

TRUTH, RESTORATION, EDUCATION COMMISSION OF COLORADO

FINAL REPORT SUMMARY

TREC MISSION & WORK

- ▶ Examine untold history of Colorado
- ▶ Uncover causes of land displacement and genocide of Native peoples
- ▶ Focus on restoring the status of Tribal Nations
- ▶ Establish an environment for Native communities to thrive
- ▶ Assess financial harm due to displacement, deceit, and unlawful activities
- ▶ Prepare recommendations for fostering healing, restoration, and reconciliation

CRITERIA FOR TRIBAL FOCUS

1. Aboriginal Title
2. Congressional Title
3. Treaty Title

10 federally recognized Tribes meet all 3 criteria:
Southern Ute, Ute Mountain Ute, Ute Indian Tribe of Utah, Kiowa, Comanche, Apache of Oklahoma, Eastern Shoshone, Northern Cheyenne, Northern Arapaho, and the Cheyenne & Arapaho of Oklahoma

FINDINGS OF GENOCIDE

- ▶ Sand Creek Massacre
- ▶ Treatment of Utes
- ▶ Illegal proclamations and murders by territorial governor in 1864
- ▶ Enslavement and forced slavery of American Indian children in 1865
- ▶ Uncompensated destruction of property and slaughter of buffalo

FINDINGS OF LAND SIEZURES

- ▶ Indian Trade and Intercourse Act of 1834 violations
- ▶ Illegal land transfers, including the 1861 Fort Wise Treaty and Denver's occupation
- ▶ Railroad land grants without legal cession
- ▶ Morrill Act grants to CSU from illegally taken lands

ONGOING EXPLOITATION

- ▶ State Land Board's \$4.1 billion endowment from Native lands
- ▶ Indian Claim Commission's failure to return any lands and unfair compensation processes
- ▶ Lack of public accounting for revenue from expropriated lands

SOVEREIGNTY ISSUES

- ▶ Congress's elimination of sovereign rights without justification
- ▶ Unacknowledged hunting and fishing rights
- ▶ Ignored status of non-Ute tribal members in Colorado

RESTORATION RECOMMENDATIONS

- ▶ Rescind rider denying Tribal sovereignty
- ▶ Allow repositioning and reoccupation of traditional homelands
- ▶ Return unused railroad land and rectify illegal transfers
- ▶ Restore hunting and fishing rights
- ▶ CSU to return Morrill Act land and provide support for Native students

REPARATION RECOMMENDATIONS

- ▶ Add a .01% fee on all Colorado real estate transactions with the proceeds benefitting 10 Tribal Nations
- ▶ Compensation for unauthorized land invasions and Sand Creek Massacre descendants
- ▶ Restitution for slavery and loss of buffalo
- ▶ Free tuition and support for descendants of affected Tribal Nations
- ▶ Financial compensation for forced displacement and illegal land occupation

RECONCILIATION RECOMMENDATIONS

- ▶ Calculate and compensate for water rights and mineral losses
- ▶ Protect all Indigenous sacred sites
- ▶ Conduct public audit of land holdings and educational revenue
- ▶ Require accurate history teaching in schools and higher education



Indian Territory or Indian Country (red) as set by the Nonintercourse Act of 1834, which also dovetailed with other measures to relocate Indian populations westward.

