichol in charge, men from Company D killed at least three Indian women. Captain Nichols, a man of his times, appears to have found this an occasion of pride; Morse Coffin, equally a man of his times, appears to have found this an occasion of distress. General Curtis, ostensibly in charge of his department, had said that "women and children must be spared."

## X

In some circles, it has become the custom to close the door on any judgment of Sand Creek, calling any form of moral evaluation an ahistoric and inappropriate practice. By this argument, Chivington, Nichols, and all the others were "men of their times," and behavior we might now see as wrong or even shocking was considered perfectly appropriate in that time and place. While it is certainly true that many people in that time did welcome and applaud the news of Sand Creek, it is equally true that a whole other cast of characters—who were equally "men of their times"—condemned the event. The reactions of Edward Wynkoop and his junior officers, of some members of Congress, and certainly of the Indians themselves tell us that the condemning of Sand Creek began in the 1860s, not the 1960s. Disapproval, in fact, began before the attack even took place, when the junior officers at Fort Lyon, on November 28, 1864, told Chivington that they felt it was wrong to attack these particular Indians, whom they felt had been promised protection see pp. 53-54 above). With a diversity of opinion in the time period itself, the "men of their time" defense loses force.

Moral judgment may fall outside the domain of the dispassionate professional historian, but it is nonetheless human instinct; we cannot exorcise the moral issues raised by Sand Creek simply by calling them "unprofessional." For 123 years, disputes over the proper judgment of Sand Creek have been part of the history of Colorado and the West; they are now part of the historians' subject matter. Like a judge in a trial, the historian has a double obligations to listen dispassionately to the evidence, and then to reach a judgment. We must have a consideration of all the points of view; we must have as broad an overview as possible; but it does not necessarily follow that we must have (or even could have) an utterly neutral, emotion-free telling of a violent and passionate past. The philosopher and historian Eugen Rosenstock-Huessy made one of the most forceful statements for the honest, emotional engagement of the professional inquirer: "The scientists who sit in objective judgment before they are overwhelmed simply disable themselves for their real task, which is to digest the event," he wrote. "They do not expose their minds to the shock. In other fields of life this is called cowardice."<sup>109</sup>

Through much of the twentieth century, white Americans—and many professional historians—protected themselves from "the shock" of Western history by uncritically adopting the point of view of nineteenth century white settlers. Whites were "pioneers," "frontiersmen," "bringers of civilization to wilderness," and Indians were "savages" who were not

making proper use of the land and its resources and who deserved to be either killed or made to live properly. Frontier expansion was inevitably progress, and in that framework, Sand Creek was perhaps unfortunate in its violence, but still a necessary contribution to the taming and mastering of the West.

A more illuminating framework comes, I believe, from placing western expansion in the framework of conquest, comparable to the English conquest of Australia or, in some ways, to the Spanish conquest of Latin America. In that framework, we see a variety of native peoples encountering a variety of invaders. There is no one scenario for those encounters. Sometimes the natives much outnumber the invaders, and the newcomers gain only a precarious foothold. Sometimes the invaders much outnumber the natives, and simply flood over the region. Sometimes the invaders greatly overextend themselves, as the Colorado settlers did in the Civil War years. Having placed themselves in a situation of particular risk, they become anxious, jumpy, and inclined to overreact; they almost instantaneously forget their own status as invaders and see the Indians as the aggressors and troublemakers. Their fears, combined with their sense of racial superiority, unleash unrestrained violence. Good citizens who see themselves as embodiments of the most civilized way of life take up the practice of a brutality which may seem, to us, the opposite of "civilization," but which was, to them, "civilization's" essential defense.

It was, for a long time, the custom to blame Col. John M. Chivington for the killings. While it is certainly true that he encouraged and permitted the killing, his men were, to put it mildly, willing workers, needing no coercion on the part of their commanding officer to put them into action. Moreover, the Sand Creek veterans were well-received in Denver; the Colorado Third's change in status from "the Bloodless Regiment" to "the Bloody Regiment" was an occasion for local congratulations, not for regrets. When Senator James Doolittle came to Denver, in the course of the Joint Committee's investigation, he attended a meeting at the opera house; when the subject of Indians came up, he reported, the citizens shouted, "Exterminate them! Exterminate them!"<sup>110</sup> As much as we have tried to sanitize Western history with "Pioneer Days" and "Frontier Festivals," with tributes to noble pioneers and speeches in praise of the frontier spirit, this was a time when "Bloody" was a compliment, and the prospect of "exterminating" a group of human beings could be presented as good news.

We might note, as well, the argument in defense of the attack which suggests that this was a way of fighting forced on whites by the conditions of Indian war. They simply could not, the argument goes, fight "fairly"; in the swirl of Indian village life and in the occasional Indian attacks on white families, the boundary between combatant and noncombatant became blurred, and white troops could not hope to discriminate between

warriors, and women and children. Certainly, it was, a perplexing kind of war, if it was indeed war at all, but the behavior of white Coloradans both during and after Sand Creek did nothing to suggest people reluctantly taking up an activity that was against their preference. On the contrary, they took to indiscriminating violence as ducks take to water. Moreover, if that kind of violence had indeed been "forced on them," we might expect regrets and reconsiderations, retrospective weighing of the process by which they "got carried away." Instead, pride and even boasting remained the dominant tone of Chivington, Nichols, and others, hardly conveying the mood of men who had been forced into actions that went against their nature.

"An act of duty to ourselves and to civilization," Col. Chivington said of his men's achievement at Sand Creek.<sup>111</sup> If self-congratulation along that line is one variety of "folk tradition" left behind by Sand Creek hand there are, of course, still some white Coloradans who hold to that tradition), then the reminiscences of an old Cheyenne man, John Stands-in-Timber give us a glimpse into the opposite folk tradition:

The soldiers charged in and started shooting, women and small ones as well as warriors. They spared no one, and they cut up and scalped the dead afterwards. . .

Old Man Three Fingers' mother put her baby on her back and grabbed Three Fingers' hand—he was just a little boy—and ran for the creek. The soldiers kept firing at her and one hit her in the shoulder, but she made it down below a bank to a safe place. Then she took the baby off her back and it was dead, shot through the body. Her husband was killed at the same time. Afterwards she lived with the Northern Cheyennes for many

years, and she never stopped telling about it.

Another woman, Black Bear's wife, had a scar where she had been shot. They called her One Eye Comes Together because of it. She told terrible things about the soldiers killing children, and carrying some of the women away and mistreating them. They shot most of them afterwards, but a few lived to tell about it.<sup>112</sup>

Stands-in-Timber's story reminds us of a crucial, easily overlooked fact about the congressional and War Department investigations: no Indians testified. On this count, I myself took the conditions of the nineteenth century so much for granted that I did not even think of this until a friend from another department asked what role the Indians played in the investigation. Chivington's defenders may call the formal investigations biased against him, and yet today we cannot help but be struck by the far greater omission of the Indians' evidence. At the time of the investigations, the Indians were at war, determined to avenge Sand Creek and not, for obvious reasons, available for testimony. But in the War Department investigation, John M. Chivington himself gave a reminder of the reasons why Indians would not have been heard, even outside a state of war. Objecting to testimony in which the witness reported what Indians had said to him, Chivington explained:

The statements of Indians are never received as evidence even when the Indians are personally present, except in cases where it is specially authorized by statute. In other words, it requires an express congressional enactment to render an Indian a competent witness, as in cases of violation of the Indian intercourse laws.<sup>113</sup>

In other words, even if the Indians had not been at war, many white



Coloradans would have raised strident objections to the very idea of their testifying.

Placed against Chivington's self-congratulations, the awful specificity of John Stands-in-Timber's story makes a leap of emotion almost inevitable. And yet that emotion must still find its place in the large framework of conquest. For thousands of years on the planet, humans have gone about invading, displacing and conquering each other. Over the last five hundred years, Europeans have spread over the planet, intruding on native societies, sometimes with trade, sometimes with force. The "sins" of conquest are widely distributed, and the use of excessive brutality against noncombatants is perhaps the most widely distributed sin of all, with both the conquerors and the conquered contributing their share.

Why, then, with a planetary history of conquest and a widely established human talent for brutality, should we be surprised and caught off guard by the events of 1864 in Colorado? This example stands, in many ways, for a broad pattern of national amnesia. When I was in college and even in graduate school, it was the convention to say that Americans had had the distinctive luck to have never had to fight a war with a foreign power on American soil (the Revolution and the Civil War evidently fell more into the category of "domestic quarrels"). This statement was, of course, intended to point a contrast to the countries in

Europe who, it can sometimes seem, have had time to do nothing but play host to battles and campaigns and sieges and occupations. This supposed absence of war was often used to explain the lingering power of a national character trait for optimism and innocence. If anyone thought to say, "No wars—well, except for Indian wars" (and I do not recall many thinking to say that), the clear implication was that Indian wars were rather low-key, inconsequential affairs.

While the rest of the nation yielded to fits of amnesia, Indian people were never inclined to find the "no wars of any serious consequence" proposition very persuasive. For obvious reasons, the memory of conquest stayed on the minds of Indians. But in Western places like Boulder, for the bicyclists on the bike paths, for the hikers in the Open Space, for the professors and students at the University, for the sightseers on the mall, the last thought on their minds is the idea of Colorado as a conquered, occupied territory, with a history of racial hatred and violence. We are thus left open to surprise, and even to disorientation, when circumstances bring an unpleasant event like Sand Creek back to our attention. It can seem light-years away from the Colorado we know, and we thus strain to find a mental and moral category in which to place it.

It is a widely acknowledged truism that history is never set in stone. The same event carried one set of meanings in 1900; another set, in 1950; and probably will carry a whole new set in 2000. But this does not

mean that our telling and retelling of history is a complete mush of relativism. The changes come, very often, from a recalculation of means and ends, and a reconsideration of the kind of distance—moral, emotional, or political—that we want to put between us and the past.

The naming of Nichols Hall came just before the onset of one of those transformations in point of view. In 1961 the University faced a Fleming Hall dilemma: one older Fleming Hall, a student residence building; and a new Fleming Hall, just named after a dean at the Law School. The older Fleming Hall thus had to become another kind of Hall, and the search for a new name turned up David Nichols. It was still possible, in 1961, to see all his "contributions" uncritically; writing the memo proposing the name, the Director of Student Residences could see Nichols's merit demonstrated both in the founding of the University and the quieting of the Indian troubles of 1864.

And then, hindsight tells us with such force that it is hard to imagine the innocence (or insensitivity or ignorance) of 1961, came "the sixties." With civil rights advocacy, the Chicano Pride movement, Asian-American activism and an Indian resurgence, many white Americans became deeply, irremediably aware of the diversity they had excluded with their model of nationalistic progress. Vital new scholarship made it clear that there was not simply "another side" to the mainstream story, but many sides, both within and beyond the "mainstream." White Americans who

had assumed that Indian people were invisible or irrelevant in the twentieth century had to reconsider that assumption. If the Fleming Hall dilemma had come up only six or seven years later, one suspects that University officials would have done quite a bit more looking before leaping.

Historical objectivity requires us to consider a broad range of evidence and perspectives. But it does not require us to sever the nerves that connect our emotion to our reason. If we—professors, students, or interested laypeople—become so expert and finely tuned in our cultural relativism that we feel nothing in response either to the murdered women and children at Sand Creek or to the murdered Hungate family on the ranch outside Denver, then professional academic inquiry will have proven itself to be morally anesthetizing and dangerously dehumanizing. Responding to Sand Creek, we find a tailor-made chance to show that we have not, in the academic world, gone utterly over the edge into a relativistic universe, in which all behavior is solely to be studied and never to be judged.

## XI

In a judgment echoed by the five additional established scholars I consulted [readers are encouraged to consult the Appendix to examine these responses], Robert Utley (one of the most eminent Western military historians) explained why he felt the word "massacre" fit the events at Sand Creek:

"Massacre" fairly describes Sand Creek. It is a term so loaded with pejorative connotations that historians should use it carefully and knowingly. For me, the decision to use this word involves a judgment of intent. Where noncombatants were killed deliberately and indiscriminately, I regard massacre [as] an appropriate term. Where they were killed accidentally, or where functioning as combatants, I believe a less inflammatory word should be chosen, such as battle, clash, combat, disaster, or tragedy. Thus I have referred to the tragedy at Wounded Knee, the Fetterman disaster, and the Battle of the Washita. But I have intentionally used massacre to describe Sand Creek because the slaughter was incontestably deliberate and indiscriminate.<sup>114</sup>

And yet Dr. Utley did not recommend changing the name of Nichols Hall:

Donning my hat now as historic preservationist, let me offer comment on the issue facing the university. It is indeed a delicate and troubling one. But undeniably, historic nomenclature is an element in the significance of a historic property, just as is architectural design, historic use, and association with historic persons and events. All these elements express a time and place worth recalling—as an act of understanding rather than an act of judgment according to the values of the present. To readjust the nomenclature in order to appease the sensibilities of

the present, however valid, is to do violence to the past, to the opinions and actions of a previous generations, and possibly to a man whose life, save for one three-month period, was honorable and constructive even by today's standards. Nichols Hall should remain Nichols Hall, not as a monument to Sand Creek, but as a reminder of how a previous generation felt about fellow Coloradan David Nichols.<sup>115</sup>

I have quoted Dr. Utley at length because I cannot imagine a clearer or more forceful statement on behalf of preserving the name. In the concluding section of this report, I will explain why I was first in agreement with Dr. Utley's position, and then I will explain how I changed my mind and came to an opposite conclusion. But before those explanations, I would like to note one omission in the information I gave to Dr. Utley about this case. When I wrote him, I did not fully realize how recent the bestowing of the name was; my letter to him, I believe, gave the impression that the construction of the building, the naming of the building, and the Sand Creek episode were all events of roughly the same time period. His argument for historic preservation certainly seems to rest on the idea that "Nichols Hall" dates from the nineteenth century; while I do not know if the fact that the name originated in 1961 would change his thinking, it certainly did change mine.

