INDIAN POLICY ON THE SANTA FE ROAD: THE FITZPATRICK CONTROVERSY OF 1847-1848

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AS SOON as the United States occupied New Mexico in 1846 it became evident that the major lifeline to the province, the Santa Fe road, would need considerable attention from the federal government. Being the only connection between the "States" and New Mexico, keeping the road open was absolutely indispensible to the military establishment and the merchants of Santa Fe. Unfortunately, the road was anything but secure. Several Indian tribes, particularly the Northern Comanche, Kiowa, and Pawnee, had long been raiding wagon trains. Two other significant tribes, the Cheyenne and Arapaho, resided in the vicinity of Bent's Fort and were potentially dangerous should they be provoked. Since the Mexican War had brought all the area under American jurisdiction, the government quickly moved to establish peace on the entire route. This task was entrusted simultaneously to the two branches of government responsible for Indian affairs—the office of Indian affairs and the army. Thus came together Agent Thomas Fitzpatrick and the U. S. Army, primarily in the person of Col. William Gilpin, in what proved to be a fateful debate on the conduct of Indian policy on the Santa Fe road.[1]

From its opening in 1821 the Santa Fe road had been of major economic significance to New Mexico. Despite official Mexican reluctance, American merchant trains regularly took trade goods to the New Mexican capital to be exchanged for silver and mules. Indian attacks, especially in the vicinity of the crossing of the Arkansas and along the Cimarron cutoff, proved to be a hazardous corollary to the trade. The Indian tribes who had been at war with the Mexicans and cared little for the activities of the aggressive American frontiersmen, found the wagon trains ripe for plunder. However, since most of the road was located in Mexican territory the merchants received little protection.[2] American occupation of New Mexico changed the entire picture. With the length of the road now under American control and Mexican restrictions at an end, a new flurry of trading activity began. In addition, the conquering military forces needed a continuing flow of troops, mounts, and supplies, all of which had to come over the road from Fort Leavenworth.[3] Keeping the Santa Fe road open thus assumed a national importance it had never attained prior to 1846.

Ironically, just at the time of most urgent need, Indian troubles threatened to close the road entirely. Kiowa and Comanche warriors at first cautiously respected the arrival of American forces. For a variety of reasons, however, their respect for Americans rapidly evaporated. The Taos revolt of January, 1847, the success of Navajo and Apache raids against the New Mexican settlements, and the activities of a few Mexican nationals who encouraged the tribes to attack Americans, all demonstrated that there was little to fear from the overextended Americans. In addition, the increasing number of American frontiersmen plying the trail caused bitter resentment by their random killing of Indians and their destruction of the meagre natural resources of the area. The number of "greenhorns" on the trail after 1846 who knew nothing of how to protect their goods also made the wagon trains more inviting to Indian raiding parties. Thomas Fitzpat-

1. This controversy receives brief attention in the major biographies of the leading characters. See Thomas L. Karnes, *William Gilpin: Western Nationalist* (Austin, University of Texas Press, 1970), pp. 198-200; LeRoy R. Hafen, *Broken Hand. The Life of Thomas Fitzpatrick: Mountain Man, Guide, and Indian Agent* (Denver, Old West Publishing Company, 1973), pp. 257-260; David Lavender, *Bent's Fort* (Lincoln, University of Nebraska Press, 1972), pp. 327-329.

2. There are several major studies of the Santa Fe trail. For background material refer to R. L. Duffus, *The Santa Fe Trail* (London, Longmans, Green and Co., 1930); Stanley Vestal, *The Old Santa Fe Trail* (Boston, Houghton Mifflin Co., 1939); and Hobart E. Stocking, *The Road to Santa Fe* (New York, Hastings House, 1971).

3. Walker D. Wyman, "The Military Phase of Santa Fe Freighting, 1846-1865," *Kansas Historical Quarterly*, v. 1 (November, 1932), pp. 415-423; Robert M. Utley, *Frontiersmen in Blue: The United States Army and the Indian, 1848-1865* (New York, Macmillan Company, 1967), pp. 52-53, 63-68.

rick, in fact, considered this latter development a major reason for increased Indian raids.[4]

By early 1847 Kiowas, Comanches, and Pawnees regularly disrupted traffic on the road. In nearly every instance the Indians succeeded in inflicting losses on the wagon trains. Typical of these occurrences was the following report in the St. Louis *Daily Union*, May 29, 1847: "At Pawnee Fork [near present Larned], this party, consisting of 14 Americans and about 54 Mexicans was attacked by 100 Camanches. The fight lasted some minutes, during which one Indian was killed and several were wounded. Two Americans and one Mexican were wounded, slightly. The Indians carried off about 105 horses and mules belonging to the Mexican traders." With such attacks occurring frequently it is little wonder that many a trader, as Lewis Garrard so aptly put it, had "a fear of losing his hair." [5]

Government trains on the road seemed to have even more trouble. Almost every party, whether a small supply caravan or a large detachment was attacked. Losses in men and material mounted precipitously during the summer of 1847. In June, for instance, a small government train was attacked near Cottonwood fork by a party of Comanches who succeeded in killing several men and running off much of the livestock. A month later a battalion of Missouri volunteers enroute to New Mexico was surprised while encamped at the crossing of the Arkansas. Eight soldiers were killed and four wounded before the men could mount and drive off the raiding party.[6] Similar events were reported to military authorities throughout the remainder of the summer traveling season. William Gilpin later brought all reported depredations together and calculated that losses on the road during the summer of 1847 amounted to 47 Americans killed, 330 wagons destroyed, and nearly 6,500 head of stock lost.[7]