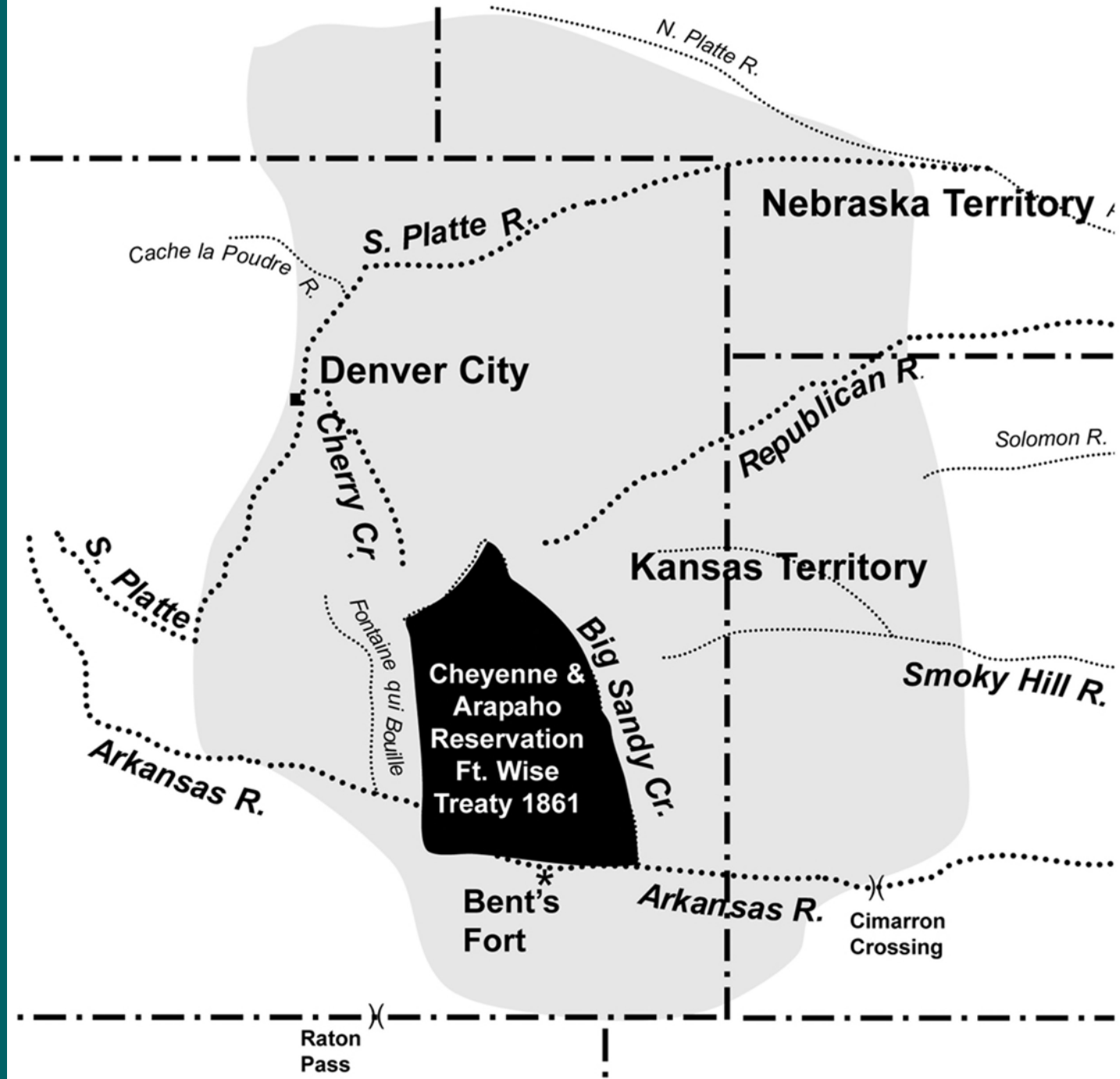
Indian Trade and Intercourse Act of 1834

SEC. 11. And be it further enacted, That if any person shall make any settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or shall survey or shall attempt to survey such lands, or designate any of the boundaries by marking trees , or otherwise, such offender shall forfeit and pay the sum of one thousand dollars. And it shall, moreover, be lawful for the President of the United States to take such measures, and to employ such military force, as he may judge necessary to remove from the lands as aforesaid any such person as aforesaid.

Treaty Land 1851 and 1861



Fort Wise Treaty Map



Colorado Enabling Act

February 28, 1861

- ▶ To the place of beginning to be and the same is hereby erected into a temporary government by the name of the Territory of Colorado, Provided That nothing in this act contained shall be construed to impair the rights of the Indians in the said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries and constitute no part of the territory of Colorado until said tribe shall signify the assent to the President of the United States to be included within said territory, or to affect the authority of the Government of the United States to make any regulations respecting such Indians, their land's, property, or the rights by treaty, law, or otherwise, which would have been competent for the government to make if this act had never been passed:

Treaty of Fort Wise 1861

Article 6. The Arapahos and Cheyennes of the Upper Arkansas, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their improvement and civilization, and, to that end, to induce all that are now separated to rejoin and reunite with them. Provided, however, that those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty, Shall Not be Entitled to the benefit of any of its stipulations.

