

Testimony of Colonel J. M. Chivington

Interrogatories propounded to John M. Chivington by the Joint Committee on the Conduct of the War, and answers thereto given by said Chivington reduced to writing, and subscribed and sworn to before Alexander W. Atkins, notary public, at Denver, in the Territory of Colorado.

1st Question. What is your place of residence, your age and profession?

Answer. My place of residence is Denver, Colorado; my age, forty-five years; I have been colonel of 1st Colorado cavalry, and was mustered out of the service on or about the eighth day of January last, and have not been engaged in any business since that time.

2d question. Were you in November, 1864, in any employment, civil or military, under the authority of the United States; and if so, what was that employment, and what position did you hold?

Answer. In November, 1864, I was colonel of 1st Colorado cavalry, and in command of the district of Colorado.

3d question. Did you, as colonel in command of Colorado troops, about the 29th of November, 1864, make an attack on an Indian village or camp at a place known as Sand creek? If so, state particularly the number of men under your command; how armed and equipped; whether mounted or not; and if you had any artillery, state the number of guns, and the batteries to which they belonged.

Answer. On the 29th day of November, 1864, the troops under my command attacked a camp of Cheyenne and Arapaho Indians at a place known as Big Bend of Sandy, about forty miles north of Fort Lyon, Colorado Territory. There were in my command at that time about (500) five hundred men of the 3d regiment Colorado cavalry, under the immediate command of Colonel George L. Shoup, of said 3d regiment, and about (250) two hundred and fifty men of the 1st Colorado cavalry; Major Scott J. Anthony commanded one battalion of said 1st regiment, and Lieutenant Luther Wilson commanded another battalion of said 1st regiment. The 3d regiment was armed with rifled muskets, and Star's and Sharp's carbines. A few of the men of that regiment had revolvers. The men of the 1st regiment were armed with Star's and Sharp's carbines and revolvers. The men of the 3d regiment were poorly equipped; the supply of blankets, boots, hats, and caps was deficient. The men of the 1st regiment were well equipped; all these troops were mounted. I had four 12-pound mountain howitzers, manned by detachments from cavalry companies; they did not belong to any battery company.

4th question. State as nearly as you can the number of Indians that were in the village or camp at the time the attack was made; how many of them were warriors; how many

of them were old men, how many of them were women, and how many of them were children?

Answer. From the best and most reliable information I could obtain, there were in the Indian camp, at the time of the attack, about eleven (11) or twelve (12) hundred Indians: of these about seven hundred were warriors, and the remainder were women and children. I am not aware that there were any old men among them. There was an unusual number of males among them, for the reason that the war chiefs of both nations were assembled there evidently for some special purpose.

5th question. At what time of the day or night was the attack made? Was it a surprise to the Indians? What preparation, if any, had they made for defence or offence?

Answer. The attack was made about sunrise. In my opinion the Indians were surprised; they began, as soon as the attack was made, to oppose my troops, however, and were soon fighting desperately. Many of the Indians were armed with rifles and many with revolvers; I think all had bows and arrows. They had excavated trenches under the bank of Sand creek, which in the vicinity of the Indian camp is high, and in many places precipitous. These trenches were two to three feet deep, and, in connexion with the banks, were evidently designed to protect the occupants from the fire of an enemy. They were found at various points extending along the banks of the creek for several miles from the camp; there were marks of the pick and shovel used in excavating them; and the fact that snow was seen in the bottoms of some of the trenches, while all snow had disappeared from the surface of the country generally, sufficiently proved that they had been constructed some time previously. The Indians took shelter in these trenches as soon as the attack was made, and from thence resisted the advance of my troops.

6th question. What number did you lose in killed, what number in wounded, and what number in missing?

Answer. There were seven men killed, forty-seven wounded, and one was missing.

7th question. What number of Indians were killed; and what number of the killed were women, and what number were children?

Answer. From the best information I could obtain, I judge there were five hundred or six hundred Indians killed; I cannot state positively the number killed, nor can I state positively the number of women and children killed. Officers who passed over the field, by my orders, after the battle, for the purpose of ascertaining the number of Indians killed, report that they saw but few women or children dead, no more than would certainly fall in an attack upon a camp in which they were. I myself passed over some portions of the field after the fight, and I saw but one woman who had been killed, and one who had hanged herself; I saw no dead children. From all I could learn, I arrived at the conclusion that but few women or children had been slain. I am of the opinion that when the attack was made on the Indian camp the greater number of squaws and children made their escape, while the warriors remained to fight my troops.

8th question. State, as nearly as you can, the number of Indians that were wounded, giving the number of women and the number of children among the wounded.