VOICES of protest arose before the dust of the summer skirmishes settled. Soldiers returning from New Mexico frequently expressed their views to Missouri newspapers. One volunteer wrote the Jefferson City *Inquirer* that a large body of Comanches had congregated near the Arkansas where they were becoming increasingly bold and daring. He expressed the view that the Indians were beginning to think the Americans were afraid of them and it was about time the government did something. Several other correspondents expressed similar opinions as did many merchants, and all demanded that the government punish the guilty tribes—and soon.[8] Aside from the army, which was well aware of conditions, other government officials on the frontier also seconded local demands. Thomas H. Harvey, superintendent of Indian affairs at St. Louis, for example, wrote his superiors in July that "these attacks show conclusively that some of the Indian tribes on the borders of New Mexico are at open war with the U.S." He hoped the "Government will lose no time in teaching them that the U.S. is able to . . . keep the Indian tribes in check." [9]

Actually, the government was already working on the frontier complaints. Characteristically, however, it went about it in a rather unorganized manner and divided the task between the civilian and military branches of government. The first attempt to bring some sort of order to the Santa Fe road originated with Missouri Sen. Thomas Hart Benton, a man favorable to trading interests, who proposed to congress in April, 1846, the creation of an Indian agency for the tribes of the Upper Platte and Arkansas rivers. Congress agreed to the proposal as soon as the war with Mexico began and appointed Thomas Fitzpatrick agent. Fitzpatrick, one of the nation's best known mountain men and guides, was one of many former traders appointed to the Indian service during this era. Opinionated and sure

4. Col. Sterling Price to Adj. Gen. Roger Jones, July 20, 1847, National Archives, Record Group 94, Adjutant General's Office, "Letters Received" (hereafter referred to as AGO, "LR"), P/133/1847; Jefferson City (Mo.) *Inquirer*, July 10, 1847; Thomas Fitzpatrick to Thomas H. Harvey, December 18, 1847, National Archives, Record Group 75, Office of Indian Affairs, "Letters Received" (hereafter referred to as OIA, "LR"), Upper Platte Agency; Robert A. Trennert, *Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System 1846-51* (Philadelphia, Temple University Press, 1975), pp. 104-105.

5. Lewis H. Garrard, *Wah-To-Yah and the Taos Trail*, edited by Ralph P. Bieber (Glendale, Calif., The Arthur H. Clark Company, 1938), p. 339.

6. St. Louis *Daily Union*, June 16, 1847; Garrard, *Wah-To-Yah*, pp. 371-372.

7. Roger Jones to Brig. Gen. Matthew Arbuckle, July 17, 1847 (copy), OIA, "LR," Miscellaneous, 1847; William Gilpin to Jones, August 1, 1848, AGO, "LR," G/368/1848.

8. Jefferson City *Inquirer*, July 31, 1847; Wyman, "Santa Fe Freighting," p. 420; Lavender, *Bent's Fort*, pp. 324-325.

9. Thomas Harvey to Commissioner of Indian Affairs William Medill, July 14, 1847, OIA, "LR," St. Louis Superintendency.

in his own mind what was best for the Indians, the new agent brought a great deal of experience to the position.[10] Although the limits of his agency could not extend south of the Arkansas because of the uncertain legal status of the former Mexican territory, the proposed location of agency headquarters at Bent's Fort indicated that he was expected to work for peace on the Santa Fe road. At the time of the appointment, however, Fitzpatrick was serving with General Kearny in New Mexico and thus Indian affairs along the road had to await his return.

TOM FITZPATRICK actively began to pursue his job as Indian agent in January, 1847, when he re-reported to his immediate superior at St. Louis, Superintendent Harvey. The new agent overflowed with advice about handling the tribes under his jurisdiction. Harvey, at that moment, was promoting the idea of holding a series of councils with the hostile tribes along the Oregon and Santa Fe roads in order to bring about peace through diplomacy. Fitzpatrick rejected the notion outright. In a letter to Harvey on January 3, Fitzpatrick stated that these tribes would never stop their depredations until the United States demonstrated its ability to punish "some of the worst and most troublesome tribes." If such an action were taken, he predicted, it would cause the Indians to see that they could no longer raid with impunity and thus "invent other means of gaining a livelihood besides plundering and murdering their fellow beings. Such a course would be the first great step to the settlement, and civilization of the wild and roaming tribes." Consequently, Fitzpatrick took the uncompromising position that the Indians must be chastised as a prerequisite to peace and he hoped that Harvey would see "the necessity of some policy which will at once put a stop to the frequent murders and robberies." [11]

The best means of demonstrating the nation's military might, felt Fitzpatrick, was to establish a series of posts along both the routes to Oregon and Santa Fe. To Harvey and Cols. Clifton Wharton and J. J. Abert, Fitzpatrick suggested that the government quickly build a series of posts, running from New Mexico all the way to the Canadian border. This move would put troops on the lines of travel and bring about a situation where the tribes inhabiting the trails would be constantly reminded that punishment would be near at hand if they broke the peace.[12]

As the spring travel season of 1847 on the Santa Fe road commenced, Indian raids, as we have seen, became increasingly frequent. Fitzpatrick became furious over the American inability to prevent such outrages. He knew that every successful attack encouraged more depredations. In this regard he renewed his call for troops but he also recognized that the Indians would not be intimidated by the mere presence of soldiers. They must be effectively employed and aggressive in their action. After all, large bodies of troops had been traveling the Santa Fe road for nearly a year. Yet the effect had been disastrous: "When we see a government train of waggons manned and in charge of 44 men armed and equiped by the United States travelling across the Plains to New Mexico, and allow a band of savages to enter their lines—cut the harness off all the mules, and take them away, amounting to 170—kill and wound 3 or 4 men—destroy and burn up some of the waggons, and all this with impunity and without losing a single man, it is hard to foster what may be next attempted." [13] Correcting this poor showing by the government became a crusade with Fitzpatrick.