At the beginning of the inquiry, my own position was close to Dr. Utley's. To change the name seemed a cover-up, an evasion, a denial of the moral complexity of Colorado's past. Changing the name seemed to be a way of saying, "My, that was an unpleasant era in Colorado's history;

let's just try to forget it." First, it seemed to me more honest—and indeed more educational—to keep the name and face up to the moral complexity of the conquest of Colorado. I could imagine an effective and even compelling display case and slide show, presenting the story and driving home the point that those of us who benefit from the founding of the University and the conquering of Colorado and the West have indeed all of North America's have come into a complex inheritance.

A second argument for leaving the name unchanged rests on the fact that universities, to come into the world and to stay in the world, must make a few compromises with purity. By the nature of American history, many universities were founded and funded by men who made their fortunes in enterprises resting on slavery, or on other varieties of ruthless exploitation and manipulation of labor. How could one, after all, "clean up" the University of Virginia, when slaveholding was laced through its origins? Perhaps even more important, many universities, especially Southern ones, stayed true to the white-supremacist goals of their founders, down to very recent times. One cannot help wondering about the names on the buildings at the University of Mississippi or the University of Alabama. If it became national policy to limit the names on buildings to the names of Americans who had been, throughout their lives, fair and decent to minorities and the working class, there would be room for a whole new service industry in the removing and refurbishing of name

plaques.

While that was my position at the beginning, I have over the last few weeks changed my judgment. Let me explain four reasons.

1) It has seemed to me, from the start, that the name on Nichols Hall is a terrible gesture of inhospitality to Indian students. Whatever else it was, Sand Creek was one of the lowest points in white/Indian contact on this continent, ranking with the dreadful Mystic River Fort Fire in New England in 1637 and, on the other side, with the Santee Sioux uprising in Minnesota in 1862. To celebrate either Sand Creek or the Santee Sioux uprising, the killing of Indians or the killing of whites, would be tasteless, a dreadful way of saying, "Our people killed your people, and we're still glad they did." If we are undertaking to make the University of Colorado a more comfortable and inviting place for Indian people, then "Nichols Hall" makes a gesture that discredits and undermines every well-intentioned gesture the University has made.

2) Originally I had thought that it would be possible to retain the name and use it for educational purposes. The story is, after all, a powerful one, full of both human interest and important historical lessons. But, for the three following reasons, the idea of retaining the name "Nichols Hall" and using it educationally no longer seems workable to me:

a) I cannot imagine a practical and effective way of achieving the educational goal. Place a display case in the building's lobby? We are,



all of us, from freshmen to professors, quite adept at ignoring this kind of information; in buildings that look considerably more "historic" than Nichols Hall does, we easily ignore plaques and displays without even making the effort, especially once they have been in place for some time. Require freshmen to attend an orientation-week lecture on David Nichols, the University, and the conquest of Colorado? Unless it was delivered in a very compelling way (which would, almost by necessity, run the risk of being a very upsetting, even sensationalistic way), such a lecture would probably leave, as its most lasting impact on the audience's mind, a question as to why they had to hear "all that stuff." As the years passed, those charged with administering this ritual might well begin to wonder just what they were doing and why they were doing it.

b) Assuming that someone could think up a viable educational device for presenting the background information on Nichols Hall, it would still be, for the educator involved, a communicatory nightmare. Every lecturer has had the experience of launching into a case study in which the details and confusion over the details begin to overpower the significance and meaning of the story. The Sand Creek story has all the makings for this kind of dilemma. Before you can get to Sand Creek, you must take the audience through the detail of the Fort Wise Treaty, of Colorado territorial politics, of Wynkoop's Smoky Hill meeting, of the Camp Weld discussion, of the transition from Wynkoop to Anthony, etc.,

etc. Even when you get the story to Sand Creek, you then must deal with the breakdown of agreement in records and testimony. A conscripted audience might well feel bored and irritated by this cascade of detail, uncertain of any larger point, and further put off by the partisans of both sides, who would be likely to interrupt the speaker to refight the many battles of interpretation that have become routine and ritual in the years since 1864. While I, for one, love to give lectures to audiences of non-specialists, "Nichols Hall and Sand Creek" is a speaker's opportunity I believe I would turn down (and not wish on a friend).

c) If an audience traveled successfully through the thicket of detail, they would still be likely to notice one fact: while the activities of Nichols in the 1860s and 1870s carry considerable historical weight and significance, the naming of Nichols Hall in 1961 does not. The violence of the 1860s connects directly to the origins of Colorado; the naming of Nichols Hall connects only to a bureaucratic scramble to resolve the confusion between the undergraduate Fleming Hall and the law school Fleming Hall. If the hall had been built and named "Nichols" in the nineteenth century, then it would be a historical artifact worthy of study, resonant with important lessons about attitudes and behavior in the past. It would clearly meet Robert Utley's standards for historical preservation. If the name Nichols Hall dated from 1880, one could fruitfully study the thinking and feeling that led to its naming, and that study could teach

students something very important about the relatively distant past. But a close study of the duplication of the name "Fleming Hall" and the resulting decision to substitute the name "Nichols"—that study offers rather thin gruel for the mind. The difference between studying the origins of a name bestowed in the nineteenth century and studying the origins of a name bestowed in the mid-twentieth century is as dramatic as the difference between studying a piece of ancient pottery discovered by archaeologists and studying a tourist-shop replica manufactured yesterday. Nearly everyone who has suggested to me that the name should be kept for educational purposes has assumed that the hall got its name a century ago, that the name itself carries a long and revealing historical pedigree. In fact, it does not. Preserving the name does not preserve a piece of the nineteenth century; it preserves, instead, a bureaucratic expedient of 1961.

3) These are times when many critics of higher education have charged that universities have abandoned the teaching of ethics and moral thinking. Retaining the name "Nichols Hall" would confirm those charges. My thinking here rests on the proposition that, to most people, the naming of a building means, implicitly, the honoring of the person involved. Continuing to honor David Nichols would thus place the University in a peculiar moral position.

Let me explain what this would mean in practice. Say the University

keeps the name but requires all the freshmen to learn about Nichols's activities. The events of 1864 show humanity at its worst; for a reminder, simply return to pages 79 and 80 of this report and reread the descriptions of Sand Creek mutilations. Even putting the violence at Sand Creek aside, the one case of Nichols's clear, individual responsibility—at Buffalo Springs on October 10, 1864 (see pp. 83-88 of this report)—is nearly as disturbing in its indiscriminate killing of women (and possibly children), in Nichols's pride in the achievement, and in his violation of the department's commanding officer's instruction that "women and children be spared." If one described these violent events to young people, and then told them that they were to live in a building with a name that commemorated those events, and that they were to consider that building home, then I can imagine a variety of responses, none of them particular desirable in ethical terms. Some students might well be very much distressed by this formal effort on the part of their University to remind them, every time they wrote down their addresses or looked at the outside of their home, of the capacity of humans for brutality. Some students might respond with indifference; and the effort to acquaint them with the events of 1864 might well further anesthetize them, immunizing them against sympathy and bringing David Nichols and Sand Creek to a level of seriousness and significance comparable to the present-day status of Alferd Packer and his not-really-very-festive cannibalism. Most

students might simply end up perplexed; if these dreadful events occurred in the 1860s, and if David Nichols was centrally involved in them, then why would the University choose to honor him for his achievements? Students already have ample opportunity to develop all three of these emotional and ethical positions: melancholy and distress over the human capacity for violence; callousness and indifference to human suffering; and perplexity over the meanings and intentions of University policy and of authority in general. None of these positions deserves or needs University sponsorship. Under these circumstances, retaining the name "Nichols Hall" would make a rather direct statement that universities are, indeed, just about as muddled on ethical questions as their critics have said they were.

Let me say, explicitly, that this is an ethical question, not an ethnic one. If the decision should be to drop the name "Nichols," then I would urge the University to replace it with the name of a person who, to the best of our knowledge, did not injure or kill women, children, or other noncombatants. This ethical objection would, in other words, apply to people of all ethnicities. This does go a bit against the grain of the usual portrayals of Western history. The subject has long been a target for partisans of different sorts who have tried to construct a clear and consistent alignment of "good guys" against "bad guys," "villains" against "victims," with racial identity often defining that alignment. Regardless of

these efforts, the reality of Western American history remains ethnically and ethically complex; neither virtue nor villainy came to rest in the possession of any particular groups. Condemning the attack at Sand Creek has never, in fact, been a matter of pitting whites against non-whites. From the beginning, men like Edward Wynkoop, Joseph Cramer and Silas Soule spoke forcefully against the attackers, even if they were all participants in "Anglo-American culture."

To select the name of an Indian (or Hispanic or black or Asian) person who had attacked or led in the attack of noncombatants would thus be as objectionable as retaining the name "Nichols." The intention, instead, should be to make the rather obvious, but still vital point that the University does not condone the unrestrained killing of noncombatants, regardless of the ethnicity of either attacker or victim.

4) The available historical evidence simply does not support a counterargument that Nichols's philanthropic accomplishments outweigh his actions on October 20 and November 29, 1864. Even if the evidence were available, I am not at all sure what kind of moral calculus would permit one to weight positive against negative, the founding of universities against the killing of noncombatants. But we are spared that trying exercise by the uncertainty of the evidences while we cannot disprove the proposition that Nichols made a heroic ride on behalf of the University, we also cannot prove that he did. There is, therefore, no very

firm basis for arguing that Nichols's service to the University requires us to preserve the name "Nichols Hall."

I would, therefore, recommend that the University change the name of Nichols Hall, and carefully choose a replacement. I would also recommend that the University add a display area to the Heritage Center exploring this complicated troubling, and instructive story.

Respectfully submitted,

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September 14, 1987

## Endnotes

<sup>1</sup> Minutes of Regents' Meeting, October 26, 1961, p. 11.

<sup>2</sup> R. Clifford Yoder to Arthur H. Kiendl, Dean of Students, May 22, 1961.

<sup>3</sup> Hoig, Stan, The Sand Creek Massacre (Norman: University of Oklahoma Press, 1961).

<sup>4</sup> Yoder to Kiendl, May 22, 1961.

<sup>5</sup> Information on David Nichols's career is available in a sketch in History of Clear Creek and Boulder Valleys, Colorado (Chicago: Baskin & Co., 1880), pp. 668-669; an interview with David Nichols conducted, around 1886, by one of the interviewers commissioned by historian Hubert Howe Bancroft, available in the Western History Collection, Norlin Library (henceforth referred to as Bancroft interview; and a summary of his life in Portrait and Biographical Record of Denver and Vicinity Chicago: Chapman Publishing Co., 1889), pp. 785-786. It should be noted that these sources disagree on a number of matters, listing his birth year as 1826, 1828, or 1830, and, in the case of the Portrait and Biographical Record, omitting his participation in the Mexican-American War and his trip to California.

<sup>6</sup> Bancroft interview, p. 1.

<sup>7</sup> Frederick S. Allen, Ernest Andrade, Jr., Mark S. Foster, Philip I. Mitterling, and H. Lee Scamehorn, The University of Colorado, 1876-1976 (New York: Harcourt Brace Jovanovich, 1976), p. 25.

<sup>8</sup> Ibid., p. 268, note 35. In Glory, Colorado! A History of the University of Colorado, 1858-1963 (Boulder, Colo: Pruett Press, 1965), William E. Davis stands by the story of the ride, but does so on the basis of J. P. Maxwell's reminiscence in a Rocky Mountain News story of October 30, 1927. And Davis does acknowledge that, while money might have been promised in 1874, it was not actually delivered until the spring of 1875 (p. 14). The Boulder County News for January 30, 1874, several days after Nichols's supposed ride, carries this uneventful and cynical report: "We don't give any legislative report, because there is nothing of any particular interest to report. We know our lawmakers are busy introducing bills, and amending bills, and voting, and quarreling, and debating, and having a good time generally. But God only knows what the result of all their deliberations will be, and He won't tell us, so we can't predict anything. But when we find out that a law has really been made, then we will gladly tell about." The Boulder Count News of February 6, 1874, while carrying the information that the bill for the university had passed both houses,



made no mention of Nichols. The Boulder Count News of February 13, 1874, offered general congratulations on the selection of the location in Boulder ("For natural beauty of situation, for an intelligent, moral and appreciative local population, no place in the territory could have been more happily chosen as the start of a great University"). "All united in thanks," the News columnist wrote, "to our faithful servants, our representatives in the legislature, Messrs. Maxwell, Nichols, and Fitzpatrick, and those who voted with them." Later folklore aside, this Boulder writer apparently saw no reason to single out Nichols in that list, nor even to place him first. On February 20, 1874, the Boulder County News ran a story discussing some people's doubts that Boulder could raise the required \$15,000; the story made no mention of Nichols or the pledges he had supposedly secured in January.

<sup>9</sup> Allen, Andrade, Foster, Mitterling, and Scamehorn, University, p. 26; and Michael McGiffert, The Higher Learning in Colorado: An Historical Study, 1860-1940 (Denver: Sage Books, 1964), p. 8. McGiffert accepted the story of the midnight ride, but again on the basis of the Maxwell story of 1927.

<sup>10</sup> Maxwell, quoted in Davis, Glory Colorado!, p. 11.