The Iniquitous Fort Wise Treaty of 1861

- ▶ The interpreter of the Arapaho could not speak the language
- ▶ Article 6 never completed- **No** signatures authorizing ceding of the land North of South Platte River 26 million acres
- ▶ Article 11- Removed by Senate action. The State Department asks the Indian Department to correct the situation, and the amendment was supposedly signed by the leaders. The process of signing the amendment was suspect.

Report of the Commissioner of Indian Affairs 1862

Colorado Superintendency

“Another disturbing element consists in the fact that one or two of the Bands were not represented at the making of the recent treaty with Cheyenne and Arapahos, who, consequently, still claim the right to roam throughout the territory once claimed by that Nation. Although provision is made by the treaty for bands, not parties thereof to become such, it is believed that their concurrence in the treaty can more easily be obtained by direct negotiations with them for that purpose.”

“I hope you will find it possible to arrange with the Cheyennes and Arapahoes that have not signed the Treaty to do so and put them together, or make some other arrangement that will be just to them, and satisfactory to the Whites. Mr. Nicholay (the Prets. Sec.) starts to-day for the West, and will report to you as Sec. of the Commission to treat with the Utes whom I suppose you will get together by 1st Sept. Mr. Nicholay will take out with him \$5000 for your use in negotiating that Treaty.”

PRIVATE

Washington 16th July, 1863.

Gov'r. Evans,

I am sorry that our matters are in so disagreeable a position in consequence of the Secretary's contract with Judge Wright. The contract was made in Indiana while the secretary was on a visit there, and he had no idea in his mind that it would inconvenience you or occasion delay and loss to Judge Wright, to send him out at once.

Of course Judge Wright will be greatly the sufferer if he is kept out of employ with a crew of men any length of time, and I don't see very well how he can go on with the work unless you and Majr. Galley (or one of you) is on the ground to lay off the work. I have written and telegraphed you officially about this, and know that you will do the best you can to carry out the views of the Sec. Usher, and save Mr. Wright from loss, which loss, if any, he will no doubt claim be paid him from the funds of the tribe. I will not now say whether he will be entitled to damages, but I fear he will.

I hope you will find it possible to arrange with the Cheyennes and Arapahoes that have not signed the Treaty to do so and put them together, or make some other arrangement that will be just to them, and satisfactory to the Whites. Mr. Nicholay (the Prets. Sec.) starts to-day for the West, and will report to you as Sec. of the Commission to treat with the Utes whom I suppose you will get together by 1st Sept. Mr. Nicholay will take out with him \$5000 for your use in negotiating that Treaty.

I have been very much amazed by the tone and temper of Dr. Ketāham's letters, and have directed him to communicate through you hereafter. His unofficial letters I could get along with, but I must have respectful official letters.

Write me.

Yours &c.,
W. P. Dole.

Private.

Denver, July 29th, 1863

Hon. W. F. Dole,

Dear Sir,

Your very kind letter of the 16th instant, is just received. I trust you will have seen by my correspondence with Judge Wright and the Department, that I have done all that could be reasonably expected of me in the matter of the surveys. All the language that can in any way be deemed of a censorious character was the communication I got from Judge Wright, a copy of which I sent to the Secty. of the Interior, with a notice to you of its being sent.

I have not in any way, except by that letter been inconvenienced by this whole affair, and least of all did I suspect that either the Secty. or yourself had any idea of doing anything (as you say) to inconvenience me.

We have the matter arranged with Judge Wright, and as he says, so as to suit him exactly, without having caused him any delay.

The official opinion that I gave about the survey, was not expected to interfere with the Dpt., nor to impose any barrier in the way of its plans and operations. I have too much friendship for the Secty. and yourself to not act with you personally and know that I can do so officially without any cause of censure or feeling.