Fitzpatrick was unable to leave for his post until June when he attached himself to a government train heading for Santa Fe. Events on the trail undoubtedly enraged the new agent even more. At Pawnee creek, the Comanches attacked the train, killed five soldiers, and ran off a considerable amount of stock.[14] With the dangers of Western travel vividly reinforced by

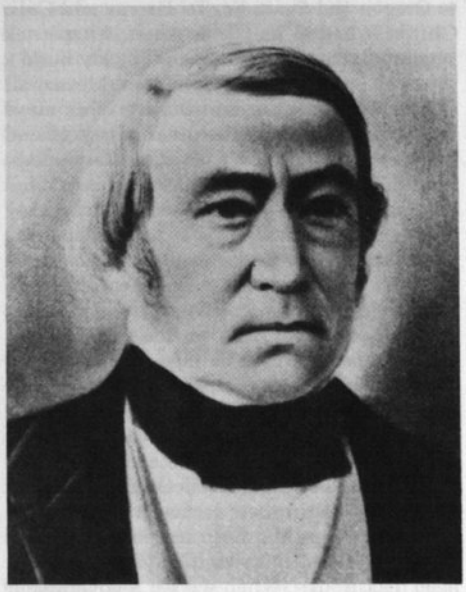
10. Thomas H. Benton to Medill, April 9, 1846, OIA, "LR," Upper Platte Agency; Hafen, *Broken Hand*, pp. 230-231. *See* Robert A. Trennert, "The Fur Trader as Indian Administrator: Conflict of Interest or Wise Policy?" *South Dakota History*, Pierre, v. 5 (Winter, 1974), pp. 1-19, for a discussion of how Fitzpatrick fit into the government policy of hiring former traders.

11. Fitzpatrick to Harvey, January 3, 1847, OIA, "LR," St. Louis Superintendency.

12. *Ibid.*; Fitzpatrick to Abert, nd (Spring, 1847), OIA, "LR," Upper Platte Agency; Fitzpatrick to Wharton, January 11, 1847, quoted in Hafen, *Broken Hand* pp. 244-245.

13. Fitzpatrick to Harvey, April 30, 1847, OIA, "LR," St. Louis Superintendency.

14. This incident is recorded in Garrard, *Wah-To-Yah*, pp. 369-372; *see*, also, Fitzpatrick to Harvey, September 18, 1847, in *Appendix to the Report of the Commissioner of Indian Affairs, 1847*, 30th Cong., 1st Sess. *Sen. Ex. Doc. 1* (Serial 503), pp. 238-249; Philip Ferguson, *The Diary of Philip Ferguson*, published as part of *Marching With the Army of the West, 1846-1848*, ed. Ralph P. Bieber (Glendale, Calif., Arthur H. Clark Company, 1936), p. 295.



Thomas Fitzpatrick (1799-1854), well-known mountain man, guide, and Indian agent, had strong opinions on what should be done to bring peace to the Santa Fe road. When his recommendations were not heeded by the army, his dire predictions proved correct. Photograph reproduced *courtesy* the Colorado Historical Society, Denver.

this incident, Fitzpatrick finally made his way to Bent's Fort early in August, where he prepared to begin his duties. The importance of establishing peace was given additional urgency shortly thereafter by the arrival of a circular from Superintendent Harvey. Harvey had become quite upset about the increasing tempo of Indian raids and was afraid that other tribes, still at peace, but "heretofore fond of war and plunder" would be encouraged, by the success of the hostile tribes and the distractions of Americans with the Mexican War, to "take up the hatchet." [15] The St. Louis superintendent thus predicted that if depredations continued, they might result in a general Indian uprising, paralyzing Western travel and harming the war effort. Consequently, not only must the hostile tribes be subdued, but the other tribes must be kept at peace. In Fitzpatrick's case, this meant keeping the Cheyenne and Arapaho quiet.

15. Harvey to Medill, July 14, 1847, and "Circular to All Agents," July 10, 1847, OIA, "LR," St Louis Superintendency.

MEANWHILE, the army began moving on its own to protect the frontier. Pressure from local citizens as well as the embarrassing losses, finally prodded the War Department into action. In July Adj. Gen. Roger Jones directed Brig. Gen. Matthew Arbuckle, then at Fort Smith, to immediately proceed to Fort Leavenworth and take command. As "a state of open warfare" was believed by Jones to exist along the entire frontier, Arbuckle was granted authority to raise additional volunteer forces in Missouri. However, the War Department exhibited some confusion on how to employ the troops. Authority had already been granted to raise a battalion of "Missouri Mounted Volunteers" to patrol the Oregon trail, and this force was currently being raised, albeit with some difficulty. Arbuckle immediately called for another battalion, but recruitment was sure to take some time. Thus with two battalions being organized, the question was which one should be given priority. Lieutenant Colonel Wharton at Fort Leavenworth clarified the situation by writing Arbuckle that there was presently little difficulty on the Platte. Thus "as to protection for the Oregon Emigrants *this year* it is not needed, and it is to be regretted that I have not the authority to order the Oregon Battalion *at once* on the *Santa Fe* route to punish the Marauding Indians between that place and this post." [16] Hence Arbuckle decided to use most of the troops being raised for Oregon on the Santa Fe road while sending out a small force to garrison the Oregon trail.[17]