Answer. I do not know that any Indians were wounded that were not killed; if there were any wounded, I do not think they could have been made prisoners without endangering the lives of soldiers; Indians usually fight as long as they have strength to resist. Eight Indians fell into the hands of the troops alive, to my knowledge; these, with one exception, were sent to Fort Lyon and properly cared for.

9th question. What property was captured by the forces under your command? State the number of horses, mules and ponies, buffalo robes, blankets, and also all other property taken, specifying particularly the kinds, quality, and value thereof.

Answer. There were horses, mules, and ponies captured to the number of about six hundred. There were about one hundred buffalo robes taken. Some of this stock had been stolen by the Indians from the government during last spring, summer and fall, and some of the stock was the property of private citizens from whom they had been stolen during the same period. The horses that belonged to the government were returned to the officers responsible for them; as nearly as could be learned, the horses and mules that were owned by private citizens were returned to them on proof of ownership being furnished; such were my orders at least. The ponies, horses, and mules for which no owner could be found, were put into the hands of my provost marshal in the field, Captain J.J. Johnson, of company E, 3d Colorado cavalry, with instructions to drive them to Denver and turn them over to the acting quartermaster as captured stock, taking his receipt therefor. After I arrived in Denver I again directed Captain Johnson to turn these animals over to Captain Gorton, assistant quartermaster, as captured stock, which I presume he did. Colonel Thos. Moonlight relieved me of the command of the district soon after I arrived in Denver, that is to say, on the _____ day of _____, A.D. 186 -, and I was mustered out of the service, the term of service of my regiment having expired. My troops were not fully supplied with hospital equipage, having been on forced marches. The weather was exceedingly cold, and additional covering for the wounded became necessary; I ordered the buffalo robes to be used for that purpose. I know of no other property of value being captured. It is alleged that groceries were taken from John Smith, United States Indian interpreter for Upper Arkansas agency, who was in the Indian camp at the time of the attack, trading goods, powder, lead, cap, &c., to the Indians. Smith told me that these groceries belonged to Samuel G. Colby, United States Indian agent. I am not aware that these things were taken; I am aware that Smith and D.D. Colby, son of the Indian agent, have each presented claims against the government for these articles. The buffalo robes mentioned above were also claimed by Samuel G. Colby, D.D. Colby and John Smith. One bale of Buffalo robes was marked S. S. Soule, 1st Colorado cavalry, and I am informed that one bale was marked Anthony, Major Anthony being in command of Fort Lyon at that time. I cannot say what has been done with the property since I was relieved of the command and mustered out of service. There was a large quantity of Indian trinkets taken at the Indian camp which were of no value. The soldiers retained a few of these as trophies; the remainder with the Indian lodges were destroyed.

10th question. What reason had you for making the attack? What reasons, if any, had you to believe that Black Kettle or any other Indian or Indians in the camp entertained feelings of hostility towards the whites? Give in detail the names of all Indians so believed to be hostile, with the dates and places of their hostile acts, so far as you may be able to do so.

Answer. My reason for making the attack on the Indian camp was, that I believed the Indians in the camp were hostile to the whites. That they were of the same tribes with those who had murdered many persons and destroyed much valuable property on the Platte and Arkansas rivers during the previous spring, summer and fall was beyond a doubt. When a tribe of Indians is at war with the whites it is impossible to determine what party or band of the tribe or the name of the Indian or Indians belonging to the tribe so at war are guilty of the acts of hostility. The most that can be ascertained is that Indians of the tribe have performed the acts. During the spring, summer and fall of the year 1864, the Arapaho and Cheyenne Indians, in some instances assisted or led on by Sioux, Kiowas, Comanches and Apaches, had committed many acts of hostility in the country lying between the Little Blue and the Rocky mountains and the Platte and Arkansas rivers. They had murdered many of the whites and taken others prisoners, and had destroyed valuable property, probably amounting to \$200,000 or \$300,000. Their rendezvous was on the headwaters of the Republican, probably one hundred miles from where the Indian camp was located. I had every reason to believe that these Indians were either directly or indirectly concerned in the outrages which had been committed upon the whites. I had no means of ascertaining what were the names of the Indians who had committed these outrages other than the declarations of the Indians themselves; and the character of Indians in the western country for truth and veracity, like their respect for the chastity of women who may become prisoners in their hands, is not of that order which is calculated to inspire confidence in what they may say. In this view I was supported by Major Anthony, 1st Colorado cavalry, commanding at Fort Lyon, and Samuel G. Colby, United States Indian agent, who, as they had been in communication with these Indians, were more competent to judge of their disposition towards the whites than myself. Previous to the battle they expressed to me the opinion that the Indians should be punished. We found in the camp the scalps of nineteen (19) white persons. One of the surgeons informed me that one of these scalps had been taken from the victim's head not more than four days previously. I can furnish a child captured at the camp ornamented with six white women's scalps; these scalps must have been taken by these Indians or furnished to them for their gratification and amusement by some of their brethren, who, like themselves, were in amity with the whites.