<sup>11</sup> For overviews of the material covered in Section III, see Francis Haines, The Plains Indians: Their Origins, Migrations, and Cultural Development (New York: Thomas Y. Crowell, 1976); Donald Berthrong, The Southern Cheyennes (Norman: University of Oklahoma Press, 1963), pp. 3-147; Margaret Coel, Chief Left Hand: Southern Arapaho (Norman: University of Oklahoma Press, 1981), pp. 3-109; Peter John Powell, People of the Sacred Mountain: A History of the Northern Cheyenne Chiefs and Warrior Societies, 1830-1879, Vol. I (San Francisco: Harper & Row, 1979), pp. 3-230; Howard Roberts Lamar, The Far Southwest, 1846-1912: A Territorial History (New York: W.W. Norton & Co., 1970), pp. 205-240; Robert G. Athearn, The Coloradans (Albuquerque: University of New Mexico Press, 1976), pp. 7-61; Carl Ubbelohde, Maxine Benson, and Duane A. Smith, A Colorado History (Boulder, Colo.: Pruett Publishing Co., 1982), pp. 1-102; and Carl Abbott, Stephen J. Leonard, and David McComb, Colorado: A History of the Centennial State (Boulder: Colorado Associated University Press, 1982), pp. 5-69.

<sup>12</sup> Coel, Left Hand, pp. 11-12.

<sup>13</sup> Berthrong, Southern Cheyennes, p. 83.

<sup>14</sup> See, for instance, Coel, Left Hand, p. 131.

<sup>15</sup> John D. Unruh, The Plains Across: The Overland Emigrants and the Trans-Mississippi West (Urbana: University of Illinois Press, 1979), p. 185.

<sup>16</sup> Berthrong, Southern Cheyennes, p. 138.

<sup>17</sup> For overviews of material covered in Sections IV and V, see Stan Hoig, The Sand Creek Massacre (Norman: University of Oklahoma Press, 1961), entire; Berthrong, Southern Cheyennes, pp. 148-223; Coel, Left Hand, pp. 110-317; Powell, Sacred Mountain, pp. 231-311; Robert M. Utley, Frontiersmen in Blue: The United States Army and the Indian, 1848-1865 (Lincoln: University of Nebraska Press, 1967), pp. 281-297; Lamar, Far Southwest, pp. 240-251; Athearn, Coloradans, pp. 71-75; Ubbelohde, Benson, and Smith, Colorado, pp. 103-116; Abbott, Leonard, and McComb, Colorado, pp. 73-78; Raymond G. Carey, "Another View of the Sand Creek Affair," Denver Westerners Monthly Roundup 16 (Feb. 1960), pp. 4-15, and "The Puzzle of Sand Creek," The Colorado Magazine, 41 (Fall 1964), pp. 279-298; Janet Lecompte, "Sand Creek," The Colorado Magazine, 41 (Fall 1964), pp. 315-335; Michael A. Sievers, "Sands of Sand Creek Historiography," The Colorado Magazine, 49 (Spring 1972), pp. 116-142; and Lonnie J. White, "From Bloodless to Bloody: The Third Colorado Cavalry and the Sand Creek Massacre," Journal of the West, 6 (Oct. 1967), pp. 535-581. For justifications of the attack, see Reginald S. Craig, The Fighting Parson: The Biography of Colonel John M. Chivington (Los Angeles: Westernlore Press, 1959); Nolie Mumey, "John Milton Chivington, The Misunderstood Man," 1956 Brand Book of the Denver Westerners, pp. 127-148; and William R. Dune, "I Stand by Sand Creek": A Defense of Colonel John M. Chivington and the Third Colorado Cavalry (Fort Collins: The Old Army Press, 1985).

<sup>18</sup> Coel, Left Hand, p. 193.

<sup>19</sup> Captain A. J. Gill, U. S. Senate, "Sand Creek Massacre," Report of the Secretary of War, Sen. Exec. Doc. 26, 39th Cong., 2d sess., 1867, p. 179. This remark registered in different listeners' minds in slightly different ways, but the general pattern seems consistent.

<sup>20</sup> See, for instance, Rodman Paul, Mining Frontiers of the Far West, 1848-1880 (Albuquerque: University of New Mexico Press, 1979), Chapter 6, "Colorado, 1859-1880," pp. 109-134.

<sup>21</sup> Evans' June 27, 1864 Proclamation in "Sand Creek Massacre," pp. 167-168.

<sup>22</sup> Evans' August 11, 1864 Proclamation in U. S. Senate, "Massacre of the

Cheyenne Indians," Report of the Joint Committee on the Conduct of War, Sen. Report 142, 38th Cong, 2d sess., 1865, p. 47.

<sup>23</sup> Simeon Whiteley, report of Camp Weld council, U.S. Senate, "The Chivington Massacre," Reports of the Joint Special Committees on the Condition of the Indian Tribes, Sen. Report 156, 39th Cong., 2d sess., 1867, pp. 87-90.

<sup>24</sup> Ibid., p. 90.

<sup>25</sup> Dole quoted in Coel, Left Hand, p. 253.

<sup>26</sup> Curtis to Chivington, Sept. 28, 1864, "Sand Creek Massacre," p. 173.

<sup>27</sup> Edward W. Wynkoop manuscript, Denver Public Library, Western History Department, p. 28. After "many years as a Borderman and Pioneer in that wild country," Wynkoop wrote, "I naturally at one time belonged to the exterminators. "

<sup>28</sup> Anthony to headquarters, Nov. 26, 1864, "Sand Creek Massacre," p. 94.

<sup>29</sup> Captain S. M. Robbins, 1st Colorado, "Massacre of Cheyenne Indians," p. 14.

<sup>30</sup> A. C. Hunt, United States Marshall, "Massacre of Cheyenne Indians," p. 46.

<sup>31</sup> Samuel G. Colley, Indian agent, "Chivington Massacre," p. 34.

<sup>32</sup> Major Jacob Downing, 1st Colorado, "Chivington Massacre," p. 70.

<sup>33</sup> Captain Silas Soule, 1st Colorado, "Sand Creek Massacre," p. 10.

<sup>34</sup> Lt. Chauncey M. Cossitt, 1st Colorado, "Sand Creek Massacre," p. 153.

<sup>35</sup> 2nd Lt. William P. Minton, 1st Colorado, "Sand Creek Massacre," p. 147.

<sup>36</sup> 2nd Lt. Joseph A. Cramer, 1st Colorado, "Sand Creek Massacre," p. 47.

<sup>37</sup> See Berthrong, Southern Cheyennes, p. 217; Coel, Left Hand, p. 276;

Chivington, "Second Report," Dec. 16, 1864, "Massacre of Cheyenne Indians," p. 49; Captain T. G. Cree, commander of 3d Battalion (including Co. D), 3d Colorado, "Report," "Massacre of Cheyenne Indians," p. 53.

<sup>38</sup> John Smith, interpreter, "Massacre of Cheyenne Indians," p. 6.

- <sup>39</sup> Soule, "Sand Creek Massacre," p. 13. <sup>40</sup> Cramer, "Chivington Massacre," p. 73.
- <sup>41</sup> Report of Major Hal Sayr, Dec. 6, 1864, "Massacre of Cheyenne Indians," p. 52.
- <sup>42</sup> Chivington, "Second Report," Dec. 16, 1864, "Massacre of Cheyenne Indians," p. 49.
- <sup>43</sup> Letter from Col. George Shoup, 3d Colorado, Dec. 3, 1864, "Chivington Massacre," pg 92.
- <sup>44</sup> Downing, "Chivington Massacre," p. 770.
- <sup>45</sup> Major Scott Anthony, "Massacre of Cheyenne Indians," p. 27.
- <sup>46</sup> 1st Lt. James D. Cannon, "Sand Creek Massacre," p. 114.
- <sup>47</sup> Soule, "Sand Creek Massacre, " p. 13.
- <sup>48</sup> Cramer, "Sand Creek Massacre," p. 49.
- <sup>49</sup> Chivington and Adams, "Sand Creek Massacre," p. 152.
- <sup>50</sup> Morse Coffin, The Battle of Sand Creek (reprinted Waco, Texas: W. M. Morrison, 1965), p. 36.
- <sup>51</sup> "There were between 500 and 700 Indians killed," Nichols, Bancroft interview, p. 5; Edmond G. Guerrier, "Chivington Massacre," p. 66.
- <sup>52</sup> Kristen Black, "Prof. Studies Founder's Role in Massacre," Colorado Daily, Aug. 20, 1987, p. 7.
- <sup>53</sup> Howard Roberts Lamar, letter to author, August 5, 1987.
- <sup>54</sup> Chivington, "Massacre of Cheyenne Indians," p. 102.
- <sup>55</sup> Major Edward W. Wynkoop, 1st Colorado, "Sand Creek Massacre," p. 102.
- <sup>56</sup> Cannon, "Sand Creek Massacre," p. 113.
- <sup>57</sup> David H. Louderbeck, "Sand Creek Massacre," p. 136.
- <sup>58</sup> Chivington, for instance, said that the Indians "had excavated trenches . . . evidently designed to protect the occupants from the fire of an enemy." ("Massacre of Cheyenne Indians," p. 102.) By contrast, David

Louderbeck, the soldier from Ft. Lyon trapped in the camp at the time of the attack, answered the question, "Had the Indians before the attack made any preparations for defense?" with the straightforward answer, "They had not." ("Sand Creek Massacre," p. 137.) Stephen Decatur, member of the 3d Colorado, asserted that the Indians "must have" prepared the rifle pits ahead of time, "as there were holes longer and deeper than they could have dug after we attacked them in the morning." ("Sand Creek Massacre," p. 195.) On the other hand, Lt. James Cannon, 1st Colorado, responded to the question, "Did the Indians try to shelter themselves from the fire of Colonel Chivington's command? If so, in what manner?" with the answer, "They did; by digging holes under the banks in the sand." ("Sand Creek Massacre," p. 111.) "Rifle pits" were not a traditional element of Plains military operations; in any case, it is difficult to imagine why the Indians would prepare for battle on one count, and then leave themselves unguarded and vulnerable to a surprise attack

<sup>59</sup> See Berthrong, Southern Cheyennes, p. 224; and Hoig, Sand Creek Massacre, p. 174

<sup>60</sup> Coffin, Sand Creek, p. 38.

<sup>61</sup> Chivington, "Second Report," Dec. 16, 1864, "Massacre of Cheyenne Indians," p. 49.

<sup>62</sup> Coffin, Sand Creek, p. 20.

<sup>63</sup> Ibid., p. 27.

<sup>64</sup> Ibid., p. 22.

<sup>65</sup> Ibid., p. 32.

<sup>66</sup> Captain Presley Talbot, 3d Colorado, "Sand Creek Massacre," p. 207.

<sup>67</sup> Jesse Leavenworth, Indian agent, "Massacre of Cheyenne Indians," p. 3.

<sup>68</sup> Chivington, "Massacre of Cheyenne Indians," p. 103.

<sup>69</sup> James Beckworth, guide, "Sand Creek Massacre," p. 70.

<sup>70</sup> Chivington, "Massacre of Cheyenne Indians," p. 102.

<sup>71</sup> Cramer, "Sand Creek Massacre," p. 50.

<sup>72</sup> Shoup, "Sand Creek Massacre," p. 176.

<sup>73</sup> Leavenworth, "Massacre of Cheyenne Indians," p. 4.

<sup>74</sup> Wynkoop, report, Jan. 15, 1865, "Massacre of Cheyenne Indians," p. 83; Chivington, "Massacre of Cheyenne Indians," p. 108.

<sup>75</sup> On Smith and his wife, see Coel, Left Hand, p. 79. In "Chivington Massacre," p. 95, the knowledgeable William Bent made a lengthy statement on agent corruption: "In answer to your inquiry, I must say there has been a good many goods sent by the government to the Indians which never were delivered. These goods are withheld in various ways. For instance, an Indian will come in and make the agent a present of a pony another will make him a present of a mule, another will present four or five buffalo robes, all of which the agent will receive to himself, when he has no right to. The agent then pays these Indians out of the annuity goods, which causes a great deal of dispute among the other Indians, who see the goods which ought to come to them given in payment to other Indians. The Indians never make presents without expecting to receive something more than its value in return, so in the long run it is nothing more or less than a trade. I believe there are agents, or agents' relatives, in this country who have made very-good speculations. The son of Major Colley, the Indian agent of the Cheyennes and Arapahoes, was an Indian trader for the Cheyennes, Arapahoes, Kiowas, and Comanches. He came to this country the fall after his father was appointed agent. When he first came here he could not have had property of the value to exceed fifteen hundred dollars, which consisted of some thirty or forty head of cows. From he said to me he must have made twenty-five or thirty thousand dollars in the two or three years he was trading with the Indians. John Smith acted as the Indian trader, and was considered as a partner in the business. It is hard to identify Indian goods, but I am satisfied that a portion of the goods traded with the Indians were annuity goods. From comparisons of the goods traded and the annuity goods, I am satisfied they were identically the same goods. The Indians knew they were purchasing their own goods. . . Some Cheyennes in whom I have confidence stated to me that they had no confidence in Major Colley, knowing he was swindling them out of their goods." Presley Talbot, Captain of Co. M, Third Colorado went further in his allegations, stating that Colley and Smith had said "they would do anything to damn Colonel John M. Chivington, or Major Downing; that they had lost at least six thousand dollars each by the Sand creek fight; that they had one hundred and five robes and two white ponies bought at the time of attack, independent of the goods which they had on the battle-ground, which they never had recovered, but would make the general government pay for the same and damn old Chivington eventually." ("Sand Creek Massacre," p. 208.) In light of all these squabbles and rivalries, one comes to regret the decision of the War Department commission: "The commission was ordered to investigate all matters relating to the Indians

and Sand creek. Private threats and quarrels growing out of that or any other affair is [sic] not. . . a legitimate and proper matter of record by this commission." ("Sand Creek Massacre," p. 209.).

<sup>76</sup> "Sand Creek Massacre," p. 161.

<sup>77</sup> "Sand Creek Massacre," p. 189.

