

## Affidavit of John Smith

This affidavit given by John Smith, an interpreter for the United States military, was presented to the military commission investigating the massacre of Cheyenne Indians at Sand Creek, Colorado, in 1864. Smith's account focuses primary on the events prior to the massacre, including the attitudes of the Cheyenne leaders One Eye and Black Kettle. The affidavit is part of a larger report containing evidence obtained at this hearing, titled Report of the Secretary of War, Communicating, In compliance with a resolution of the Senate of February 4, 1867, a copy of the evidence taken at Denver and Fort Lyon, Colorado Territory, by a military commission, ordered to inquire into the Sand Creek massacre, November, 1864.

Creator: United States. Congress. Senate

Date: January 15, 1865

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The above is a report to Colonel Ford, commanding district Upper Arkansas, dated January 15, 1865.

A true copy :

CHARLES WHEELER,  
*First Lieut. and Regimental Adj't Vet. Battalion First Colorado  
Cav., Post Adj't, Fort Lyon, Colorado Territory.*

FORT LYON, COLORADO TERRITORY,  
January 15, 1864.

Personally appeared before me John Smith, United States Indian interpreter, who, after being duly sworn, says :

That on the fourth day of September, 1864, he was appointed Indian interpreter for the post of Fort Lyon, and has continued to serve in that capacity up to the present date ; that on the fourth day of September, 1864, by order of Major E. W. Wynkoop, commanding post of Fort Lyon, he was called upon to hold a conversation with three Cheyenne Indians, viz., One-Eye and two others, who had been brought into the post that day ; that the result of the interview was as follows : One-Eye (Cheyenne) stated that the principal chiefs and sub-chiefs of the Cheyenne and Arapahoe nations had held a consultation, and agreed to a man, of the chief and sub-chiefs, to come, or send in some one who was well acquainted with parties at this post, and finally agreed to send in himself, (One-Eye,) with a paper written by George Bent, (half-breed,) to the effect that the Cheyenne and Arapahoe chiefs had, and did, agree to turn over to Major Wynkoop, or any other military authority, all the white prisoners they had in their possession, as they were all anxious to make peace with the whites, and never desired to be at war. Major Wynkoop then asked One-Eye, he having lived among the whites, and known to have always been friendly disposed towards them, whether he thought the Indians were sincere, and whether they would deliver the white prisoners into his (Major Wynkoop's) hands. His reply was, that at the risk of his life he would guarantee their sincerity. Major Wynkoop then told him he would retain him as a prisoner for the time, and if he concluded to proceed to the Indian camp, he would take him as a hostage for their (the Indians') good faith.

One-Eye also stated that the Cheyenne and Arapahoe nations were congregated to the number of two thousand on the headwaters of Smoky Hill, including some forty lodges of the Sioux ; that they had rendezvoused there and brought in their war parties for the purpose of hearing what would be the result of their message, by which they had sued for peace, and would remain until they heard something definite.

Major Wynkoop told One-Eye that he would proceed to the Indian camp and take him with him.

One-Eye replied he was perfectly willing to be detained a prisoner as well as remain as hostage for the good faith of the Indians, but desired the major to start as soon as possible, for fear that the Indians might separate. On the sixth day of September I was ordered to proceed with Major Wynkoop and his command in the direction of the Indian encampment. After a four days' march we came in sight of the Indians, and one of the three Indians aforementioned was sent to acquaint the chiefs with what was the object of the expedition, with a statement that Major Wynkoop desired to hold a consultation with them, the chiefs. On the 10th day of September, 1864, the consultation was held between Major Wynkoop and his officers and the principal chiefs of the Cheyenne and Arapahoe nations. Major E. W. Wynkoop stated, through me, to the chiefs that he had received their message ; that, acting on that, he had come to talk with them ; asked them whether they all agreed to and indorsed the contents





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of the letter which he had in his possession, and which had been brought in by One-Eye, receiving an answer in the affirmative. He then told the chiefs that he had not the authority to conclude terms of peace with them, but that he desired to make a proposition to them, to the effect that if they would give him an evidence of their good faith, by delivering into his hands the white prisoners they had in their possession, he would endeavor to procure for them peace, which would be subject to conditions; that he would take with him what principal chiefs they might select, and conduct them in safety to the governor of Colorado, and, whatever might be the result of their interview with him, return them in safety to their tribe.