Lt. Col. William Gilpin commanded the new battalion. Although a veteran of considerable frontier experience—having fought in the Seminole War and participated in Doniphan's campaign against the Navajo in 1846—Gilpin's brash methods and impractical nature would soon cause difficulty. Such problems, however, were in the future at the time of his appointment in September and frontier citizens, relieved that the army was doing something, applauded the selection of Gilpin. One correspondent to the St. Louis *Daily Union* wrote that he was gratified with the appointment of Gilpin and noted that "All that I have con-

16. R. Jones to M. Arbuckle, July 17, 1847, OIA, "LR," Miscellaneous, 1847; C. Wharton to Arbuckle, August 14, 1847, AGO, "LR," W/631/1847.

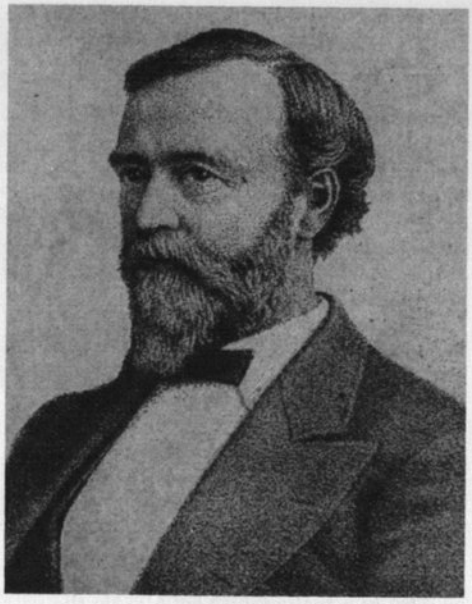
17. The garrison for the Oregon trail managed to depart first, leaving Fort Leavenworth on September 5, 1847, under command of Lt. Col. Ludwell E. Powell.—*See* Elvid Hunt and Walter E. Lorence, *History of Fort Leavenworth, 1827-1937* (Fort Leavenworth, The Command and General Staff School Press, 1937), p. 67.

versed with, who served with him, speak in high terms of his ability and efficiency as an officer." [18]

Colonel Gilpin hoped to have the five volunteer companies of his battalion made up largely of experienced Missouri frontiersmen. However, enlistments failed to live up to expectations and finally three companies were recruited from German immigrants in St. Louis. Colonel Wharton's instructions in September show the strategy the army intended to employ. The two companies of dragoons, composed of Missouri frontiersmen, would set out for the crossing of the Arkansas river. Arriving at their destination, they would fan out for 50 miles in either direction, attacking and dispersing all hostile Indians. The artillery and infantry companies, manned by immigrants, were to proceed as soon as possible to the abandoned site of Fort Mann on the Arkansas, erect quarters for three companies, and prepare to defend the road.[19]

Gilpin's forces arrived at Fort Mann early in November. They found the small structure, which had been built earlier in the year, in dilapidated condition. Lewis Garrard earlier described the fort as "simply four log houses, connected by angles of timber framework, in which were cut loopholes for the cannon and small arms. In diameter the fort was about sixty feet. The walls were twenty in hight." Gilpin, concerned about the rumored alliance of all the prairie tribes, quickly marched up the Arkansas toward Bent's Fort with his two companies of dragoons. His departure may have been hastened by a desire to escape the troubles of his command. The German companies had already given signs of difficulty—they had no military training, spoke no English, and feared the Missourians as much as the Indians. With perhaps a sigh of relief, then, Gilpin left the German companies at Fort Mann where they could repair the buildings and stay out of trouble.[20]

Fitzpatrick, in the meantime, from his vantage point at Bent's Fort had begun to assess



Col. William Gilpin (1813-1894), Indian fighter and later first territorial governor of Colorado, commanded the army battalion recruited to patrol the Santa Fe road. Photograph reproduced from *A Thrilling and Truthful History of the Pony Express* by William L. Visscher (Chicago, Rand McNally & Co., 1908).

the status of Indian affairs on the Santa Fe road. Like everyone else in the vicinity he was much concerned that the Cheyenne and Arapaho would be encouraged by the success of the Comanche to start plundering the trail. He thus expressed great satisfaction that the tribes had remained friendly to the United States when he met with them in late August. But feeling the need to impress tribal leaders with American power, Fitzpatrick went on to stress that American soldiers would soon be coming to punish those guilty of "plundering and robbing travellers on the Santa Fe road." Fitzpatrick was certainly using a heavy-handed approach—civilizing efforts and presents might be productive in the long run, he felt, but an effective army backed up by good Indian diplomacy would be the major factor in bringing about peace.[21]

What concerned the agent most was that the army would be ineffective and thus destroy

18. St. Louis *Daily Union*, September 11, 1847. For background on Gilpin *see* Karnes, *William Gilpin, passim.*, and Thomas L. Karnes, "Gilpin's Volunteers on the Santa Fe Trail," *The Kansas Historical Quarterly*, v. 30 (Spring, 1964), pp. 2-3.

19. Post Order #63, Fort Leavenworth, September 20, 1847, AGO, "LR," W/771/1847.

20. Garrard, *Wah-To-Yah*, pp. 331-339; Fitzpatrick to Harvey, December 18, 1847, OIA, "LR," Upper Platte Agency; Karnes, *William Gilpin*, pp. 192-195. Garrard's description of Fort Mann was from his observation in May, 1847.