In most of the operations of the Indian service here, I am satisfied that we can save the Gov't money by making the contracts on the ground, but you must be judge of where you repose confidence and where you prefer to act yourselves. I shall be satisfied if the public service is promoted, and will cooperate with you and Secty. Usher in every way I can to that end. I trust this will be satisfactory. As to Mr. Nicholas coming, I am glad of it. I know him well. But the Arapahoe and Cheyenne Council is the one for him to aid in.- We have sent out runners, and they have some 500 miles to go and cannot be recalled to get the Indians together.

It will keep us very busy to get the Utes together by the first of Oct., and I fear a failure then. They are scattered over 400 by 150 miles of mountains, and to get them together is not a trifling matter. If I get your dispatch authorizing it, I will send for them. A treaty made with a small part of the tribe is worse than no treaty.

I know nothing of the character of Dr. Ketchum's letters

2- W.F.Dole, letter of July 29, 1863.

He has seemed to be respectful to me, and has been supposed here to be your particular friend.

Some parties here, with whom the wish is rather to the thought, have suggested privately to numerous of our citizens that a difficulty exists between the Secty. of the Interior, you and I, and that I would probably be removed from office on account of it. I pay no attention to such stuff. If there is any ground of censure however, I would thank you to let me know.

I am greatly obliged for your letter, and hope by return of mail to get another.

Your friend and Obt. servant,

John Evans.



Fort Wise Treaty of 1861

Article 11-

“In consideration of the kind treatment of the Arapaho and Cheyenne by the citizens of Denver city and adjacent towns be permitted by the United States government to enter such a sufficient quantity of land to include city and towns at the minimum price of one dollar and twenty-five cents per acre.”

Department of State,
Washington, August 12th 1861.

William P. Dole, Esq.

Commissioner of Indian Affairs.

Sir,

The enclosed "Articles of Agreement and Convention" between the United States and the Confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, and the ratification thereof by the Senate, with an amendment, striking out the eleventh article, has been sent to this Department by the Secretary of the Senate. But as it does not appear from the face of the paper that the amendment referred to, has been agreed to by the Indian tribes concerned, through their proper representatives, it is herewith sent to the Indian Office, in order that that requisite may be complied with.

I am, Sir,

Your obedient servant,

Frederic W. Seward

Assistant Secretary

Department of State Letter 1861

29th day of October 1861

Witness, On the part of the Arapahos

Al-s-Boon apt-e- ¹ comiffun	Ho-ha ca ehe	his + mark + or	Little Raven
Almer Ois	Ae-ker ba the	his + mark + or	Storm
Capt 4 th Co	Che-ne na ete	his + mark or	Shave Head
J. M. Warrick	Ma-na ca te	his + mark or	Big Mouth
2 ^d Lieut 8 th Inf	{ on the part of the Cheyennes }		
John H. Sawyer	Ma-tu-ra-to	his + mark or	Black Kettle
Asst. Surg. U.S.A.	Wo-ki-rokamast	his + mark or	White Antelope
John S. Smith	Aoo-naeo	his + mark or	Lean Bear
76, S. Interior	Chi-a-ha ket	his + mark or	Little Wolf
	Na-ko-hars-tile	his + mark or	Tall Bear
	Ans-a-na Co	his + mark or	Left Hand
			Named.

viz: Little Raven, Storm, Shave Head, and Big Mouth, (on the part of the Arapahos) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand or Namos (on the part of the Cheyennes) they being ^{themselves} duly authorized by said Confederate tribes of Indians; which amendment is in the following words, viz:

Strike out the Eleventh Article in the following words:—
 "Art. 11.—In consideration of the kind treatment of the Arapahos and Cheyennes by the Citizens of Denver City and the adjacent towns, they respectfully request that the proprietors of said City and adjacent towns be permitted by the United States Government to enter a sufficient quantity of land to include said City and towns, at the minimum price of one dollar and twenty five cents per acre."