<sup>78</sup> Smith, "Chivington Massacre," p. 42.

<sup>79</sup> Captain L. Wilson, 1st Colorado, "Chivington Massacre," p. 67.

<sup>80</sup> Amos D. James, soldier, 1st Colorado, "Sand Creek Massacre," p. 145.

<sup>81</sup> Sgt. Lucian Palmer, 1st Colorado, "Chivington Massacre," p. 74.

<sup>82</sup> Soule, "Sand Creek Massacre," p. 15.

<sup>83</sup> Anthony, "Massacre of Cheyenne Indians," p. 26.

<sup>84</sup> Corporal Amos C. Miksch, 1st Colorado, "Chivington Massacre," pp. 74-75.

<sup>85</sup> Cannon, "Massacre of Cheyenne Indians," pp. 88-89.

<sup>86</sup> Simeon Whiteley, "Chivington Massacre," p. 71.

<sup>87</sup> Palmer, "Sand Creek Massacre," p. 143.

<sup>88</sup> Shoup, "Sand Creek Massacre," p. 176.

<sup>89</sup> Soule, "Sand Creek Massacre," p. 14.

<sup>90</sup> James Beckwourth, "Sand Creek Massacre," p. 70.

<sup>91</sup> Cramer, "Sand Creek Massacre," p. 51.

<sup>92</sup> Anthony, "Massacre of Cheyenne Indians," p.16.

<sup>93</sup> Smith, "Massacre of Cheyenne Indians," p. 9.

<sup>94</sup> Miksch, "Chivington Massacre," p. 75.

<sup>95</sup> N. D. Snyder, soldier, 1st Colorado, "Sand Creek Massacre," p. 77

<sup>96</sup> Corporal James J. Adams, 1st Colorado, "Sand Creek Massacre," p. 150.

<sup>97</sup> Downing, "Chivington Massacre," p. 70.

- <sup>98</sup> Chivington, "Massacre of Cheyenne Indians," p. 103.
- <sup>99</sup> Louderbeck, "Sand Creek Massacre," p. 137.
- <sup>100</sup> Bancroft interview, pp. 2-3.
- <sup>101</sup> Ibid., pp. 5-6.
- <sup>102</sup> Shoup, "Second Report," Dec. 7, 1864, "Massacre of Cheyenne Indians," p. 197.
- <sup>103</sup> Chivington, "Sand Creek Massacre," p. 197.
- <sup>104</sup> Bancroft interview, p. 4.
- <sup>105</sup> Nichols, in Rebellion Records, Series I, Vol XLI, Part III, pp. 798-799.
- <sup>106</sup> General Field Orders No. 1, July 27, 1864, "Massacre of Cheyenne Indians," p. 75.
- <sup>107</sup> Coffin, Sand Creek, pp. 6-8.
- <sup>108</sup> Ibid., p. 8.
- <sup>109</sup> Eugen Rosenstock-Huessy, I Am an Impure Thinker (Norwich, Vt.: Argo Books, 1970), p. 17.
- <sup>110</sup> J. R. Doolittle to Mrs. L. F. S. Foster, "Notes and Documents, New Mexico Historical Review, Vol. XXVI (April 1931), pp. 156-157.
- <sup>111</sup> Chivington, "Massacre of Cheyenne Indians," p. 108.
- <sup>112</sup> John Stands-in-Timber, Cheyenne Memories, edited by Margot Liberty (New Haven, Ct.: Yale University Press, 1967), pp. 169-170.
- <sup>113</sup> Chivington, "Sand Creek Massacre," p. 73; see also p. 104.
- <sup>114</sup> Robert Utley, letter to author, August 2, 1987.
- <sup>115</sup> Ibid.



## APPENDIX

One of the most recent volleys in the ongoing struggle to evaluate Sand Creek is William R. Dunn's "I Stand by Sand Creek": A Defense of Colonel John M. Chivington (Ft. Collins, CO: Old Army Press, 1985). Taking the words of Chivington, Evans, and others at their face value, Dunn argues that the killing was justified and necessary. The image of indiscriminating slaughter, Dunn says, has been maintained through "the writings of some charlatan historians (p. vii)." This ad hominem attack can be easily and clearly refuted.

In the course of this project, I wrote to six prominent historians who had all, at some point in their careers, gone on record with a portrait of Sand Creek as a massacre. As the accompanying short career summaries indicate, there are plenty of words to describe their achievements, and "charlatan" is not among them.

I asked all six scholars the following questions:

1. a. Does the term "massacre" fairly describe the events at Sand Creek on November 29, 1864?  
b. If not, why not? What term would be more appropriate?
2. Does any evidence lead you to conclude that the Cheyenne and the Arapahoe, at Sand Creek in November, 1864, were really at war with white Coloradans, but feigning peace?
3. a. Do you have any reason to doubt that a large proportion of the Indians killed at Sand Creek were women and children?  
b. Do you have any reason to doubt that white soldiers mutilated some of the bodies at Sand Creek?

4. Do you have any reason to believe that company D of the Third Colorado, led by Captain David Nichols, played an insignificant role at Sand Creek, maybe even a peaceful one?
5. Would you rank the events at Sand Creek as
  - a. very important in Colorado and the Western history.
  - b. somewhat important in Colorado and Western history.
  - c. peripheral to the main issues in Colorado and Western history.
  - d. other \_\_\_\_\_.
6. Do you see any reason to believe that enemies of John Chivington exaggerated the violence at Sand Creek?

The responses are attached.

# PURDUE UNIVERSITY



DEPARTMENT OF HISTORY

August 3, 1987

Professor Patricia Nelson Limerick  
Department of History  
204 Helms, Campus Box 234  
University of Colorado  
Boulder, Colorado 80309-0234

Dear Professor Limerick:

This is a response to your letter of July 27, 1987 with which you enclosed "Sand Creek questions." I answer briefly the six questions below:

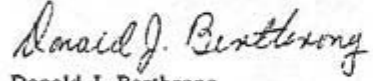
1. The term "massacre" fairly describes the events at Sand Creek" on November 29, 1864. Three congressional documents use "massacre" in their titles.
2. Cheyennes, at least, committed depredations in the months preceding the massacre at Sand Creek. This does not mean, however, that the entire, male population either participated in those conflicts or that the entire tribes were at war with the "white Coloradans." One could write several book length chapters explaining the different attitudes and actions of various Cheyenne and Arapaho bands and war societies.
- 3a. A substantial proportion of Cheyennes and Arapahoes killed at Sand Creek were women and children. The number varies even among eye witnesses to the tragedy.
- 3b. Eye witnesses confirm white soldiers mutilated some of the bodies of persons killed at Sand Creek.
4. I do not know Captain David Nichols' specific role at Sand Creek. Stan Hoig in Sand Creek Massacre, the fullest treatment of the events, does not single out Nichols for special treatment.
5. I rank Sand Creek as a very important event in Colorado and Western history. It is especially crucial for subsequent history of the Indians of the Great Plains.
6. I do not believe the "enemies of John Chivington" exaggerated the violence at Sand Creek. I reject the conclusions published by "pro-Chivington" writers.

page 2

May I add that it has been more than twenty years since I have reviewed intensively the documents and sources related to Sand Creek. At this writing, however, I have seen no reason to alter my conclusions offered in my Southern Cheyennes.

I hope my answers, brief though they may be, will be useful to you.

Sincerely,

A handwritten signature in cursive script that reads "Donald J. Berthrong". The signature is written in dark ink and is positioned above the printed name and title.

Donald J. Berthrong  
Professor of History

DJB/pe

Donald Berthrong  
Professor of History, Purdue University

Education: University of Wisconsin, B.S. 1946, M.S. 1947, Ph.D.  
1952.

Major Publications:

Indians in Northern Indiana and Southwestern Michigan (1974)

The Cheyenne and Arapahoe Ordeal: Reservation and Agency Life in  
the Indian Territory, 1875-1907 (1976)

The Southern Cheyennes (1963)

"Black Kettle: A Friend of Peace," in Indian Leaders:  
Oklahoma's First Statesmen (1979)

"Legacies of the Dawes Act: Bureaucrats and Land Thieves at the  
Cheyenne-Arapahoe Agencies of Oklahoma," Arizona and the West  
(1979).

Answers to Sand Creek Questions:

1. I have no difficulty whatsoever in applying the term "massacre" to the Sand Creek conflict. The falling upon a completely peaceful village of people (as those at Sand Creek clearly were) in a surprise attack by organized, armed troops and the promiscuous killing of non-combatant villagers who were given no opportunity to surrender seems to me clearly to fit any formal or informal definition of the word.

2. This question could demand an involved answer, though my concluding judgment is that "No, evidence does not lead me to conclude that the Cheyennes and Arapahos were really at war with the whites of Colorado while feigning peace."

These two Indian nations, like most Plains tribes, were structured on a combination of peace and war leaderships. I think that Black Kettle, White Antelope and the other chiefs were of a determination to be at peace with the whites. The warring elements, who were not under the control of the chiefs as it is often thought, were dominated at this point in history by the Dog Soldiers. The Dog Soldiers, who were very strong, had become increasingly incensed by white intrusions onto their lands. However, prior to Sand Creek most of the Cheyenne-Arapaho clashes with whites had been isolated events, the blame for each being argumentative.

I have seen no evidence whatsoever that proves there was any calculated, consolidated plan to issue an attack upon the white population of Colorado, and I still believe that Evans and Chivington fanned the coals of white hysteria for their political benefits.

3. a. No. I have no reason to doubt that a large proportion of the Indians killed at Sand Creek were women and children. Evidence so indicates, and this is supported by the logic that in such an attack the more athletic and warrior-trained males are the most difficult to kill whereas the women, young children and old men are easy prey.

b. Evidence is strong that Chivington's "posse" of 100-days volunteers had been taunted by others and had bully-talked themselves into a mental state of not-uncommon frontier savagery against an enemy who was looked upon with contempt as being sub-human. The "Nits makes lice" statement attributed to Chivington was a frontier saw. I have no doubt there were those among the Third Colorado who were against such barbaric post-battle indulgences; but neither do I doubt that there were many lowlives recruited from the saloons of Denver who did take scalps and commit the other atrocities charged against the Third.

4. I have no information relating to Captain David Nichols' role with Company D at Sand Creek. If he attempted to promote the



cause of peace there, considering the overriding attitude of the Colorado Third, it would surprise me. If he did, or even chose to claim he did, it would be a pleasant revelation.

5. One result of Sand Creek was that the main body of the Southern Cheyennes and Arapahos were essentially removed from the sphere of Colorado to Kansas and from there to Oklahoma. I must leave it to others more knowledgeable than I to evaluate the importance of that in relation to Colorado history.

In terms of its effect upon Western history, Sand Creek was even more important than I realized when I wrote my book. I have since discovered that this event had a significant impact upon the Cheyennes and Arapahos as well as other tribes in creating a sense of distrust of white Americans. It is comparable to the massacre of the Comanche chiefs by the Texans at San Antonio in 1840. Having your people killed was one thing to the Indians; being betrayed was another.

6. No. I do not feel the violence at Sand Creek was necessarily exaggerated, though unquestionably there was some excessive rhetoric. Tappan, Wynkoop and Soule had good reason to respond as they did to the outright breach of faith committed by Chivington upon Black Kettle and his band. The treachery of the attack, after what Chivington had told the chiefs in Denver earlier, was more the issue than the violence itself.

The chastisement of Chivington came from many people who had not even known of him prior to the massacre and were responding to the deed, not personal prejudice.

Stan Hoig

Retired, formerly Professor of Journalism, Central State University, Edmond, Oklahoma

Education: Oklahoma State University, B.A. 1949; University of Oklahoma, M.A. 1964, Ph.D. 1971.

Major Publications:

The Battle of the Washita: The Sheridan-Custer Indian Campaign of 1867-69 (1976)

The Humor of the American Cowboy (1958).

The Oklahoma Land Rush of 1889 (1984)

The Sand Creek Massacre (1961)

The Western Odyssey of John Simpson Smith, Frontiersman, Trapper, Trader, and Interpreter (1974).

David L. Payne: The Oklahoma Boomer (1980).

The Peace Chiefs of the Cheyenne (1980)



Yale University

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August 5, 1987

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Professor Patricia Nelson Limerick  
Department of History  
204 Hellems  
Campus Box 234  
University of Colorado at Boulder  
Boulder, Colorado 80309-0234

Dear Professor Limerick:

I have in hand your letter of the 27th July, concerning Nichols Hall, named for Captain David Nichols an important founder of the University of Colorado, but also a participant at Sand Creek.

In response to your questionnaire I will try to answer some questions. Others I cannot, but suggest you consult two experts, Gary Roberts, who has spent twenty years on Sand Creek (he was either a student of Athearn's or of Arrell Gibson's), or Robert Utley.

1. For me Sand Creek was a "Massacre" but while he, like other scholars is outraged at what happened, I don't believe Utley in his The Indian Frontier, uses the term "massacre" but he does for the Feltnerman debacle.

Given the way all Coloradans had been worked up against the Indians in the spring and summer of 1864, and given the authorization to create the "Hundred Dazers" simply to kill Indians; and given the fact that the commanding officers, Chivington and Anthony, gave "search and destroy" orders, some kind of attack on Indians whether peaceful or hostile was inevitable.

2. The Cheyenne and Arapaho were not warlike at the time, but Wynkoop, with whom they had treated had been removed as commander. Whether they were peaceful or not, the Chivington forces did not care. Thus I think the question: were the Indians "feigning peace" to be misleading and irrelevant.

3. Based on the government investigations and Robert Utley's statements in his The Indian Frontier, there seems no doubt that large proportions of women and children were killed at Sand Creek, and their bodies mutilated. But this was done in other battles, by Indians as victors and by whites as victors for two centuries.