21. Fitzpatrick to Harvey, September 18, 1847, in *Appendix to the Report of the Commissioner of Indian Affairs, 1847*, pp. 241-242.

American credibility. In a special report to the Indian Office on October 18, 1847, he explained his fears. The army operations then going on in adjacent New Mexico were not the sort to inspire confidence or to impress the Indians. Fitzpatrick listed several recent campaigns, particularly ones by Maj. B. B. Edmundson and Colonel Willock against the Apache, as disastrous to Indian policy. During these actions American troops fled "panic stricken" from the field of battle, in one instance "the Volunteers not halting for a distance of eight miles." Such military failures only served to convince the Indians that the army had no real ability to punish the hostiles. Word of these encounters would quickly spread and thus have a direct effect on the tribes along the Arkansas. Fitzpatrick believed the reason for these disasters was the totally unprofessional character of the voluntary army—the "deplorable state of discipline," poor supplies, and lack of leadership. "If the government will send such a force into this country as remained in New Mexico the past year," he predicted, "I can forsee nothing less than a general Indian war, which may last for years." [22] Before this letter had time to reach Washington Fitzpatrick learned that Gilpin's "Indian Battalion" was composed of just the type force the agent feared the most.

FITZPATRICK'S predictions of disaster came true in November. No sooner had Gilpin departed with his dragoons for Bent's Fort than an unfortunate incident occurred at Fort Mann. The troops left at the fort were almost all Germans, speaking little English and scared of Indians. Capt. William Pelzer, an immigrant volunteer himself, had been left in command of the post by Gilpin. Signs of trouble with these troops had first appeared on the march to Fort Mann. "After leaving Leavenworth and while travelling through the Indian settlements on the border," wrote Fitzpatrick, "it required some vigilance and constant watching to prevent them from killing or attempting to kill every Indian they met on the road." [23]

With the American commander gone and the troops in a state of emotional strain, a party of about 65 Pawnees appeared at the fort on November 17. Four leaders of the band raised a white flag and rode to the gate where they met Captain Pelzer. The Indians produced several letters showing them to be friendly to the whites. The captain then smoked a pipe with the Indians and invited them into the fort. At this point, however, it became evident to the soldiers that there were several hundred more Pawnees across the river. Captain Pelzer thus decided to take as many as possible of the original party hostage and await Gilpin's return. When they realized what was happening, the Indians attempted to escape. Post Adj. Henry L. Routt described what happened next:

> Orders were immediately given to fire on them—and such a scene of confusion as ensued I never before witnessed . . . the men were firing in every direction. Two of the Indians were killed and a great many wounded. Three of the Indians failed to make their escape through the gate, and ran into Capt. Pelzer's quarters—a guard was placed at the door to prevent their escape. One of their number being bolder than the rest, rushed by the guard, passed the gate, and was shot some forty yards from the Fort. The two Indians who remained in Pelzer's quarters, were afterwards unceremoniously shot.[24]

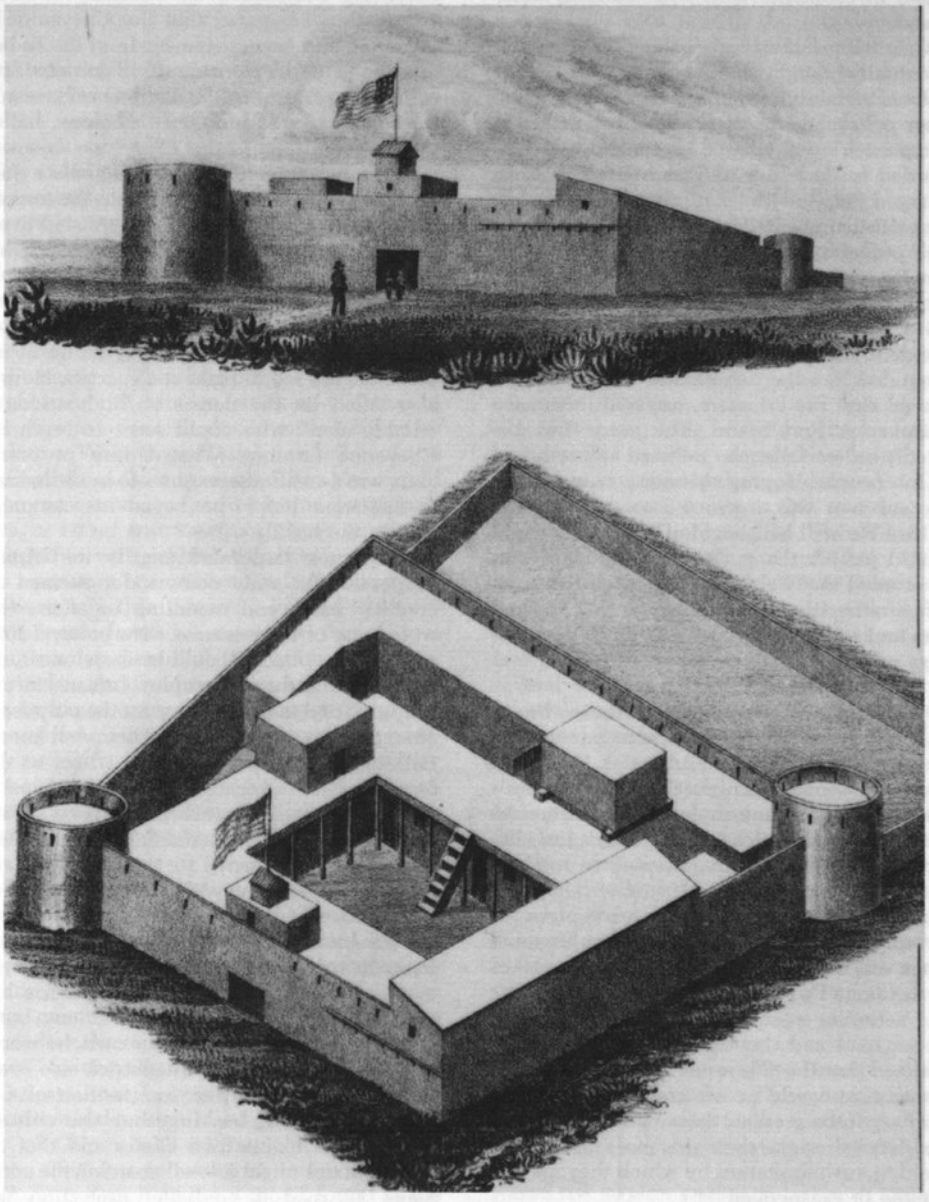
Reports of the Fort Mann massacre set Fitzpatrick off on a tirade against the army. The whole affair seemed to destroy his policy of encouraging peace on the Santa Fe road. None of the officers of Gilpin's command, he fumed, had any knowledge of the Indians and "such wanton and uncalled for attacks on Indians are highly reprehensible; and cannot result otherwise than in the utmost contempt, and still more hostility towards us." Although he did not personally condemn Gilpin, he did ask "the War Department to withdraw the force which have just arrived in this country for its tranquilization as I am very certain that this force will only excite ridicule and be instrumental of doing more mischief to the cause than can be remedied perhaps in five years to come." [25] This incident put Fitzpatrick in no

