

The report of the Military Investigation Committee was objected to by Chivington and those on his side on the ground that the Commission was prejudiced--which was true, to some extent. The head of the Committee, Col. S.F. Tappan, was an open enemy of Chivington's, but so far as I could tell the testimony was taken with a fairly open mind on the part of those hearing it. Chivington was not on trial, and he was permitted to have a lawyer, who made numerous objections, many of which were sustained. In one instance Tappan did oppose an objection to the testimony and then upheld his own objection--which is certainly illegal, but considering what the testimony was that he objected to, I believe he was justified. Here it is:

Captain Silas S. Soule was the first witness called, and one of the most damaging to Chivington. He had been at Fort Lyon and Sand Creek, and was opposed to what Chivington did. There is no need to go into his testimony here, which covers pages of the report, but among other things he tells of seeing women and children shot down while holding up their hands for mercy. Soule was, I believe, instrumental in saving the life of "Bent's son".

Investigations were conducted at Fort Lyon as well as at Denver, and here Lieut. James Dean Cannon, of Company K, the New Mexico Volunteers, who was at Fort Lyon and Sand Creek, testified as to having seen scalping and mutilating during the fight. (Many others also testified.) Cannon also submitted an affidavit as to his conversation with Anthony before the fight.

The Commission returned to Denver for further testimony--and on April 24, 1865, adjourned for the day in respect to the memory of Silas S. Soule, who, while in the performance of his duty as provost marshal, had been assassinated by a soldier of bad character named Squires or Squiers. The tale of the murder, as told by the Rocky Mountain News, is extremely fishy--to one familiar with gangster methods it has the appearance of being a hired job. Squires escaped to New Mexico--I'll return to him later.

Chivington now took the stand, introducing affidavits and testimony in defense of Sand Creek. Among these was an affidavit from one Lipman Myer, a freighter going from Leavenworth to Taos on the 2nd or 3rd of December, 1864, soon after Sand Creek. Soule and a very small escort was detailed to escort Myer's train, and ~~Myer~~ Myer's testimony is to the effect that he was drunk, would not pursue Indians, and he and his men stole some blankets. Lieutenant Cannon was present, and was also accused ~~of~~ of having stolen blankets.

It was on this occasion (and possibly on others) when Col. Tappan, the head of the Commission, introduced his objection to Chivington's testimony, and helped sustain it. He introduced an affidavit from Capt. George F. Price of the 2nd California Cavalry to the effect that Soule had told him, while the two men were on their way to Central City in a buggy after Sand Creek and Soule's testimony, that he--Soule--knew he was to be assassinated, and that after his death an attempt would be made to blacken his character.

There had been two other attempts made to murder Soule, and Tappan's objection was based not only on Price's affidavit, but on the grounds that the evidence introduced by Chivington (Myer's affidavit) had nothing to do with Sand Creek, which was quite true. Incidentally, Price comes forth again, late in the summer of 1865, when Byers, the editor of the News, and the Postmaster of Denver, was accused of holding up the report of the Military Investigating Commission. Price testifies that this was not true--which would indicate that he was unprejudiced in the affair.

Chivington objected to Price's affidavit on the grounds that it was not becoming to the dignity of the tribunal to accept this evidence when submitted by Tappan--which was probably true.