Black Kettle, the head chief of the Cheyenne nation, replied as follows: That the Cheyenne and Arapahoe nations had always endeavored to observe the terms of their treaty with the United States government; that some years previous, when the white emigration first commenced coming to what is now the Territory of Colorado, the country which was in the possession of the Cheyenne and Arapahoe nation, they could have successfully made war against them, (the whites.) They did not desire to do so; had invariably treated them with kindness, and never, to his knowledge, committed any depredations whatever; that until within the last few months they had gotten along in perfect peace and harmony with their white brethren; but while a hunting party of their young men were proceeding north in the neighborhood of South Platte river, having found some lost stock belonging to white men, which they were driving towards a ranch to deliver up, they were suddenly confronted by a party of United States soldiers and ordered to deliver up their arms. A difficulty immediately ensued which resulted in killing and wounding several on both sides. A short time after this occurrence took place, a village of squaws, papooses and old men, located at what is known as "Cedar Cañon," a short distance north of the South Platte, who were perfectly unaware of any difficulty having occurred between any portion of their tribe (Cheyenne) and the whites, were attacked by a large party of soldiers and some of them killed and their ponies driven off. After this, while a body of United States troops were proceeding from Smoky Hill to Arkansas river, they reached the neighborhood of Law Bear's band of the Cheyenne nation. Law Bear, second chief of the Cheyenne nation, approached the column of troops alone, his warriors remaining off some distance, he not dreaming that there was any hostility between his nation and the whites. He was immediately shot down and a fire opened upon his band, the result of which was a fight between the two parties. Presuming from all these circumstances that war was inevitable, the young men of the Cheyenne nation commenced to retaliate, committing various depredations all the time, which he (Black Kettle) and other principal chiefs of the Cheyenne nation were opposed to, and endeavored by all means in his power to restore pacific relations between that tribe and their white brethren; but, at various times when endeavoring to approach the military posts for the purpose of accomplishing the same, he was fired upon and driven off. Meanwhile, their brethren and allies, the Arapahoes, were on perfectly friendly terms with the whites, and Left Hand's band of that nation were camped in close vicinity to Fort Larned. Left Hand, one of the principal chiefs of the Arapahoe nation, learning that it was the intention of the Kiowas, on a certain day, to run off the stock from Fort Larned, proceeded to the commanding officer of that post and informed him of the fact; no attention was given to the information he gave, and on the day indicated the stock was run off by the Kiowa Indians. Left Hand again approached the post with a portion of his warriors for the purpose of offering his services to the commanding officer there, to pursue and endeavor to regain the stock from the Kiowa Indians, when he was fired upon and obliged hastily to leave. The young men of the Arapahoe nation, supposing it was the intention of the whites to make war upon them as well as the Cheyennes, also commenced retaliating, as well as they were able, and against the desire of



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most of their principal chiefs, who, as well as Black Kettle and other chiefs of the Cheyennes, were bitterly opposed to hostilities with the whites. He then said that he had lately heard of a proclamation issued by the Governor of Colorado inviting all friendly disposed Indians to come into the different posts, and that they would be protected by the government. Under these circumstances, although the whites had been the aggressors and had forced this trouble upon the Indians, anxious altogether for the welfare of his people, he had made this last effort to communicate again with the military authorities, and he was glad he had succeeded. He then arose, shook hands with Major E. W. Wynkoop and his officers, stating that he was still, as he always had been, a friend to the whites; and that so far as he was concerned he was willing to deliver up the white prisoners, or do anything that was required of him to procure peace, knowing it to be for the good of his people; but that there were other chiefs who still thought that they were badly treated by their white brethren, but who were willing to make peace, but who felt unwilling to deliver up the white prisoners simply upon the promise of Major Wynkoop that he would endeavor to procure them peace; they desired that the condition of their delivering up the white prisoners should be an assurance of peace. He also went on to state, that even if Major Wynkoop's proposition was not accepted by the chiefs assembled, and although they had sufficient force to entirely overpower Major Wynkoop's small command, that from the fact that he had come in good faith to hold his consultation in consequence of the letter received, he should return to Fort Lyon without being molested.