In testimony whereof, we have hereunto set our hands and affixed our

29th day of October 1861

Witness, On the part of the Arapahos

Al-s-Boon apt-e- ¹ comiffun	Ho-ha ca ehe	his + mark + or	Little Raven
Almer Ois	Ae-ker ba the	his + mark + or	Storm
Capt 4 th Co	Che-ne na ete	his + mark or	Shave Head
J. M. Warrick	Ma-na ca te	his + mark or	Big Mouth
2 ^d Lieut 8 th Inf	{ on the part of the Cheyennes }		
John H. Sawyer	Ma-tu-ra-to	his + mark or	Black Kettle
Asst. Surg. U.S.A.	Wo-ki-rokamast	his + mark or	White Antelope
John S. Smith	Aoo-naeo	his + mark or	Lean Bear
76, S. Interior	Chi-a-ha ket	his + mark or	Little Wolf
	Na-ko-hars-tile	his + mark or	Tall Bear
	Ans-a-na Co	his + mark or	Left Hand
			Named.

Now, therefore, be it known that I,
Abraham Lincoln, President of the Uni-
ted States of America, do, in pursuance
of the advice and consent of the Senate,
as expressed in their resolution of the
sixth day of August, one thousand eight
hundred and sixty one, accept, ratify, and
confirm said Treaty, with the amendment
as aforesaid.

In testimony whereof, I have caused
the seal of the United States to be here-
unto affixed, having signed the same with
my hand.

Done at the city of Washington,
this 5th day
of December, in

the year of our Lord
one thousand eight
hundred and sixty one,
and of the Independence
of the United States the
eighty-sixth.

Abraham Lincoln

By the President:

William H. Seward,

Done at the city of Washington,
this 5th day
of December, in

From Fort Wise:

The following was in the Rocky Mountain News for September 11, 1861.

“A messenger arrived yesterday from Fort Wise with the report that there were several 1000 Indians collected around the post and becoming very clamorous for their annuities.

Many of them were suffering from hunger, and the commanding officer had already distributed some provisions among them. Some were threatening the fort which is a feeble garrison.

A reinforcement of 2 companies of troops was expected at the ranch on the fourth yesterday.

The rumors on the streets last evening that the Indians had given the post 10 days to pay their annuities or they would commence. The report on the attack was unfounded. Daily of Monday, September 9th.”

This is additional circumstantial evidence that the amendment document was fraudulent. It doesn't make sense that if the Indian people were starving that they were going to be hanging around Fort Wise for almost 30 days during the prime buffalo hunting season.

On the part of the Arapahos

Ho-ha-ca-che	his x	or Little Horn
Ho-ko-ba-the	his x mark	or Horn
Che-ne-na-ot	his x mark	Shore Head
Na-na-co-t	his x mark	Big Mouth

On the part of the Cheyennes

Mo-to-ra-to	his x mark	Black Hells
Bo-ki-ro-mo-act	his x mark	White Antelope
Au-na-co	his x mark	Lean Bear
Ou-a-ha-ko-t	his x mark	Little Wolf
Ho-ko-hai-tah	his x mark	Iron Bear
A-am-a-na-co	his x mark	Left Hand, or James

John Smith Interpreter

Robert Bent Capt. Interpreter

Witness to the signature

John S. J. J. J.

Major of Cavalry

N. H. Wilson Jr.

St. V. C. C. C.

0-12

Tab-E-Nan-I-Kah ^{his} _{mark} or Rising Sun (Seal)
Chief of Yampirica or Root Eater band of Comanches,
for Paddy-wah-say-mei and Ho-to-ye-Koh-Mat bands.

Esth-E-Tare-pa-sah ^{his} _{mark} or Female Infants (Seal)
Headman of Yampirica band of Comanches.

A-sha-Hab-Beet ^{his} _{mark} or Milky Way (Seal)
Chief Pennetaka or Sugar Eater Band of
Comanches and for Co-che-to-ko or
Buffalo Eater band.

Queen-Ah-E-Nah ^{his} _{mark} or Eagle Drinking (Seal)
Head Chief of No-Co-nee or go-about band
of Comanches

Ta-ha-yeer-Quok ^{his} _{mark} or Hooves Back (Seal)
2° Chief of No-Co-nee or go-about band
of Comanches.

Pocha-Naw-Quaif ^{his} _{mark} or Buffalo Hump (Seal)
3° Chief of Pennetaka or Sugar Eater
band of Comanches.