22. Fitzpatrick to Harvey, October 18, 1847, OIA, "LR," Upper Platte Agency.

23. Fitzpatrick to Harvey, December 18, 1847, *ibid.* Such occurrences are also indicated in the charges later brought against Pelzer, *see* "Report of the Official Investigation by Colonel Garland of Gilpin's Command," August 3, 1848, AGO, "LR," G/368/1848, enclosure C.

24. There are several accounts of the incident. Pelzer's account of November 19, 1847, is contained in the official report of the investigation, AGO, "LR," G/368/1848, enclosure A; Fitzpatrick reported it in his letter to Harvey, December 18, 1847, OIA, "LR," Upper Platte agency; and Routt wrote two accounts, the first one to the Liberty *Times*, printed in the St. Louis *Daily Union*, January 8, 1848, is the most detailed. On January 12, 1848, Routt wrote the editor of the *Union*, printed February 9, 1848, coming a little more to Pelzer's defense.

25. Fitzpatrick to Harvey, December 18, 1847, OIA, "LR," Upper Platte Agency.



Bent's Fort, near present La Junta, Colo., was headquarters for Thomas Fitzpatrick, Indian agent for the Upper Platte and Arkansas agency. His adversary in the debate on Indian policy on the Santa Fe road, Col. William Gilpin, wintered his dragoons there in 1847-1848. The adobe fort, erected in the early 1830's by the Bent brothers, was the trading post of Bent, St. Vrain & Co. Sketch reproduced from report of Lt. J. W. Abert's expedition of 1845, *Sen. Doc. 438* (Serial 477), First Sess., 29th Cong.

mood to cooperate with such an army command.

Gilpin himself was upset about the affair and eventually brought charges against Pelzer. The colonel certainly recognized the setback to Indian policy and he also probably knew that Fitzpatrick's unfavorable letters had been forwarded to Secretary of War Marcy. He thus charged Pelzer with "conduct tending to subvert all attempts on the part of the US to maintain peaceful relations with the Indians" and disobeying his commander. Col. John Garland, who conducted the hearing for Pelzer in July, 1848, also recognized the great harm of the incident. In addition, he discovered that a wounded Pawnee, whose life had been preserved after the massacre, was still in irons, a prisoner at Fort Mann. The army thus belatedly ordered the man released and returned to his people. Hoping to smooth things over, the survivor was instructed to say that the "Great Father" had heard of the incident and would punish the guilty. Garland, however, concluded that Pelzer had acted out of ignorance rather than premeditation and allowed him and four others to resign.[26] Such proceedings probably did little to secure peace.

GILPIN wintered his dragoons in the vicinity of Bent's Fort where he renewed old acquaintances with Fitzpatrick. Relations, however, were anything but amicable. Gilpin's attempt to try Indian diplomacy and interfere with what Fitzpatrick considered his jurisdiction rather than confine himself to military activities quickly created friction. Trouble started early in 1848 as Gilpin made plans for his spring offensive. Concluding that his small force was insufficient to control both branches of the Santa Fe road and hoping to concentrate his activities against the Comanche on the upper road and the Cimarron cutoff, Gilpin realized that the Cheyenne and Arapaho near Bent's Fort would be left unguarded. With no military force present, these two tribes would "be left to resume their predatory habits and yield to any temptation by which they may be excited or exasperated." [27]

Writing Fitzpatrick on February 8, 1848, Gilpin thus suggested that the Cheyenne be given aid and encouragement from the Indian office to settle in permanent villages at a spot called the "Beautiful Encampment" west of the fort on the Arkansas. This colony, he believed, would settle the Cheyenne down as agriculturalists, give them an immediate stake in their farms, and thus eliminate the temptation to raid. They also might be enlisted to aid in stopping the hostile tribes. Fitzpatrick was asked to suggest how many families might be induced to settle down in the colony, what kinds of buildings should be constructed, and the amount of livestock and agricultural implements needed to make it a success. He was also asked for the names of "industrious & reliable men" who could serve to teach the Cheyenne farming. What Gilpin proposed, then, was a small reservation—to be settled and in operation before he began his campaign against the hostile tribes.[28]