4. Without further research on my part, I have no way of commenting on the role of Company D and Captain Nichols played at Sand Creek. That is a question for Roberts and Utley.

5. I would rank Sand Creek as very important in Colorado and Western history.

6. Chivington was a controversial figure from the start. I assume his enemies were as extreme in their condemnation as his friends were in his defence.

A final comment. To me, removing the name of Nichols from a building because of his role at Sand Creek is an incorrect way to atone for the past. All persons are complex and Nichols, as one of the University founders, had his good side. If simplistic solutions of this sort are proposed, buildings named for Governor Evans should be investigated. One of the founders of the University of California, Thomas Jefferson Green, tried to introduce slaves to California. As to the "Hundred Dazers", all were "guilty," as was Evans.\* To single Nichols out as an example is a wrong way of apologizing. Just tell the story accurately and let that be the indictment, the reminder, and the apology.

Sincerely,

*Howard R. Lamar*

Howard R. Lamar  
Professor

P.S. I do not want an honorarium for my comments.

\* When Senator Doolittle spoke of alternate ways of dealing with the Indians to a large Denver audience in 1865, the audience shouted "Exterminate them! Exterminate them!"

Howard Roberts Lamar  
Coe Professor of Western American History, Yale University

Education: Emory University, B.A. 1945; Yale University, M.A.  
1945, Ph.D. 1951.

Major Publications:

Dakota Territory: A Study of Frontier Politics (1956).

The Far Southwest, 1846-1912: A Territorial History (1966).

The Trader on the American Frontier: Myth's Victim (1977).

(editor) The Reader's Encyclopedia of the American West (1977).

(editor, with Leonard Thompson) The Frontier in History: North  
America and South Africa Compared (1981).

*Robert M. Utley*

5 Vista Grande Court - Eldorado

Santa Fe, New Mexico 87505

(505) 983-3108

August 2, 1987

Prof. Patricia Nelson Limerick  
Department of History  
University of Colorado at Boulder  
Boulder, Colorado 80309-0234

Dear Professor Limerick:

I shall be pleased to give you my views on the Nichols Hall issue, both as a specialist in the history of the Indian frontier of the American West, and as a professional historic preservationist for thirty years with the National Park Service and the President's Advisory Council on Historic Preservation.

First, your questions on Sand Creek.

1. "Massacre" fairly describes Sand Creek. It is a term so loaded with pejorative connotations that historians should use it carefully and knowingly. For me, the decision to use this word involves a judgment of intent. Where noncombatants were killed deliberately and indiscriminately, I regard massacre as an appropriate term. Where they were killed accidentally, or where functioning as combatants, I believe a less inflammatory term should be chosen, such as battle, clash, combat, disaster, or tragedy. Thus I have referred to the tragedy at Wounded Knee, the Fetterman disaster, and the Battle of the Washita. But I have intentionally used massacre to describe Sand Creek because the slaughter was incontestably deliberate and indiscriminate.

2. We tend to impose our own cultural and legal concepts and definitions on questions that can be truly understood only in terms of differing cultural perceptions. Rarely can any Indian group of this time and place be clearly branded as "friendly" or "hostile." Almost all contained people who favored peace and people who favored war. Ambiguity, rather than neat white classifications of one or the other, more nearly describes all such groups, including the Cheyennes and Arapahoes camped on Sand Creek. They had been at war in the summer, they thought they had made peace at Camp Weld at the end of summer, and they had been led to believe that they now enjoyed immunity from attack by the white soldiers. Against this background, whatever the attitudinal content of the village, Chivington's attack was an act of treachery.

3. Evidence is overwhelming that many women and children were deliberately and indiscriminately killed at Sand Creek and their bodies subjected to the most barbarous mutilation.



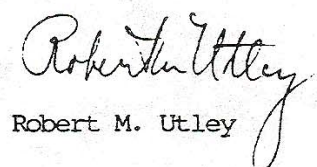
4. I have not studied Sand Creek in sufficient depth to be an expert on Captain Nichols. I am not aware of any evidence that would exempt him from the general indictment that falls on all the Third Colorado. Nichols is better known for an Indian skirmish near Valley Station in October 1864, in which his role was scarcely one to open him to suspicion of sympathizing with Indians.

5. I would rank Sand Creek as extremely important in the history of Colorado and the American West. It laid significant groundwork for the plains hostilities of 1866-67, for the peace initiative that led to the Medicine Lodge and Fort Laramie treaties of 1867 and 1868, and in turn for the hostilities of 1868-69. As a factor in stirring peace sentiment in the East, and in giving rise to humanitarian groups interested in Indian rights and welfare, its symbolic value can hardly be exaggerated. Indeed, as a symbol of white iniquities it has remained significant to this very day. From the Colorado perspective, Sand Creek tortured territorial and state politics well into the twentieth century.

6. Chivington's enemies certainly seized upon Sand Creek to assail him, but the evidence of unbridled violence and savagery is persuasive to the trained historian. Indeed, Chivington and his men were proud and boastful of their deeds at Sand Creek and their attitude generally approved by the Colorado population at large. This is a dimension of the question that must also be faced. Coloradoans had lived through a summer of hysteria and fear, partly rooted in reality, partly in political hype, but nonetheless real. This fevered state of the public mind forms a backdrop that helps us to understand Sand Creek. Posterity, especially in Colorado, has the obligation not only to condemn but also to understand.

Donning my hat now as historic preservationist, let me offer comment on the issue facing the university. It is indeed a delicate and troubling one. But undeniably, historic nomenclature is an element in the significance of a historic property, just as is architectural design, historic use, and association with historic persons and events. All these elements express a time and place worth recalling—as an act of understanding rather than an act of judgment according to the values of the present. To readjust the nomenclature in order to appease the sensibilities of the present, however valid, is to do violence to the past, to the opinions and actions of a previous generation, and possibly to a man whose life, save for one three-month period, was honorable and constructive even by today's standards. Nichols Hall should remain Nichols Hall, not as a monument to Sand Creek, but as a reminder of how a previous generation felt about fellow Coloradoan David Nichols.

Sincerely,

  
Robert M. Utley

Robert M. Utley

Retired, formerly Chief Historian and Assistant Director of the National Park Service

Education: Purdue University, B.S. 1951; Indiana University, M.A. 1952.

Major Publications:

Custer and the Great Controversy (1962).

The Last Days of the Sioux Nation (1963).

Frontiersmen in Blue: The United States Army and the Indian, 1848-1865 (1967).

Frontier Regulars: The United States Army and the Indian, 1865-1891 (1973).

(co-author with Wilcomb Washburn) American Heritage History of the Indian Wars (1977).

The Indian Frontier of the American West, 1846-1890 (1984).



Sand Creek questions

1. a. Does the term "massacre" fairly describe the events at Sand Creek on November 29, 1864? *yes*  
b. If not, why not? What term would be more appropriate?
2. Does any evidence lead you to conclude that the Cheyenne and Arapaho, at Sand Creek in November, 1864, were really at war with white Coloradans, but feigning peace? *no*
3. a. Do you have any reason to doubt that a large proportion of the Indians killed at Sand Creek were women and children? *no*  
b. Do you have any reason to doubt that white soldiers mutilated some of the bodies at Sand Creek? *no*
4. Do you have any reason to believe that Company D of the Third Colorado, led by Captain David Nichols, played an insignificant role at Sand creek, maybe even a peaceful one? *see below*
5. Would you rank the events at Sand Creek as
  - a. very important in Colorado and Western history.
  - b. somewhat important in Colorado and Western history.
  - c. peripheral to the main issues in Colorado and Western history.
  - d. other \_\_\_\_\_.
6. Do you see any reason to believe that enemies of John Chivington exaggerated the violence at Sand Creek? *no*

-----

I think it would be appropriate to go over the original sources in detail to determine whether Captain Nichols played a significant or insignificant--even peaceful--role at Sand Creek. After all not everyone in the unit which committed the My Lai massacre was equally guilty or even guilty at all. An investigation attempted to assess the specific responsibility. Such an investigation might be an appropriate research project for a whole class to conduct and to attempt to come up with a dispassionate verdict. Other relevant considerations would be: Nichols' life and accomplishments after the event leading to his role in founding the university. I assume his role was significant. Whatever the explanation, we must also consider that many halls in American colleges are named for individuals whose claim to such recognition has been questioned. Even naming the Smithsonian for James Smithson was challenged by some at the time; most recently, many challenged the name of Hirshhorn on one of the Smithsonian Institution museums. I am not one to recommend ripping out the pages of encyclopedias containing biographies of individuals because the Soviet state has decided that they have become non-persons; nor am I for covering up murals (as at Dartmouth) because the art offends someone. Perhaps the controversy can stimulate education without offending good sense; perhaps the name of the Cheyenne chief at Sand Creek could be added with a hyphen to Nichols' name for the hall. Not only the facts in the case, but what to do about the naming issue could be a project for your students.

Wilcomb Washburn  
Director, Office of American Studies, Smithsonian Institution

Education: Dartmouth College, A.B. 1948; Harvard University,  
M.A. 1951, Ph.D. 1955.

Major Publications:

The Governor and the Rebel: A History of Bacon's Rebellion in Virginia (1957).

(editor) The Indian and the White Man (1964).

Red Man's Land--White Man's Law (1971).

The Indian in America (1975).

The Assault on Indian Tribalism: The Dawes Act (1975).

(co-author with Robert Utley), The American Heritage History of the Indian Wars (1978).

(compiler) The American Indian and the United States: A Documentary History (1973).

(compiler) The Garland Library of Narratives of North American Indian Captivities (1975).

"On the Trail of the Activist Anthropologist: Response to Jorgensen and Clemmer," Journal of Ethnic Studies (1979).



# Regent says Nichols report biased

By BARRY BORTNICK  
For the Camera

A report by a University of Colorado history professor detailing the Sand Creek Massacre and the role played by Colorado pioneer David Nichols was labeled as biased by a CU regent Tuesday.

CU Regent Roy Shore of Greeley, who along with the rest of the Board of Regents received a detailed investigation by CU history professor Patricia Limerick last week, said he would pay no attention to the document because "it was biased."

"It is hard to talk about politi-

## 'She denigrates people'

cal issues without being biased," Shore said. "She (Limerick) denigrates people."

CU hired Limerick to investigate the Sand Creek Massacre to determine Nichols' role in the event. The report indicates Nichols played a bloody part in the massacre in 1864.

Students and Indian activists have demonstrated against Nichols Hall, a campus dormitory, for years.

The report recommends renaming the building, but Shore opposes changing the name. "It panders to the attitudes of stirring up old wounds.... Let the dead bury the dead," Shore said.

Shore added it was unfair to judge events of 100 years ago by today's standards. Other regents agreed with Shore on that point, but were pleased with Limerick's investigation.

"Changing the name of the building seems reasonable," said Regent Charles Abernathy. "Nichols did a lot for the university — there is little question on that — but he also did things that would be considered wrong today."

Abernathy said he hated to rejudge everyone in history. "It is a dangerous precedent."

Regent Hugh Fowler said it was "not good scholarship to presume to judge whether opinions 100 years ago were good or bad. If we decide to pull down all the statues of bad guys, we would not have statues left."

Although Regent Robert Caldwell has yet to read Limerick's account, he said normally he opposes renaming buildings. However, he added that Nichols Hall might be an exception. "In general, I don't think it is a good idea to rename a building every time someone objects," Caldwell said. "But in this situation, if the university research shows it is in the best interest, I would not oppose it."

## Nichols report may not be made public until October

By STEVE RINEHART  
Colorado Daily Staff Writer

A history of Capt. David H. Nichols, commissioned by the CU administration in response to student efforts to erase his name from Nichols Hall, was expected to be complete by today or Monday, but may not be publicly released until October.

Administrators have seen an early draft of the report by history Professor Patricia Limerick, and Vice Chancellor for Academic Services Kaye Howe said Thursday she does not expect material changes in the final version. She said the report does not paint a new picture of Nichols, whose involvement in the Sand Creek massacre of unarmed Indians in 1864 has inspired a call to have his name removed from the dormitory.

But the report adds detail and historical context to the discussion, Howe said. Seeing Nichols from the perspective of his time, she said, allows one "to take a step back from the current emotional and political arena."

In that arena, the CU Student Union and Native American and other minority groups want the regents to change the name of the

dormitory. The report includes recommendations about how the university may choose to address that issue, Howe said. But she declined to say what those recommendations are.

The report will be given to the CU Board of Regents, Howe said, but not in time for the regents meeting next Thursday. She said the administration wants the regents to have the time to read and contemplate the report before it is made public, probably next month.

The university's policy manual states that "most records" are considered public information, with the exception of certain personal and personnel records. Howe said she did not consider the Nichols report a "record" in that sense. The university's lawyers could not be reached for comment about that point on Thursday.

Norma Rendon, of the Oyate Indian Club, which is pushing for the name change, said her group has requested a copy of the report and expects it to confirm their position. "If he was such a great man, why didn't they name any buildings after him at the time?"

# CU report shows Nichols as butcher

By BARRY BORTNICK  
For the Camera

9/30/87  
1C

The University of Colorado building named for David Nichols is "a terrible gesture of inhospitality to Indian students," CU history professor Patricia Limerick says in a report to the Board of Regents on Nichols' role in the Sand Creek Massacre of 1864.

The 138-page report, which recommends changing the name of the campus dormitory, was commissioned by CU this summer and sent to the re-

gents last week. A copy of the report, not yet released by CU, was obtained by the Daily Camera on Tuesday. The regents will discuss the issue Oct. 15.

The report gives graphic details of the events and personalities connected with the Sand Creek Massacre, where 173 Indians were slain by army troops led in part by Nichols.

CU renamed Fleming Hall to Nichols Hall in 1961 because of confusion with the Fleming Hall at the law school, Limerick reports.