Koo-To-Yo-Koh-Not ^{his} _{mark} or Over the Buttes (Seal)
Chief of Yampirica band

Perry-wah-say-mer ^{his} _{mark} or Ten Bears (Seal)
Chief of Yampirica Band.

Bo-Yah-Wah-to-Yeh-Be ^{his} _{mark} or Iron Mountain (Seal)
Chief of Yampirica Band of
Comanches.

Bo-Wah-Quas-sub ^{his} _{mark} or Iron Shirt (Seal)
Chief of De-nasvi band or Liver eater
band of Comanches.

To-Sa-Hi ^{his} _{mark} or Silver Arrow (Seal)
Head Chief of Pennetaka Band of Comanches.

0-13

Quil-Park ^{his} _{mark} or Lone Wolf (Seal)

Kah-Toh-Kenk ^{his} _{mark} or Black Eagle (Seal)

Zip-Ki-Yah ^{his} _{mark} or Big Bow (Seal)

Sa-Tan-Ta ^{his} _{mark} or White Bear (Seal)

Ton-A-En-Co ^{his} _{mark} or Kicking Eagle (Seal)

Settem-Ka-Yah ^{his} _{mark} or Bear runs over a man (Seal)

Kaw-Pe-Ah ^{his} _{mark} or Plumed Lance (Seal)

To-Hau-son ^{his} _{mark} or Little Mountain (Seal)

Sa-Tank ^{his} _{mark} or Sitting Bear (Seal)

Pawnee ^{his} _{mark} or Poor Man (Seal)

Ta-Ki-Bull ^{his} _{mark} or Stinking saddle cloth (Seal)

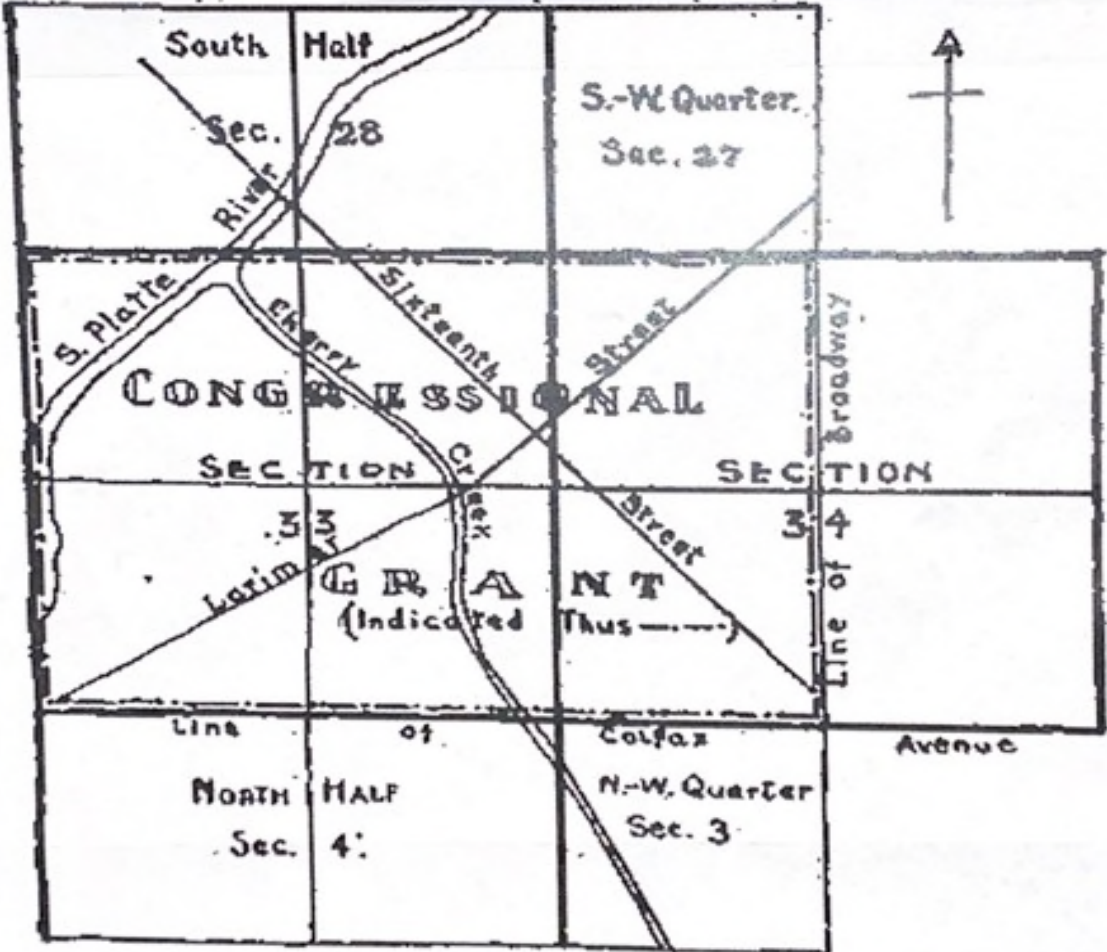
Chiefs of the Kiowa Tribe.