Fitzpatrick responded angrily to Gilpin's proposal. The army commander seemed incredibly naive and meddling in affairs that were none of his business. "No policy," Fitzpatrick wrote back, "could be more uncertain, or dangerous than to employ Indians in any shape or form in this country for the purpose of attempting to tranquelize it. Their well known faithlessness and treachery and whom no difference exists in regard to villany ought to be forever a bar against such proceedings." Fitzpatrick did agree that establishing permanent agricultural settlements for the Cheyenne and Arapaho, "apart from acting as our defenders," was an idea he had long advocated. However, the transition could only take place gradually, nomadic tribesmen would not become farmers overnight. In addition, the Indian office had given no authority to start such a colony, but if the army wanted to do it on its own, he would offer "cheerful" advice. Fitzpatrick also could not resist ridiculing the composition of Gilpin's command, hinting that the colonel should tend to his own affairs and that the United States might as well abandon the entire Santa Fe road if no better protection was forthcoming. The hostile Indians would find the "Indian Battalion" more a source of ridicule than anything else: "a better adapted

26. Garland to Adj. Gen. Roger Jones, May 24, and August 2, 1848, AGO, "LR," G/210/1848; Garland's official report, August 3, 1848, *ibid.*, G/368/1848; Gen. Sterling Price to William Marcy, August 6, 1848, *ibid.*, P/463/1848.

27. Gilpin to Fitzpatrick, February 8, 1848, OIA, "LR," Upper Platte Agency.

28. *Ibid.*

force, for the amusement and pastime of the roaming tribes of this country than Infantry and Artillery could not be sent here." [29]

Fitzpatrick's rejection of Gilpin's colonization scheme had immediate repercussions. The Indian agent had long been aware of the fact that whiskey traders were exacerbating the situation along the trail and he wanted the government to do all it possibly could to break up the traffic. As the Indian office possessed no police power, Fitzpatrick felt that the army must vigorously enforce the trade and intercourse laws. "In this country we are more isolated and remote from the protective influences of the government," he wrote Gilpin urging action, "therefore our policy, or system ought to be different by letting no violation of law escape unpunished, committed either by Indian or White man. If such a course could be persued for a short time, all difficulties would soon cease, and we would become entire masters, or rather instructors of Those unmanagable tribes with whom all half way measures are a constant source of ridicule & contempt." Backing up this concern, in mid-February Fitzpatrick formally requested that Gilpin supply a detachment of 10 men to chase down a whiskey peddler from Taos known to be in the Indian country. Gilpin, though he probably agreed on the necessity of restricting whiskey peddlers, refused the request, apparently out of spite. The frustrated Fitzpatrick immediately sent Gilpin's reply to Washington along with a note on the impossible nature of Gilpin's attitude.[30]

Fitzpatrick's prediction of trouble proved both correct and a headache for Gilpin. As the travel season of 1848 approached Indian agents along the Missouri frontier began reporting that Santa Fe traders intended to take large quantities of liquor with them and were spreading the word that it would take a "strong force" to stop them. Agent Richard W. Cummins at Fort Leavenworth suggested that "positive orders should be given by the Dept. to Col. Gilpin & all military officers, that will be on the Santa fe road with troops to keep a lookout & search all the wagons, found in the country. I will again say that if persons are allowed to take liquors into the Indian country under the name of Santa fe traders, the Intercourse laws as it regards the introduction of liquors, will be worth but little." [31] Although it is impossible to know how much whiskey actually came down the trail in 1848, some 12,000 persons reportedly traveled the route that year. If only a small percentage carried alcohol, it still contributed to the Indian raids that Gilpin intended to halt. Still there is only one report that he did anything to cooperate with the Indian office on the matter. One German merchant was arrested and some 60 barrels of beer destroyed.[32]

IN LATE February Fitzpatrick left to survey the Indian situation on the Platte river. Meanwhile, Gilpin, aware of the bad reputation he was acquiring from Fitzpatrick's letters and frontier opinion, decided to launch an agressive campaign of the type demanded. Despite all attempts, however, his two dragoon companies could not bring the tribes along the road to a decisive battle. Not until June, at the height of the travel season, did the Comanche begin to raid again. This gave Gilpin his chance and he launched cavalry attacks at several points. During June and July there were several engagements. While all the detachments reported some success, including an exaggerated number of over 200 Indians killed, it is evident from the reports that the troopers were often outclassed by the Comanches. Mounts and mules were run off, wagon trains attacked, soldiers ambushed. Most Indians escaped severe chastisement. Although the command was certainly more aggressive than before, his forces were inadequate and little changed on the trail despite Gilpin's claim that his forces had the Comanches on the run.[33] Obviously, from the nation's viewpoint even more needed to be done by the army.

But army activity on the road came to an end with the summer skirmishes. Despite all the protests, the government chose to ignore the confusion and give up on the road. Part of the reason for this development stems from Gilpin

29. Fitzpatrick to Gilpin, February 10, 1848, *ibid.*

30. Fitzpatrick to Gilpin, February 10, 1848, Fitzpatrick to Harvey, February 18, 1848, Gilpin to Fitzpatrick, February 14, 1848, *ibid.*

31. Solomon P. Sublette, Osage River Agency, to Harvey, February 29, 1848, Richard W. Cummins, Ft. Leavenworth Agency, to Harvey, February 27, 1848, *ibid.*, St. Louis Superintendency.