That bureaucratic move fueled student protests for 20 years. To settle the issue, CU hired Limerick to investigate the history and report to the regents.

In her report, Limerick calls the massacre "one of the lowest points in white/Indian contact on this continent." She also states, "Nichols Hall makes a gesture that discredits and undermines every well-intentioned gesture the university has made."

According to Limerick's report, a group of peaceful Cheyenne and Arap-

shoe Indians, believing they were safe from violence with settlers, gathered at Sand Creek near La Junta, Colo. After a series of events, ranging from inflammatory proclamations by the territorial governor to random attacks by various bands of Indians, Col. John Milton Chivington, commander of the District of Colorado, ordered the army to attack the Indian settlement on Nov. 29, 1864.

By all accounts the fighting was brutal. (See REPORT, Page 2C)

## Report blasts naming of Nichols Hall

9/29/87

(From Page 1C)  
tal and chaotic, with as many as 173 Indians, including women and children, killed.

Limerick's report relates gruesome mutilations carried out on the Indians.

"All manner of depredations were inflicted on their persons," Limerick states, quoting testimony before a government committee shortly after the massacre. "They were scalped, their brains knocked out; the men used their knives, ripped open women, clubbed little children, knocked them in the head with

their guns, beat their brains out, mutilated their bodies in every sense of the word."

A report links Nichols to the bloodbath.

"Early in the engagement, Capt. Nichols (*sic*), with his company D, pursued a band of Indians that were trying to escape to the northeast; he overtook and punished them severely, killing 24 or 30 and capturing some ponies," wrote Col. George Shoup in an 1864 report.

In addition to Nichols' role at Sand Creek, the pioneer-turned-

soldier also took part in a similar incident one month earlier.

Nichols and his company wiped out a family of Indians, Limerick's document states, and Nichols' report to superiors described his exploits.

"I concluded to have a little surprise party," Nichols wrote in a report to Chivington dated Oct. 11, 1864. "We arrived ... and found two lodges of the red devils containing six warriors, three squaws and one lad about 15. We fired into them ... and they returned our fire with a

hearty good will ... in a very short time they raised the white flag, but too late. They went under one and all."

However, a member of Nichols' company later described the event in less noble terms.

"A shot or so was fired through the lodges," wrote Morse Coffin in 1879. "When out ran the men and squaws like so many frightened sheep.... When the shooting of the squaws began they jumped up and tried to crawl away, at the same time screaming in an agony of terror; this was too much for me."



# Nichols Hall report says new name needed

By KRISTEN BLACK

Colorado Daily Staff Writer

A CU history professor concludes that Capt. David H. Nichols' name should be taken off a Boulder campus dormitory, CU Regent Richard Bernick said Tuesday.

The report draws a picture of Nichols, a "complex character like most people back then, full of a lot of good and a lot of evil," said CU Regent Lynn Ellins. Nichols simply followed orders, but it "appears that the history of the incident that there were also those who chose not to follow orders," he said.

But, according to Regent Roy Shore, the Nichols study is full of "pejorative statements."

CU Professor Patricia Limerick's inquiry into the past of Nichols was launched by CU Chancellor James Corbridge, after students last spring resurrected a 20-year-old campaign to strip Nichols' name from the building.

Corbridge will present Limerick's report to the regents during their October meeting. Corbridge said Monday he will recommend that they rename the dorm.

In 1864, Nichols helped lead a cavalry of volunteers to a group of peacefully camped Indians at Sand Creek, Colo.

Nichols and his men slaughtered more than 160 Indians.

Ten years later, Nichols made a grueling horseback ride from Denver to Boulder and raised money to establish CU here. The feat prompted the 1964 CU administration to give the dorm his name.

The report's contents have been kept secret since it was finished earlier this month. A few administrators and the nine regents, however, received copies of the 140-page document Thursday. Although university officials refuse to release the study until the October regents' meeting, several of the

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## ...new name for nichols hall

(FROM PAGE 1)

regents talked about the report on Tuesday.

"I'm only up to page 30, and I don't have an opinion," said Regent Chairman Hugh Fowler. "It's very well written." Fowler said he thinks CU administrators 20 years ago had studied Nichols' past adequately when they named the dorm.

"I don't think revisionism was as popular as it is today. They properly researched the issue. Judging history with contemporary values is wonderful intellectual entertainment, but has little practical value," Fowler said.

"The building belongs to the people of Colorado, and I think only a few people are offended by (Nichols' name)," Fowler said.

Fowler said he isn't sure whether he'll support renaming Nichols Hall.

Shore, however, said he opposes removing Nichols' name from the building. "I think the report is unbelievably biased. It's difficult to believe that we're supposed to take this seriously," Shore said.

"The minority students were totally unaware of who Capt. Nichols was until the agitators brought up his name. I don't think we need to spend time rewriting history. I don't see much reason for fussing with it now," he said.

Shore said he "didn't care one way or another" whether the building is renamed. "I oppose it, but I'll count the votes to see if a strong stand is worthwhile," Shore said.

Regent Ellins said Limerick's report "made some recommendations that will need some serious consideration." But Ellins said he doesn't "see the likelihood of the building being renamed after someone who was killed at Sand Creek. University rules are fairly precise on the naming of buildings." Campus buildings are named after people directly involved with the university, which people killed at Sand Creek were not, Ellins said.

Ellins said Rachel Noel or Ruth Flowers, two prominent CU black women, were "legitimate possibilities" as new names for the dorm. But other names may be suggested between now and October and should not be precluded before they are introduced, he said.

Bernick said: "If a name change is recommended, I have no problem with that. If it's a sore spot, I have no problem with changing it."

Regent Sandy Kraemer refused to comment about the report. Regents Charles Abernathy, Peter Dietze and Norwood Robb were unavailable Tuesday for comment.

# TODAY

## Nichols criticized in 1864, prof says

By BARRY BORTNICK  
For the Camera

Although several University of Colorado regents say it is unfair to judge history by modern standards, the author of a report detailing the complex life and times of David Nichols has a different view.

CU history professor Patricia Limerick spent the summer investigating the events before, during and after the Sand Creek Massacre, where some 175 peaceful Indians were killed by Colorado troops in 1864. Limerick's 138-page report covers diverse aspects of the in-

cident, including details about Capt. Nichols' involvement and a variety of personalities and events surrounding the battle.

Limerick's report will be presented publicly to the regents on Oct. 15. The regents are expected to discuss whether to rename Nichols Hall, named in 1961 for Nichols.

For nearly 20 years, students and Indian activists have protested naming the building after a man partially responsible for a massacre. CU Chancellor James Corbridge hired Limerick to investigate the matter and send a re-

port to the regents. Corbridge has also received a proposal to rename the building after one of two prominent Colorado black women.

While most regents expressed pleasure with Limerick's report, several said Tuesday that it was unfair to judge events of 100 years ago. Regent Roy Shore took exception with Limerick's report and called the document "biased."

However, Limerick's document includes a number of passages indicating many people condemned the massacre as far back as the 1860s.

"People at the time criticized it," Limerick said Wednesday.

"There was strong disapproval of Sand Creek in (the) 1860s and before it happened. ... To say we are imposing modern opinions on Sand Creek is inaccurate."

In reporting on the massacre, Limerick wrote, "While it is certainly true that many people in that time did welcome and applaud the news of Sand Creek, it is equally true that a whole other cast of characters — who were

(See NICHOLS, Page 2C)



## Nichols criticized by contemporaries

(From Page 1C)  
equally 'men of their times' condemned the event."

Part of Limerick's report details events prior to the massacre when Cheyenne and Arapaho Indians were led to believe they were at peace with white settlers. Several soldiers stationed near Sand Creek voiced their disapproval over the impending attack to Col. John Milton Chivington, commander of Colorado troops, and the man who ordered the attack.

The University of Colorado Board of Regents renamed Flemming Hall after Nichols in 1961 to limit confusion with a Flemming Hall in the law building. At that time, Limerick reports, the regents did not consider the matter in detail. She called the decision "a bureaucratic scramble."

As for Nichols' role in establishing the university in Boulder, that issue is clouded by history. For years Nichols has been immortalized for making a daring midnight ride to procure funds to establish the university in Boulder. However, Limerick's research puts the issue in the shadows of folklore, stating there is no evidence to support or disprove the claim.

"It does not appear in newspapers and it seems to be the kind

of event papers would have covered," Limerick said. "It is a classic study of the uncertainty factor of the whole story."

While Nichols was Speaker of the House for the Territorial Legislature and was able to push legislation establishing a university here, no evidence indicates he made his historic ride. "Nichols' midnight ride may not actually have happened," Limerick quotes from other historians. "Newspaper articles of the time did not refer to the ride, and there were no toll-takers on the road to leave a permanent record of the passage. ... It is probable that if such a dramatic event occurred, it would have been reported."

During her investigation, Limerick wavered on whether to recommend changing the name of the building. At first she wanted to keep the name, allowing the building and its history to serve as a learning tool for CU students. Later, she changed her view and concluded that naming a building for Nichols was an insult to Indian students.

"I thought it would be useful for education purposes to keep the name, to say Colorado looks superficially beautiful, but our past has a dense history of people bumping into each other," Limerick said.

# CU report confirms Nichols massacre role

By Renate Robey 10/11/77  
Denver Post Staff Writer 3B

BOULDER — A report confirming David H. Nichols' role as a leader of the brutal 1884 Sand Creek massacre of a peaceful group of Arapaho and Cheyenne Indians was released Wednesday by University of Colorado officials.

In response to student demands that CU rename a dormitory bearing Nichols' name, university officials commissioned associate history professor Patricia Limerick to do a report on Nichols.

## May killed

The 140-page report said between 120 and 175 Indians were killed at Sand Creek, many of them women and children.

Most of the bodies were scalped or mutilated in other ways.

"It is one of the lowest points in white-Indian relations on this continent," Limerick wrote.

The report revealed that Nichols led an attack on another Indian camp two months before Sand Creek.

Limerick said Nichols' report after the attack was "proud, cocky, even jaunty" and referred to the victims — including women and

children — as "red devils."

Limerick's study also casts doubts on whether Nichols actually made a famous midnight horseback ride from Denver to Boulder to raise \$15,000 to help start the university.

The ride is believed to have helped motivate the school to name the dorm for Nichols.

Chancellor James Corbridge will review the report and make a recommendation to the Board of Regents at its Oct. 15 meeting.

Last week, a campus advisory committee suggested the dorm be renamed for two black women prominent in CU's history — former regent Rachel Noel or CU's first black graduate, Ruth Flowers.

## 'Judging things after fact'

Regent Peter Dietze said he was undecided about the name change.

"In general, that's not a desirable thing to do," Dietze said. "It's a question of judging things after the fact."

Other regents have called the report biased. Dietze commented that Limerick's study was "not a report — more of a statement in support of a position."

# Nichols story complex

10/12/77 12A

Editor:

Your headline, "CU report shows Nichols as butcher" (Sept. 30) does me a considerable disservice. "Butcher" is a word I never used in the Nichols Report; the headline, and to some degree the story that follows it, make a complex story into a strident and one-dimensional caricature.

I fully understand the problems involved in summarizing a lengthy report. But since you were using the report before its official release (and indeed against my wishes), it does seem you had an obligation to do more than quote the "spiciest" lines out of context.

A reader would simply never know from your story that I went to some trouble to weigh contradictory evidence, that I included the opinions of outside scholars who argued against the change in name, that I acknowledged, from the very beginning, that this was a story that offered "a great deal in the way of hints and clues, but little in the way of hard, indisputable fact."

If I were an uninvolved reader, and if I believed your summary to be full and accurate, then, as a professional historian, I would join Regent Roy Shore in finding the report biased and partisan.

When the university does release the report, I much hope that interested people, both in and out of the university, will read the entire manuscript, to discover for themselves the inappropriateness of your headlines, "CU report shows Nichols as butcher," and "Report blasts naming of Nichols Hall."

PARTICIA NELSON LIMERICK  
Associate Professor  
Campus Box 234



# Regents' laws ban dorm name change

By Susan Barney 10/28/87

Although a lengthy report recommends that the Board of Regents change the name of Nichols Hall, the Laws of the Regents prohibit such a change.

Regents could modify their laws and still change the name of the dormitory, but the technicality "further complicates a complicated situation," according to H.H. Arnold, regents' secretary.

According to revisions to the regents' law on naming University facilities, dated May 17, 1984, "Once a building is named to honor an individual, the name of the building will not be changed except in cases where the name is being transferred to a larger, more modern, or more academically appropriate structure."

Arnold said he had turned his attention more to the resolution's provisions for naming a building after an individual and less to how the law provides for changing a name. Despite the complication, "the regents can do anything they want" in this matter, Arnold said.

Students and others have stepped up protests over the dormitory's name because of David Nichols' involvement in the 1864 massacre of Indians at Sand Creek. Chancellor James Corbridge asked Patricia Limerick of history at Boulder to investigate Nichols' roles as both a cavalry officer in the massacre and as a state legislator instrumental in the establishment of the University of Colorado.

Limerick recommends in her report that the regents change the name of the building, approved in 1961 to honor Nichols for his contributions to the University.

"I am guessing they will hear the report and discuss it and be cognizant of everything that [the various sides in the discussion] have to say," Arnold said. "Another group we have heard from is the Nichols family members who have an interest in this."

The current policy is to not change building names, but the story of how Nichols Hall came by its name follows a different line. The building was originally named Fleming Hall; however in

1961, the law school chose to name one of its buildings Fleming Hall after a dean of the school. "The older Fleming Hall thus had to become another kind of Hall, and the search for a new name turned up David Nichols," Limerick says in her report.