The expressions from the other chiefs were to the effect that they insisted upon peace as the condition of their delivering up the white prisoners. Major Wynkoop finally replied that he repeated what he had said before, that it was out of his power to insure them peace, and that all he had to say in closing was that they might think about his propositions; that he would march to a certain locality, distant twelve miles, and there await the result of their consultation for two days, advising them at the same time to accede to his propositions, as the best means to procure that peace for which they were anxious. The white prisoners were brought in and delivered over to Major Wynkoop before the time had expired set by him and Black Kettle and White Antelope and Bull Bear, of the Cheyenne nation, and as well as Neva, No-ta-ne, Boisee, and Heap Buffalo, chiefs of the Arapahoes, delivered themselves over to Major Wynkoop. We then proceeded to Fort Lyon, and from there to Denver, at which place Governor Evans held a consultation with the chiefs, the result of which was as follows:

He told them that he had nothing to do with them; that they would return with Major Wynkoop, who would reconduct them in safety and they would have to await the action of the military authorities; Colonel J. M. Chivington, then in command of the district of Colorado, also told them that they would remain at the disposal of Major Wynkoop, until higher authority had acted in their case. The Indians appeared perfectly satisfied, presuming that they would eventually be all right, as soon as the authorities could be heard from, and expressed themselves so. Black Kettle embraced the governor and Major Wynkoop and shook hands with all the officers present, perfectly contented, deeming that the matter was settled. On our return to Fort Lyon I was told by Major Wynkoop to say to the chiefs that they could bring their different bands, including their families, to the vicinity of the post, until he had heard from the big chief; that he preferred to have them under his eye and away from other quarters where they were likely to get into difficulties with the whites. The chiefs replied that they were willing to do anything Major Wynkoop might choose to dictate, as they had perfect confidence in him, and accordingly immediately brought in their villages, their squaws and papposes, and appeared satisfied that they were in perfect safety.





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After these villages were located and Major Wynkoop had sent an officer to headquarters for instructions, he, Major Wynkoop, was relieved from the command of the post by Major Scott J. Anthony, and I was ordered to interpret for Major Anthony in a consultation he desired to hold with these Indians. The conversation that then took place between Major Anthony and the Indians was as follows:

Major Anthony told them that he had been sent there to relieve Major Wynkoop, and that he would be from that time in command of the post; that he came here under orders from the commander of all the troops in this country, and that he had orders to have nothing to do with the Indians whatever; that they had heard at headquarters that they had lately been committing depredations, &c., in the neighborhood of this post, but that since his arrival he had learned that these reports were all false; that he would write to headquarters himself and correct the error in regard to them, and that he would have no objections to their remaining in the vicinity of Sand creek, where they were then located, until such time as word might be received from the commander of the department; that he himself would forward a complete statement of all that he had seen and heard, and that he was in hopes he would have some good news for the Indians upon receiving an answer, but that he was sorry that his orders were such as to render it impossible for him to make them any issues whatever; the Indians then replied that it would be impossible for them to remain any great length of time, as they were short of provisions. Major Anthony told them that they could allow their villages to remain where they were then, and could send their young men out to hunt buffaloes, as he understood that the buffaloes had lately come close in. The Indians appeared to be a little dissatisfied in regard to the change in the commander of the post, fearing that it boded them no good, but having received assurances of safety from Major Anthony, they still had no fears of their families being disturbed.

On the 26th of November, 1864, I received permission from Major Scott J. Anthony, commander of the post, to proceed to the Indian village on Sand creek for the purpose of trading with the Indians, and started, accompanied by a soldier named David Lauderback and a citizen, Watson Clark. I reached the village and commenced to trade with them.

On the morning of the 29th of November, 1864, the village was attacked by Colonel J. M. Chivington with a command of 900 to 1,000 men. The Indian village was composed of about one hundred lodges, numbering altogether some five hundred souls, two-thirds of whom were women and children. From my observation, I do not think there were over sixty Indians that made any defence. I rode over the field after the slaughter was over, and counted from sixty to seventy dead bodies, a large majority of which were women and children, all of which bodies had been mutilated in the most horrible manner.

When the troops first approached I endeavored to join them, and was repeatedly fired upon; also the soldier who was with me, and the citizen. When the troops began approaching in a hostile manner, I saw Black Kettle, head chief, hoist the American flag over his lodge, as well as a white flag, fearing that there might be some mistake as to who they were.

After the fight, Colonel Chivington returned with his command in the direction of Fort Lyon, and then proceeded by the road down the Arkansas river.

JOHN SMITH.

Sworn and subscribed to before me, this 15th day of January, 1865.

W. P. MINTON,

*Second Lieutenant First New Mexico Volunteers, Post Adjutant.*

A true copy:

CHARLES WHEELER,

*First Lieut. and Reg'l Adj't Vet. Batt. First Colorado Cavalry,*

*Post Adjutant, Fort Lyon, C. T.*