11th question. Had you any, and if so, what reason, to believe that Black Kettle and the Indians with him, at the time of your attack, were at peace with the whites, and desired to remain at peace with them?

Answer. I had no reason to believe that Black Kettle and the Indians with him were in good faith at peace with the whites. The day before the attack Major Scott J. Anthony, 1st Colorado cavalry, then in command at Fort Lyon, told me that these Indians were

hostile; that he had ordered his sentinels to fire on them if they attempted to come into the post, and that the sentinels had fired on them; that he was apprehensive of an attack from these Indians, and had taken every precaution to prevent a surprise. Major Samuel G. Colby, United States Indian agent for these Indians, told me on the same day that he had done everything in his power to make them behave themselves, and that for the last six months he could do nothing with them; that nothing but a sound whipping would bring a lasting peace with them. These statements were made to me in the presence of the officers of my staff whose statements can be obtained to corroborate the foregoing.

12th question. Had you reason to know or believe that these Indians had sent their chief and leading men at any time to Denver city in order to take measure in connection with the superintendent of Indian affairs there, or with any other person having authority, to secure friendly relations with the whites?

Answer. I was present at an interview between Governor Evans on the part of the whites, and Black Kettle and six other Indians, at Camp Weldmar, Denver, about 27th of September, 1864, in which the Indians desired peace, but did not propose terms. General Curtis, by telegraph to me, declined to make peace with them, and said that there could be no peace without his consent. Governor Evans declined to treat with them, and as General Curtis was then in command of the department, and, of course, I could not disobey his instructions. General Curtis's terms of peace were to require all bad Indians to be given by the Indians for their good conduct. The Indians never complied with these terms.

13th question. Were those Indians, to your knowledge, referred by the superintendent of Indian affairs to the military authorities, as the only power under the government to afford them protection?

Answer. Governor Evans, in the conference mentioned in my last answer, did not refer the Indians to the Military authorities for protection, but for terms of peace. He told the Indians "that he was the peace chief, that they had gone to war, and, therefore, must deal with the war chiefs." It was at this time I gave them the terms of General Curtis, and they said they had not received power to make peace on such terms, that they would report to their young men and see what they would say to it; they would like to do it, but if their young men continued the war they would have to go with them. They said there were three or four small war parties of their young men out on the war path against the whites at that time. This ended the talk.

14th question. Did the officer in command of Fort Lyon, to your knowledge, at any time extend the protection of our flag to Black Kettle and Indians with him, and direct them to encamp upon the reservation of the fort?

Answer. Major E.W. Wynkoop, 1st cavalry, Colorado, did, as I have been informed, allow some of these Indians to camp at or near Fort Lyon, and did promise them the protection of our flag. Subsequently he was relieved of the command of Fort Lyon, and

Major Anthony placed in command at that post, who required the Indians to comply with General Curtis's terms, which they failed to do, and thereupon Major Anthony drove them away from the post.

15th question. Were rations ever issued to those Indians either as prisoners of war or otherwise?

Answer. I have been informed that Major Wynkoop issued rations to the Indians encamped near Fort Lyon while he was in command, but whether as prisoners of war I do not know. I think that Major Anthony did not issue any rations.

16th question. And did those Indians remove, in pursuance of the directions, instructions, or suggestions of the commandant at Fort Lyon, to the place on Sand creek, where they were attacked by you?

Answer. I have been informed that Major Anthony, commandant at Fort Lyon, did order the Indians to remove from that post, but I am not aware that they were ordered to go to the place where the battle was fought, or to any other place.

17th question. What measures were taken by you, at any time, to render the attack on those Indians a surprise?

Answer. I took every precaution to render the attack upon the Indians a surprise, for the reason that we had been able to catch them, and it appeared to me that the only way to deal with them was to surprise them in their place of rendezvous. General Curtis, in his campaign against them, had failed to catch them; General Mitchel had met with no better success; General Blunt had been surprised by them, and his command nearly cut to pieces.

18th question. State in detail the disposition made of the various articles of property, horses, mules, ponies, buffalo robes, &c., captured by you at the time of this attack and by what authority was such disposition made?