"It was still possible, in 1961, to see all his 'contributions' uncritically," Limerick continues, "writing the memo proposing the name, the Director of Student Residences could see Nichols' merit demonstrated both in the founding of the University and the quieting of the Indian troubles of 1864."

The political and social events during the rest of the 1960s shed new light on attitudes about the expansion of the West, she said. "If the Fleming Hall dilemma had come up only six or seven years later, one suspects that University officials would have done quite a bit more looking before leaping [to name the building after Nichols]."

Regents' Chair Hugh Fowler said he questions a revisionist view of history, one which looks at historical events with contemporary values. "We have to be careful in our role as part of the educational enterprise that we not judge previous generations too harshly," Fowler said. "We do that if we judge their values by our contemporary values."

Fowler said he is keeping his feelings to himself on the name change and the report and will follow normal regent procedures for any matter pertaining to Nichols Hall which may be brought before the board. The rule prohibiting changing names of buildings would have to be changed first, he agreed. "I don't know what events led up to the passage of that resolution," he said.

"The regents were given a document of 150 pages prepared by one of our own professors," he said. "There are other documents with which to compare it, and there is no rush. We need plenty of time if we are to sit in judgment. And I do say, if we are to sit in judgment."

Corbridge said he intends to recommend renaming the building, a pledge he made to student groups last week. He said he thinks Limerick's report was very capably done, but "we need to find out the regents' reactions to the report."

continued on the back page

## Nichols Hall

continued from page 1

The report looks at the issue from both the perspective of Nichols' contribution to the establishment of CU, which has achieved in some ways legendary status, and of the nature of the problems of white settlers and military personnel with the various Indian tribes.

She concludes that, although Nichols' legendary mission to carry legal documents between Boulder and Denver can neither be proved nor disproved, he did play a significant part in the establishment of the University in Boulder. Nichols also played a significant part in the dispute with the plains Indians, and Limerick describes in detail the complicated events leading up to the Sand Creek massacre and the testimony taken after the event.

Limerick said in the report she had at first wanted to recommend that the name of the dorm not be changed. "To change the name seemed a cover-up, an evasion, a denial of the moral

complexity of Colorado's past," she wrote. "Changing the name seemed to be a way of saying, 'My, that was an unpleasant era in Colorado's history; let's just try to forget it.' First it seemed to me more honest—and indeed more educational—to keep the name and face up to the moral complexity of the conquest of Colorado."

"If it became national policy to limit the names on buildings to the names of Americans who had been, throughout their lives, fair and decent to minorities and the working class, there would be room for a whole new service industry in the removing and refurbishing of name plaques," she added.

But Limerick said she changed her position for several reasons. Those include:

- the name is "a terrible gesture of inhospitality to Indian students" at CU;
- it would not be possible to retain the name and use it effectively to educate the university

community about the historical events;

- "while the activities of Nichols in the 1860s and 1870s carry considerable historical weight and significance, the naming of Nichols Hall in 1961 does not;

• continuing to honor Nichols would place CU in a "peculiar moral position" because the question is an ethical, not an ethnic one; and

- the "available historical evidence simply does not support a counter-argument that Nichols' philanthropical accomplishments outweigh his actions" in conflicts against the Indians.

# Honor Carr, not Nichols

AMERICAN Indian students at the University of Colorado at Boulder have won broad support for their campaign protesting the name of a CU dormitory dedicated to David Nichols. Nichols, a successful businessman in the 1870s, was honored by CU's founders because he helped raise money for the school. Historians, however, remember him in a less flattering light — as an enthusiastic participant in mass murder.

Captain Nichols was one of 100 soldiers who attacked a peaceful encampment of Cheyenne and Arapaho Indians at Sand Creek on Nov. 29, 1864. Though the Indians were then at peace with the whites, the soldiers slaughtered and mutilated the women, children and old men in the camp while the young men were out hunting. CU Professor Patricia Limerick reports that children's ears were cut off and the sexual organs of men and women were cut out "and used as tobacco pouches or saddle ornaments."

Nichols, of course, wasn't the first rich man to try buying later respectability with philanthropy — Andrew Carnegie and John D. Rockefeller come to mind. But the Sand Creek massacre wasn't a sharp business deal — it was genocide. Native Americans thus react to Nichols Hall exactly as Jews would react if CU had an "Adolph Eichmann Hall."

So, yes, the CU Regents should rename Nichols Hall — in honor of former Colorado Gov. Ralph Carr. Instead of commemorating

a man who trampled human rights, that change would celebrate a man who defended our constitutional liberties at great personal cost.

Carr, a Republican, was governor when Franklin D. Roosevelt's administration began mass evacuations of Japanese Americans from California in 1942 in the post-Pearl Harbor hysteria.

Almost alone among high elected officials, Carr refused to tear up the Bill of Rights. Only three days after Pearl Harbor, he appealed to Coloradans to respect the rights of U.S. citizens of Japanese descent, arguing "We cannot test the degree of a man's affection for his country by the birthplace of his grandfather."

Carr's stand cost him dearly at the polls, and he lost a 1942 bid for the U.S. Senate. But he did not lose his honor — and, thanks to his courage and integrity, neither did Colorado.

Some protesters have proposed renaming Nichols Hall after one of the victims of the massacre. But that notion implies that CU was somehow responsible for the slaughter, which it certainly wasn't. The Regents could easily choose a different site to honor one of the many great native Americans who did so much to build Colorado. But the proper way to erase the blemish in Boulder is to rename Nichols Hall in honor of someone who deserves the respect of everyone who believes in ordered liberty: Ralph Carr.



# CU chancellor, regents discuss renaming dorm

By Jim Gibney 10/16/87  
Special to The Denver Post SB

COLORADO SPRINGS — Naming a dormitory after a cavalry officer who took part in the 1864 Sand Creek Massacre "has created a bad situation" on the University of Colorado's Boulder campus, Chancellor James Corbridge told the Board of Regents Thursday during a meeting at CU-Colorado Springs.

Corbridge said an earlier Board of Regents "erred" in 1961 when it named Nichols Hall after Capt. David Nichols, who took part in the mutilation killings of men, women and children of the Arapaho Indian nation in southern Colorado and who later took a leading role in founding the university.

## Sentiment growing

The chancellor said a movement against Nichols Hall by American Indian students and other minority students started five years ago and that sentiment for changing the name has grown in the past two months.

Although the Boulder chancellor recommended the dormitory name be changed, he offered no name to the panel. A campus advisory panel has recommended renaming the hall to honor either of two prominent black women who have graduated from CU or in memory of Arapaho and Cheyenne chiefs who

were victims of the massacre.

The board heard testimony from two minority-group speakers before tabling the controversial topic until Nov. 19.

Clarke Watson, a black consultant from Denver, suggested the dormitory be named for an American Indian, saying there are a number of unnamed dormitories on the Boulder campus that could be named for minority people.

Norma Rendon, a CU junior from Ogallala, S.D., and a Sioux Indian, recommended Nichols Hall be renamed for CU's first American Indian graduate or professor.

She said the 11-member American Indian Advocacy Group, representing the 28 Native Americans on the Boulder campus, are researching records to see who those people might be.

CU President Gordon Gee said the regents just received a 138-page report on the Nichols Hall situation prepared by associate history professor Patricia Limerick, who undertook the assignment in May. Gee said he favors the name change.

In her report, Limerick recommends changing the name of Nichols Hall, choosing a replacement name with care, and adding a display to the campus Heritage Center "exploring this complicated, troubling and instructive story."

# Regents postpone dorm name decision

10/16/87 p. 1B

By STEVE MILLARD  
Camera Staff Writer

COLORADO SPRINGS — The University of Colorado Board of Regents will not decide until next month whether to remove the name of Capt. David Nichols from a dormitory on the Boulder campus.

But Chancellor James Corbridge, the top official on the Boulder campus, reaffirmed his support for the move Thursday.

Corbridge told the regents that CU is offending Native Americans and other minorities by naming the building after Nichols, who participated in a brutal massacre of Indians in 1864.

According to Corbridge, the reaction is entirely reasonable. "I've seen nothing in any report to suggest they shouldn't be offended," he said.

Corbridge will recommend next month that Nichols Hall be renamed, but he will not suggest a specific alternative.

Instead, he'll offer "a proposed process" for selecting a name and finding another way to recognize Nichols, who was instrumental in bringing the university to Boulder.

Also at Thursday's meeting, CU vice president C. William Fischer reported that athletic director Bill Marolt has been asked to cut \$100,000 from his budget.

The budget is currently \$210,000 under its revenue projection, but Fischer said no year-end deficit is expected.

## Nichols descendants defend Indian fighter to CU regents

By Renate Robey  
Denver Post Staff Writer

11/13/87 1B

BOULDER — Killing and fighting were common in Denver in 1864 when it was a wild frontier and historians say city residents lived in a near "state of siege," fearing Indian attacks.

More than a century later, descendants of Capt. David Nichols say his name is being unjustly tarnished for his role in the Sand Creek massacre of 1864, and his actions in the wild, wild West.

Recent reports indicate Nichols was involved in the Sand Creek Massacre, where more than 100 peaceful Cheyenne and Arapaho Indians were massacred —

many of them women and children.

But Nichols' modern descendants dispute those claims and have written to the University of Colorado Board of Regents in support of allowing a CU dorm to remain Nichols Hall.

In response to a protest of the hall name from Native American students, the university regents are scheduled to vote Nov. 19 on whether to re-name the dormitory.

Incidents like Sand Creek were not uncommon, said CU associate history professor George Phillips.

"It's uniquely Colorado," Phillips said. "Emotions ran high and many people in

Denver believed that Indians were about to attack Denver." At first, settlers rewarded Nichols and other soldiers for their actions. The praise stopped, however, when the brutal nature of the massacre came to light.

But, Phillips said, "Even when people changed their minds, there probably wasn't much remorse."

Student activists opposed to the name of the hall argue that attitudes of the last century are not relevant to the Nichols issue because the dorm was named in 1964, long after the massacre, and times had changed.

In 1864, prices were high, food was

sometimes scarce, and murders were not uncommon, Phillips said.

Most people who trace their family trees back a few generations "will probably have a thief, or criminal, or a card shark," Phillips said — or perhaps someone who massacred Indians.

One of Nichols' great-grandsons, F.W. Nichols of Folsom, Calif., said, "The history of the entire West was quite violent because of combating the Indians."

"History clouds with the passage of time, but I don't think that anybody now is in a position to know exactly what my great-grandfather did," Nichols said.

# Nichols' controversy irks his descendants

By KRISTEN BLACK  
Colorado Daily Staff Writer

10/12/77

If David Nichols were alive today, he would approve changing the name of a CU-Boulder dormitory to Nichols-Niwot Hall, to honor a peaceful Indian leader whom he respected, said Nichols' great-grandson.

Frank Perreten, a 60-year-old retired Denver eye surgeon, said that while his great-grandfather would share honors with Chief Niwot. "If you put up White Antelope, he'd blow a gasket. It's just the difference in what White Antelope and Niwot represented."

Nichols' great-granddaughter, Keene Nichols Owens, 63, said she and her cousin are concerned that foes of the Colorado pioneer are casting a distorting shadow across his memory, and have taken their concerns straight to the CU Board of Regents.

Owens and Perreten's grandmother was Nichols' daughter. She was born two years after Nichols' participated in one of the bloodiest events in Colorado history, the Sand Creek Massacre. Before his grandmother's death 20 years ago, Perreten said, his boyhood was filled with first-hand stories about his great-

grandfather's extraordinary life.

Perreten said David Nichols was born in Vermont and "lived there on the Vermont frontier. Until he was about 10, he played with Indians. They taught him to swim, and they taught him to speak Algonquin. He had no great antipathy personally toward Indians. They were like neighbors. My neighbor isn't necessarily my best friend or my worst enemy. That was his feeling toward the Indians."

Later, Nichols would speak Algonquin to peaceful Cheyenne and Arapahoe Indians whose lives, he feared, were being endangered by a small group of "red devils," Perreten said.

"Nichols devoted his life to community service. He was sheriff of Boulder, lieutenant governor of Colorado, and got a railroad built to Boulder, Perreten said. But education was the "primary interest" of the man credited with convincing the legislature to build CU in Boulder.

David Nichols was also a tri-commissioner of the state penitentiary in Canon City, his great-grandson said. Nichols and one of his close friends used their own money to start a training program there for the prison inmates. Nichols

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## ...nichols' descendants

(FROM PAGE 1)

wanted to keep the inmates busy and have them learn skills to use after prison. Perreten still has a secretary's desk, a silver chest and other furnishings from Nichols' home that were built for him by some of the inmates, he said.

After Nichols settled in Boulder, conflicts between white settlers and Indians began escalating, Perreten said.

Nichols was one of only 324 people living in Boulder in 1860. Of them, 238 were men. "When this Indian uprising occurred, they closed off the trails coming down from Julesburg, Colo. (Boulderites) couldn't grow their own food at that time, and they needed the supplies that were coming off the Oregon Trail." Hostile Indians were beginning to close down the trail frequently.

Colorado's Gov. Evans formed a militia to thwart the Indian attacks. Evans mandated quotas of men from every town in the state.

Boulder supplied 100 men, Perreten said. The first company rode to Julesburg to guard a trail. The second company stayed in Boulder, guarding homes and businesses. The soldiers dug trenches on Pearl Street, and watched the plains from Fort Chambers, near Valmont Road. The third company rode to the mining town of Blackhawk, prepared to confront any hostile Indians.

"For all practical purposes, the majority of the men in town were called out and had to join one of these companies. The men who had more military experience served away from town, rather than staying behind and guarding it. Nichols had been a lieutenant in the Mexican War, and had more military expertise than the others did," Perreten said.

One day, Nichols and his company received orders to "open up the trail up north." Some men reported that Nichols had killed some Indians viciously, while his own account denied any wrong-doing.