32. Duffus, *Santa Fe Trail*, p. 222; Karnes, "Gilpin's Volunteers," p. 14n.

33. Gilpin to Roger Jones, AGO, "LR," G/368/1848; reports of Lt. W. B. Royall, June 21, 1848, Lt. Phillip Stremmel, June 23, 1848, Capt. John C. Griffin, July 12, 1848, in *Annual Report, Secretary of War, 1848*, 30th Cong., 2d Sess., *House Ex. Doc. No. 1* (Serial 537), pp. 141-149. Karnes, *William Gilpin*, pp. 205-209, fully covers these summer campaigns.

himself. The Mexican War was now over and the battalion due to be mustered out. On August 1 Gilpin wrote Secretary of War Marcy from Fort Mann summarizing his accomplishments. With some exaggeration he claimed that raids had declined and peace returned to the road. He pointed out with general accuracy that the Kiowa had been persuaded to join the Cheyenne and stop raiding, but his remarks that the Comanche were beaten generally missed the mark. The report was glowing and probably written with a mind to salvaging something of his reputation and make the situation look better than it was. Consequently, his last words to Marcy were that "it will be perceived then in what manner so many tribes of Indians, inhabiting an immense and various territory have been defeated by a single battalion." [34]

Still Gilpin was aware that abandonment of the trail would be disastrous and he backed the idea championed by Fitzpatrick that the only way to provide permanent protection for the road was to establish forts—moving columns of men could not be effective except in direct forays against the Indian's winter homes. With this suggestion the battalion marched back to Fort Leavenworth to be disbanded. The Comanche took over the trail again.

Fitzpatrick, meanwhile, continued to protest army policy, make derogatory comments about Gilpin, and urge more rigorous action. When he heard of the reports of fewer depredations on the Santa Fe road in 1848, he put little credence in Gilpin's role. "To what to attribute this partial cessation of hostilities I know not, other than to the Indians having, in '46 and '47, secured so much booty by their daring outrages upon travellers, are now, and have been the past summer, luxuriating in and enjoying the spoils." He again reiterated that the Santa Fe road needed urgent protection and that the type of troops employed under Gilpin were "altogether useless in that country." When the agent discovered that the battalion was to be disbanded, he suggested it be replaced by a new force with headquarters near Bent's Fort. If this force, all mounted, kept their stock cared for, they could attack the Comanche during the winter and carry the war into their home country at a time when the Indian ponies were unusable. In this way they might be easily defeated—"we must carry on the war against their own soil & their country—make them feel our power." [35]

Fitzpatrick thus made it as clear as he possibly could that the situation would have to change drastically. With the Mexican War at an end the government must immediately and effectively provide ample protection for Americans traveling the Santa Fe road and to achieve this goal military forts were needed at strategic locations. "Let not the government suppose," he reminded the Indian office, "for a moment, that those marauding tribes who have been successful so long without meeting with any reverses will now desist, and abandon that war which they have found to be so profitable, without some great cause. That cause must be a thorough knowledge of our ability and willingness to chastise them, not only for what they have already done, but also for what they may attempt in the future." [36]

DESPITE Fitzpatrick's eloquent plea, his recommendations—or those of Gilpin for the matter—were not followed by the army. The War Department did not replace Gilpin's battalion and Fort Mann was soon left to fall into ruins. This came about because the administration was concerned with reducing expenditures now that the war was at an end. Gilpin's report to Marcy also had something to do with the decision. Ignoring Fitzpatrick's constant reports to the contrary, Marcy, in his 1848 annual report, stated that Gilpin had "defeated and dispersed" the Indians on the route to Santa Fe." [37] It appeared to the War Department, which had never demonstrated excess concern for the road, that most troops could be dispensed with.

Fitzpatrick's dire predictions proved correct. In the following years the government made only half-hearted attempts to secure peace on the road. In 1850 Fort Atkinson replaced Fort Mann only to be abandoned four years later. Fort Union in eastern New Mexico, established 1851, actually furnished most military protection for travelers during the entire decade of

34. Gilpin to Marcy, August 1, 1848, AGO, "LR," G/638/1848.

35. Fitzpatrick to Medill, August 11, 1848, OIA, "LR," Upper Platte Agency; Fitzpatrick to Harvey, October 6, 1848, in *Annual Report, Commissioner of Indian Affairs, 1848*, 30th Cong., 2d Sess., *House Ex. Doc. No. 1* (Serial 537), pp. 472-473.

36. Fitzpatrick to Harvey, October 6, 1848, *ibid.*, p. 472.

37. *Annual Report, Secretary of War, 1848*, p. 77.

the 1850's, but could offer little more than occasional escort service. The government also attempted negotiation in 1853, signing the treaty of Fort Atkinson with the Southern Plains tribes in an attempt to secure peace on the road by diplomacy. All these feeble efforts, however, failed, and the Kiowa and Comanche continued to dominate the road without being seriously challenged. During the Civil War the army finally began a concerted effort to clear the road by using aggressive tactics. In 1864 Kit Carson led a major campaign against the winter homes of the Kiowa and Comanche in what proved to be the beginning of the end for these tribes.[38] The glory the army achieved in these campaigns was attained by doing what Thomas Fitzpatrick had suggested a decade and a half earlier.

38. Utley, *Frontiersmen in Blue*, pp. 66-67, 139, 298-299; Utley, "Kit Carson and the Adobe Walls Campaign," *The American West*, Menlo Park, Calif., v. 2 (Winter, 1965), pp. 4-11, 73-75.