Answer. The horses and mules that had been stolen from the government were turned over to the officer who had been responsible for the same; and the animals belonging to Atzins was returned to them upon proof being made of such ownership. The animals not disposed of in this way were turned over to Captain S.J. Johnson, 3d regiment Colorado cavalry, with instructions to proceed with the same to Denver, and turn them into the quartermaster's department. After the command arrived in Denver, I again directed Captain Johnson to turn over the stock to Captain C.L. Gorton, assistant quartermaster, at that place. The buffalo robes were turned into the hospital for use of the wounded as before stated.

19th question. Make such further statement as you may desire, or which may be necessary to a full understanding of all matters relating to the attack upon the Indians at Sand creek.

Answer. Since August, 1863, I had been in possession of the most conclusive evidence of the alliance, for the purposes of hostility against the whites, of the Sioux, Cheyennes, Arapahoes, Camanche River, and Apache Indians. Their plan was to interrupt, or, if possible, entirely prevent all travel on the routes along the Arkansas and Platte rivers from the States to the Rocky mountains, and thereby depopulate this country. Rebel emissaries were long since sent among the Indians to incite them against the whites, and afford a medium of communication between the rebels and the Indians; among whom was Gerry Bent, a half-breed Cheyenne Indian, but educated, and to all appearances a white man, who, having served under Price in Missouri, and afterwards becoming a bushwacker, being taken prisoner, took the oath of allegiance, and was paroled, after which he immediately joined the Indians, and has ever since been one of their most prominent leaders in all depredations upon the whites. I have been reliably informed that this half-breed, Bent, in order to incite the Indians against the whites, told them that the Great Father at Washington having all he could do to fight his children at the south, they could now regain their country.

When John Evans, governor of Colorado Territory, and ex officio superintendent of Indian affairs, visited by appointment the Cheyenne Indians on the Republican fork of the Kansas river, to talk with them in regard to their relations with the government, the Indians would have nothing to say to him, nor would they receive the presents sent them by the government, but immediately on his arrival at the said point the Indians moved to a great distance, all their villages appearing determined not to have any intercourse with him individually or as the agent of the government.

This state of affairs continued for a number of months, during which time white men who had been trading with the Indians informed me that the Indians had determined to make war upon the whites as soon as the grass was green, and that they were making preparations for such an event by the large number of arrows they were making and the quantity of arms and ammunition they were collecting; that the settlers along the Platte and Arkansas rivers should be warned of the approaching danger; that the Indians had declared their intention to prosecute the war vigorously when they commenced. With very few troops at my command I could do but little to protect the settlers except to collect the latest intelligence from the Indians' country, communicate it to General Curtis, commanding department of Missouri, and warn the settlers of relations existing between the Indians and the whites, and the probability trouble, all of which I did.

Last April, 1864, the Indians, Cheyennes, Arapahoes, and others, commenced their depredations upon the whites by entering their isolated habitations in the distant parts of this territory, taking therefrom everything they desired, and destroying the balance; driving off their stock, horses, mules and cattle. I sent a detachment of troops after the Indians to recover the stolen property, when the stock &c., being demanded of them they (the Indians) refused to surrender the property so taken from the whites, and stated that they wanted to fight the troops. Again, when a few weeks after the country along the Platte river, near Fremont's orchard, became the theatre of their depredations, one Ripley, a ranchman, living on the Bijon creek, near camp Sanborn, came into camp and informed Captain Sanborn, commanding, that his stock had all been stolen by the

Indians, requesting assistance to recover it. Captain Sanborn ordered Lieutenant Clark Dunn, with a detachment of troops, to pursue the Indians and recover the stock; but, if possible, to avoid a collision with them. Upon approaching the Indians, Lieutenant Dunn dismounted, walked forward alone about fifty paces from his command, and requested the Indians to return the stock, which Mr. Ripley had recognized as his; but the Indians treated him with contempt, and commenced firing upon him, which resulted in four of the troops being wounded and about fifteen Indians being killed and wounded, Lieutenant Dunn narrowly escaping with his life. Again, about one hundred and seventy-five head of cattle were stolen from Messrs. Irwin and Jackman, government freighters, when troops were sent in pursuit toward the headwaters of the Republican. They were fired upon by the Indians miles from where the Indians were camped. In this encounter the Indians killed one soldier and wounded another. Again, when the troops were near the Smoky Hill, after stock, while passing through a canon, about eighty miles from Fort Larned, they were attacked by these same Cheyenne Indians, and others, and almost cut to pieces, there being about fifteen hundred Indians. Again, when on a Sunday morning the Kiowas and Camanches were at Fort Larned, to obtain the rations that the commanding officer, on behalf of the government, was issuing to them, they, at a preconcerted signal, fired upon the sentinels at the fort, making a general attack upon the unsuspecting garrison, while the balance of the Indians were driving off the stock belonging to the government, and then as suddenly departed, leaving the garrison afoot excepting about thirty artillery horses that were saved; thus obtaining in all about two hundred and eighty head of stock, including a small herd taken from the sutler at that post.