Reports of that incident vary, Perreten said, because of his great-grandfather's work back in Boulder. Nichols had been the town sheriff and made enemies with many of the company's men. "He might have arrested that man at one point. He was a figure of authority in that town."

Later, Nichols was commanded to join Chivington's troop, which was heading south toward Sand Creek.

Perreten said his great-grandfather respected most of the Indians but, "He did have one big bugaboo. There was a

group of Indians, primarily Cheyenne, not Arapahoe Indians, under a man called Bull Bear. They were called 'Bull Bear's Warriors' or 'Dog Soldiers.'

"What these young fellows would do was go out and raid the wagon trains, raid outlying ranches, and then they would ride into the peaceful Indian villages and mix with the Indian villagers and say 'We are in a peaceful area. You can't attack us.'"

Perreten said these Indians were the ones Nichols referred to in his memoirs as "red devils."

"He had no use for them. He didn't hate Indians as a whole, but he hated those men because he felt that was endangering the rest of the Indians. They were endangering any camp in which they were found."

"Basically, this is what precipitated Sand Creek," he said. Nichols' orders were to "chestise" all of the Indians at Sand Creek. The resulting mutilations of Indians by Nichols men were ugly, Perreten agreed, but weren't a tactic restricted to whites.

"Look at what the Indians did to the white man. White Antelope was there, Black Kettle was there. White Antelope was a confessed rapist of women. The women that he raped and mutilated wrote stories about what he did. He confessed to doing them. He was proud of it. War is hell. It was war," Perreten said.

There were more than 3,000 Indians within 75 miles of Sand Creek, he said. "Those troops were scared stiff that they were going to be attacked." He said the first shot fired at Sand Creek was fired by an Indian, who killed a man from Boulder. "All these men were under military orders. It didn't matter what their feelings were. Once you're in the military, you do what you're told," he said.

Perreten said he doesn't approve of some activists' efforts to change the name of the building that bears his ancestor's name. "They're trying to fight a war that's been over for 100 years," he said.

Perreten said he has talked to a few regents about his great-grandfather's role in Colorado's early militia, as well as his role in establishing CU.

At their meeting Thursday at CU's Colorado Springs campus, the regents are scheduled to discuss Nichols' checkered past, and whether his name was appropriately placed on the Boulder campus dorm in 1961.



# Lt. Governor joins dorm protest

By KRISTEN BLACK  
Colorado Daily Staff Writer

David Nichols name on a Boulder campus dormitory is "an open wound that keeps the bigotry from healing," Colorado Lt. Gov. Mike Callihan told a crowd of protesters in front of Nichols Hall Friday.

Callihan, chairman of the Colorado Commission for Indian Affairs, said he is "urging the CU Board of Regents to do the right thing — to do the honorable thing and name the building after someone who represents what's good."

Area Indian leaders also participated in vigil, some whose Cheyenne and Arapahoe ancestors were killed during the Sand Creek Massacre by Capt. Nichols and other militiamen in 1864. A man wept quietly as one leader told the crowd of the stories that lingered with his people, recounting the shooting of children, the

mutilation of men and women's genitals, and soldiers who cut the heart out of a young pregnant woman.

As Callihan spoke, some of the dormitory's residents shouted obscenities at the protesters. Some hung placards out their windows saying, "Rename the World," and "What did White Antelope ever do for CU?" to compete with demonstrators' signs that said "Charlie Manson Hall" and "Ted Bundy Hall."

Callihan said he hopes the regents "don't hide behind" a technicality in their by-laws that says buildings cannot be renamed, except under very few circumstances. "They shouldn't be defensive about it. They should show some courage and admit that the university made a mistake. If they don't think so, I'd love to debate that with any regent in any public forum," he said.

# Indian-fighter's name to come off dorm at CU

By Renate Robey  
Denver Post Staff Writer

The University of Colorado's Nichols Hall — named for a controversial 19th century Indian-fighter — will be renamed, the CU Board of Regents decided Thursday.

A recent report by a CU historian found that Capt. David Nichols participated in the 1864 Sand Creek massacre, where more than 100 Indians were killed.

"I'm just so relieved the struggle is finally over," said student Indian organizer Norma Rendon.

The regents voted 5-3 to change the name of the hall, which was given the Nichols name in 1964. For the past eight months, Native American students have held weekly vigils to protest the name.

"It's a very painful thing for many of our students," said Regent Richard Bernick, who sponsored the name-change resolution.

The resolution, however, asks that the contributions of Nichols, who is credited with helping in 1874 to raise the money to build CU, be honored in some other way.

Regents Charles Abernathy, Hugh Fowler, and Roy Shore voted



Shore opposed change.

against the resolution. Regent Robert Caldwell was absent.

"It doesn't really make much sense to me," said Shore. "I don't feel any purpose would be served in fighting 100-year-old battles."

Blaming the protest on "agitators," Shore said no one outside

Boulder cared about the name.

Descendants of Nichols, from around Colorado, Wyoming, Nebraska and California, however, recently wrote to the regents asking that the name be kept.

The descendants disputed reports of Nichols' role at Sand Creek and said it is unfair to judge 100-year-old actions by today's standards.

Boulder Chancellor James Corbridge said Thursday that a committee will be convened to decide on a new name. He promised that the group's considerations will be extensive, and that "we will find something appropriate."

Earlier this fall, a campus panel had recommended that the dorm be named for either of two prominent black women in CU's history, but CU minority student activists, including blacks, opposed the idea, saying the dormitory should be named for a Native American.

The new name will have to be voted on by the regents.

Native American students want the dorm named after a Native American graduate of CU.

# Nichols Hall will be renamed

By STEVE MILLARD  
Camera Staff Writer  
DENVER — The University of Colorado Board of Regents voted Thursday to change the name of Nichols Hall, the CU dormitory named for a man who participated in a brutal 19th-century massacre of Indians.

The decision ended months of protest and years of dissatisfaction over the name among Native American students, some of whom were in the audience.

They greeted the decision with broad smiles. "It's a great day," said Norma Rendon of OYATE, a Native American group on campus.

Since 1961, the dormitory has carried the name of Capt. David Nichols, a Colorado pioneer who was instrumental in bringing the university to Boulder. Nichols' it

Nichols was "an admitted and enthusiastic participant" in the Sand Creek Massacre.

— Patricia Limerick of the CU history department

turned out, was also a participant in the Sand Creek Massacre of 1864, where nearly 200 Indians were brutally murdered.

To evaluate Nichols' role in the massacre, the university commissioned an extensive report by Patricia Limerick of the CU history department earlier this year. Although some of the facts remain unclear, Limerick found that Nichols was "an admitted and enthusiastic partici-

pant" in the Sand Creek Massacre.

Chancellor James Corbridge, who had urged the regents to remove Nichols' name from the dormitory, said a new name won't be selected overnight. He said the issue will go to the Boulder campus planning commission, which will solicit wide participation on campus in selecting a new name.

Corbridge argued last month that the name sent a message of

insensitivity to minorities at a time when CU is trying to improve its recruiting of minorities.

Students have suggested that the building be named for the first Native American faculty member or student at CU.

Others have suggested the building be named Nichols-Niwot Hall, recognizing both Nichols and Chief Niwot, the Indian leader who welcomed the first white settlers to Boulder.

But Rendon told the regents that name would be "more than a slap in the face. The mere suggestion of such a name is an insult to the Indian people."

Richard Bernick, the only Democrat on the nine-member board, had introduced a motion to remove Nichols' name and to

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## Nichols Hall will be renamed

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find some other way to recognize Nichols' contributions to the university. Four other regents backed the change: Lynn Ellins, Norwood Robb, Peter Dietze and Sandy Kraemer.

Regents Roy Shore and

Charles Abernathy voted against changing the name. And although the regents' presiding officer does not vote except in case of a tie, Chairman Hugh Fowler also opposed the change.

Later, Fowler found another

way to show his unhappiness with the decision, when Boulder campus officials presented the name of Gene Nichol for approval as the new dean of the school of law. "Perhaps Professor Nichol ought to change his name," Fowler muttered.

# Regents approve naming dorm Cheyenne Arapaho Hall

By LINDA CORNETT

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Camera Staff Writer

A month's lobbying paid off Thursday when University of Colorado regents approved the name Cheyenne Arapaho Hall for the dormitory that had borne the name of Capt. David Nichols for 24 years.

Nichols' name was stripped from the building in November 1967 after students and campus administrators told the regents of Nichols' part in the Sand Creek Massacre of about 200 Indians in 1864. Nichols also is credited as the legislator who brought CU to Boulder.

In the months since, campus committees established a naming policy to avoid future such embarrassments and collected and weeded through recommended names for the dormitory. In March, Cheyenne Arapaho was presented to the regents as the recommendation.

The regents objected that the building should be named for an individual and postponed the issue until this month's meeting. Chancellor Jim Corbridge, student government leaders and members of Native American groups on campus spent the month lobby-

ing the regents.

"We took them to breakfast, lunch and dinner, trying to sway their votes," said Roberta Manuella, a representative of Ojate Indian student group.

Thursday, the regents voted 8-1 in Boulder, with Regent Harvey Phelps dissenting, to accept Cheyenne Arapaho Hall. But three of those voting for the name said they consider the process for naming buildings that they approved in September "absurd" and they plan to bring the policy up at their May meeting for a reworking.

Phelps said he objected to the new name because, "I see this as picking a few individuals out because they agitated to get their names on it. CU belongs to all the people of Colorado." Cheyenne and Arapaho Indians have already been honored by having counties named after them, Phelps said.

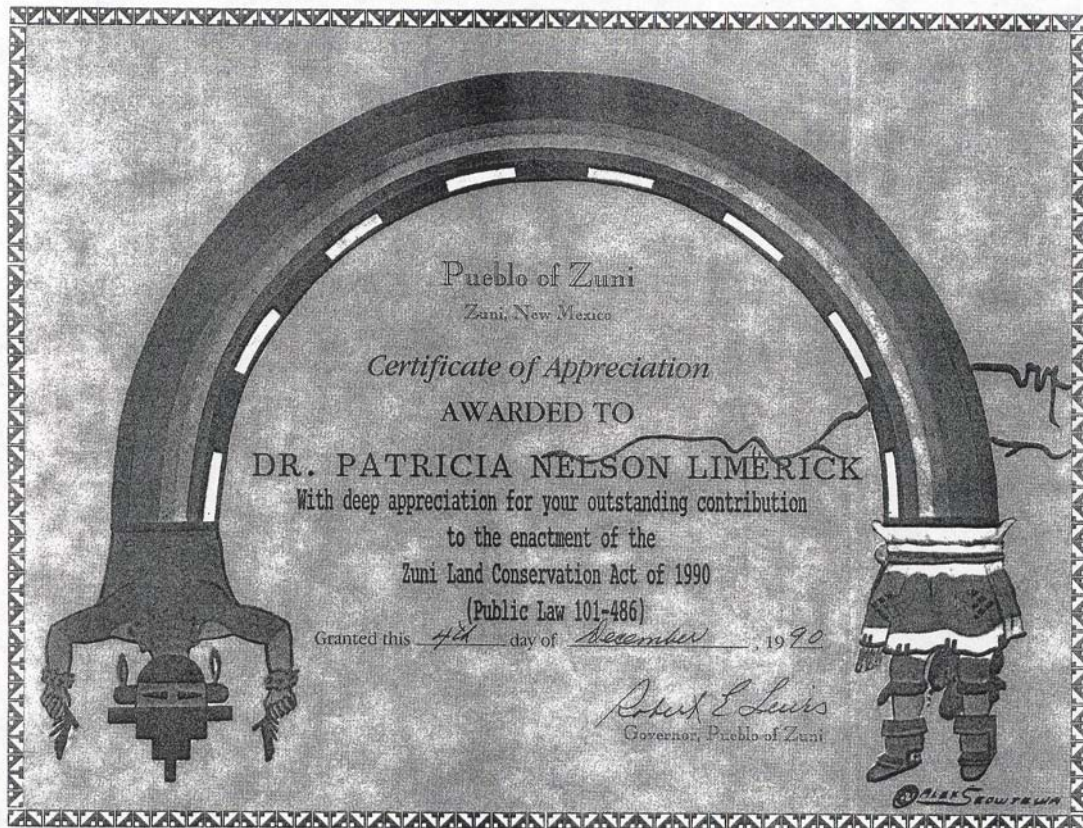
Manuella said that "this makes Indian students feel more welcome. Last month (after the name was tabled), I began to wonder what kind of support they had for Native Americans."

Although he was willing to make an

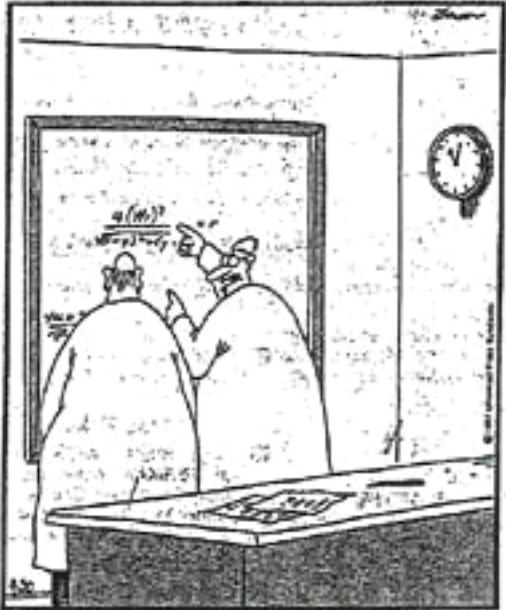
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THE FAR SIDE



"Yes, yes, I know that, Sidney ... everybody knows that! ... But look! Four wrongs squared, minus two wrongs to the fourth power, divided by this formula, do make a right!"