All

Denver City Maps



Denver's Boundaries under Act of March 1864



Denver's Boundaries, under Act of March, 1864.

John Evans Proclamation Number 1

“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. For 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 Colley, U. S. Indian agent at Fort Lyon, who will give them provisions, and show them a place of safety. Friendly Kiowas and Comanches will go to Fort Larned, where they will be cared for in the same way. Friendly Sioux will go to their agent at Fort Laramie for directions. Friendly Arapahoes and Cheyennes of the Upper Platte will go to Camp Collins on the Cache la Poudre, where they will be assigned a place of safety and provisions will be given them.

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 all effectually subdued.”

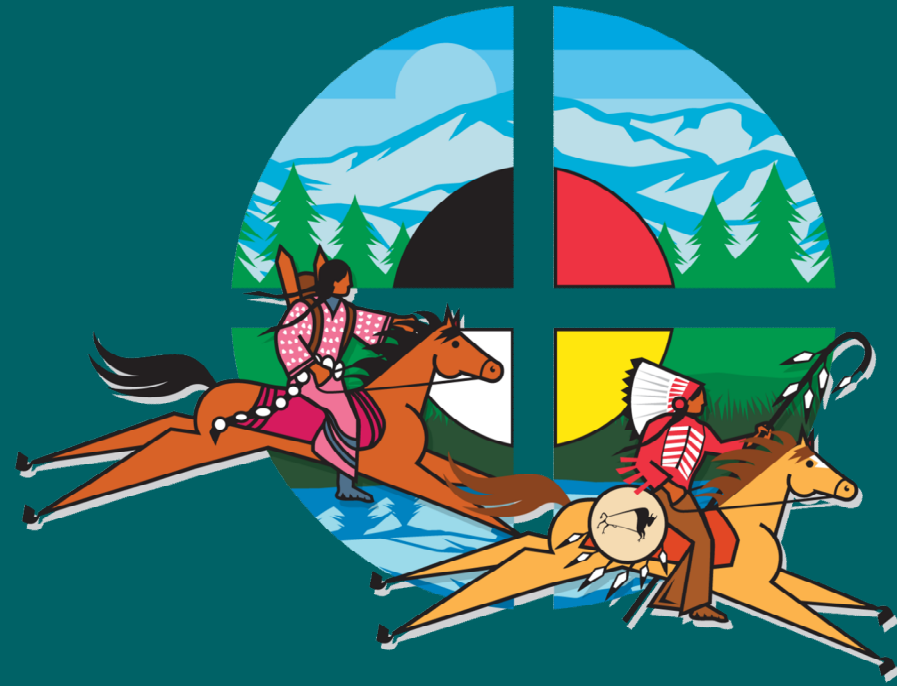
John Evans Proclamation Number 2

“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 Myth of Treaty “Negotiations”

“Where are our children taken by the whites at Sand Creek? They have been promised to us at every Council that has been held since that time but we have not seen them. I wish you to give us a paper stating that they will be returned to us.”

-Big Head, 1867, Medicine Lodge Treaty Negotiations



People of the Sacred Land