Again, a few days after this, the Cheyennes and Arapahoes Indians, with whom I had the fight at Sand creek, meeting a government train bound for New Mexico, thirty miles east of Fort Larned, at Walnut creek, who, after manifesting a great deal of friendship by shaking hands, &c., with every person in the train, suddenly attacked them, killing fourteen and wounding a number more scalping and mutilating in the most inhuman manner those they killed, while they scalped two of this party alive, one a boy about fourteen years of age, who has since become an imbecile. The two persons that were scalped alive I saw a few days after this occurred within sight of Fort Zarah, the officer commanding considered his command entirely inadequate to render any assistance. But we think we have related enough to satisfy the most incredulous of the determined hostility of these Indians; suffice it to say that during the spring, summer, and fall such atrocious acts were of almost daily occurrence along the Platte and Arkansas routes, till the Indians becoming so bold that a family, consisting of a man, woman, and two children, by the name of Hungate, were brutally murdered and scalped within fifteen miles of Denver, the bodies being brought to Denver for interment. After seeing which, any person who could for a moment believe that these Indians were friendly, to say the least, must have strange ideas of their habits. We could not see it in that light.

This last atrocious act was referred to by Governor Evans in his talk with the Cheyennes and Arapahoes Indians on about the 27th day of September, 1864, at Denver, Colorado Territory. The Indians then stated that it had been done by members of their tribe, and that they never denied it. All these things were promptly reported to Major General S. R.

Curtis, commanding department, who repeatedly ordered me, regardless of district lines, to appropriately chastise the Indians, which I always endeavored to do. Major General S. R. Curtis himself and Brigadier General R. B. Mitchell made campaigns against the Indians, but could not find them; the Indians succeeded in keeping entirely from their view. Again, Major General J. P. Blunt made a campaign against the Indians; was surprised by them, and a portion of his command nearly cut to pieces.

Commanding only a district with very few troops under my control, with hundreds of miles between my headquarters and rendezvous of the Indians, with a large portion of the Sante Fe and Platte routes, besides the sparsely settled and distant settlements of this Territory, to protect, I could not do anything till the 3d regiment was organized and equipped, when I determined to strike a blow against this savage and determined foe. When I reached Fort Lyon, after passing over from three to five feet of snow, and greatly suffering from the intensity of the cold, the thermometer ranging from 28 to 30 degrees below zero, I questioned Major Anthony in regard to the whereabouts of hostile Indians. He said there was a camp of Cheyennes and Arapahoes about fifty miles distant; that he would have attacked before, but did not consider his force sufficient; that these Indians had threatened to attack the post, &c., and ought to be whipped, all of which was concurred in by Major Colley, Indian agent for the district of the Arkansas, which information, with the positive orders from Major General Curtis, commanding the department, to punish these Indians, decided my course, and resulted in the battle of Sand Creek, which has created such a sensation in Congress through the lying reports of interested and malicious parties.

On my arrival at Fort Lyon, in all my conversations with Major Anthony, commanding the post, and Major Colley, Indian agent, I heard nothing of this recent statement that the Indians were under the protection of the government, &c.; but Major Anthony repeatedly stated to me that he had at different times fired upon these Indians, and that they were hostile, and, during my stay at Fort Lyon, urged the necessity of any immediately attacking the Indians before they could learn of the number of troops at Fort Lyon, and so desirous was Major Colly, Indian agent, that I should find and also attack the Arapahoes, that he sent a messenger after the fight at Sand creek, nearly forty miles, to inform me where I could find the Arapahoes and Kiowas; yet, strange to say, I have learned recently that these men, Anthony and Colly, are the most bitter in their denunciations of the attack upon the Indians at Sand creek. Therefore, I would, in conclusion, most respectfully demand, as an act of justice to myself and the brave men whom I have had the honor to command in one of the hardest campaigns ever made in this country, whether against white men or red, that we be allowed that right guaranteed to every American citizen, of introducing evidence in our behalf to sustain us in what we believe to have been an act of duty to ourselves and to civilization.

We simply ask to introduce as witnesses men that were present during the campaign and know all the facts.

J.M. CHIVINGTON,
Lieu't Col. 1st Cavalry of Colorado, Com'd'g Dist. of Colorado.

Sworn and subscribed to before me this 26th day of April, 1865.
ALEXANDER W. ATKINS,
Notary Public