

Testimony of
Steve Brady Sr.

Co Chair of the Northern Cheyenne Sand Creek Massacre National Historic Site Project Committee
President of the Northern Band of Cheyenne Sand Creek Massacre Descendants

A statement presented by Steve Brady Sr., Co Chair of the Northern Cheyenne Sand Creek Massacre National Historic Site Project Committee and President of the Northern Band of Cheyenne Sand Creek Massacre Descendants on behalf of the consulting tribes, the Northern Cheyenne Tribe, the Northern Arapaho and the Cheyenne & Arapaho Tribes of Oklahoma, before the Subcommittee of National Parks, Committee on Resources, United States House of Representatives on April 14, 2005 regarding H.R. 481 entitled, to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000. I would like to thank the Committee for allowing me to testify today and I would also like to thank the Honorable Marilyn Musgrave for sponsoring H.R. 481.

At dawn on November 29th, 1864, Col. John Chivington (an army officer and a Methodist minister) and his federal troops attacked without provocation the village of Cheyenne Chiefs Black Kettle and White Antelope who were then at peace with the United States in the Territory of Colorado at a well known traditional camp site on the "Big Bend" of Big Sandy Creek (Sand Creek) southeastern Colorado.

Black Kettle raised a large United States Flag with a white truce flag at his lodge to indicate that the Cheyenne were at peace with the United States. This salient gesture of peace and friendship went unheeded. Chivington and his troops proceeded with a barrage of artillery of Mountain Howitzers into the village consisting mostly of elders, women and children, most of the men were out hunting in preparation for the oncoming winter. Then Chivington and his troops swept through the village shooting at anyone and everyone, including the white people that were in the village.

When the shooting had stopped, Chivington and his troops began butchering and dismembering the elderly, women and children, including disemboweling pregnant women. Cheyenne White Antelope who signed the Fort Laramie Treaty (1851) and the Fort Wise Treaty (1861) promising perpetual peace and friendship with the United States and received a Peace and Friendship medal from the President of the United States laid amongst the slain with his Peace and Friendship Medal in plain view, scalped, his nose, ears and private parts cutoff. Many of the women were horribly violated, their private parts were cutout and paraded in the streets of Denver as trophies. The survivors fled north to the sacred Black hills where the Northern Cheyenne roamed. Thus began the Plains Indian War era for the Cheyenne people, lasting for 26 years.

During the attack of the village at Sand Creek, Capt. Silas Soule and Lt. Joe Cramer, each officer commanding one hundred men ordered their men not to get involved in the massacre. Capt. Soule and Lt. Cramer, subsequently wrote graphically detailed affidavits against Col. Chivington as to occurred at Sand Creek. In the spring of 1865, Capt. Soule was assassinated in the streets of Denver for going against Chivington, President Abraham Lincoln was assassinated within this same timeframe. It is not known what happened to Lt. Cramer.

Col. Chivington was never held accountable for the war crimes he committed at the Sand Creek Massacre of November 29th, 1864. Congress did in fact admit responsibility to the atrocities committed by Col. Chivington and his troops and promise reparations through Article 6, of the Cheyenne and Arapaho Treaty of Little Arkansas, 1865. However, even as of today, the promise of reparations remains unfulfilled. It is further understood that pursuant to the organic document, the Constitution of the United States of America provides that treaties shall be "supreme law of the land."

When the Senate hearing was held on the Sand Creek Massacre National Historic Site Establishment Act of 2000, the former Senator Ben Nighthorse Campbell introduced and read the two letters of Soule and Cramer. Several years ago, Capt. Silas was honored during the 2002 Annual Sand Creek Spiritual Healing Run and was finally given a military headstone.

Today as this proposed bill proceeds through the legislative process, there are museums that still hold our ancestors, the human remains of the victims of the Sand Creek Massacre. While the human remains have been legally acquired by the consulting tribes through the Native American Graves Protection and Repatriation Act (NAGPRA), the tribes have yet to gain physical possession of the human remains. It is the desire of the tribes to eventually have our ancestors interred at the Sand Creek Massacre Site where they were originally taken from 141 years ago, in this regard it is very important that this proposed bill is signed into law.

A brief chronology of how the Sand Creek Massacre Site was established. In 1993, Dr. David Halaas and Andrew Masich, from the Colorado Historical Society (now both from Senator John Heinz History Center in Pittsburgh) proceeded to notify the tribes for the purpose of locating the Sand Creek Massacre Site. In the fall of 1997, tribal representatives and CHS finally made out to the alleged site for a field survey, at the "Big Bend of Sand Creek," what was then known as the Dawson Property. The findings of this survey were inconclusive, it did not confirm nor deny that was indeed the Sand

Creek Massacre Site.

In the past, the Cheyenne from time to time had gone to the "Big Bend of Sand Creek" for ceremonies and offerings and were confident that this was the Sand Creek Massacre Site, the Cheyenne maintained the location of this site through traditional oral histories of elders within the tribe. In early 1998, the former Senator Ben Nighthorse, a Cheyenne Chief of the Council of 44 and himself a descendant of the Sand Creek Massacre, introduced a bill to acquire the Dawson property for the purpose of preserving the Sand Creek Massacre Site. In spite of the oral histories of the Cheyenne the bill lacked physical evidence as to whether or not this was indeed the site, Congress then authorized the Sand Creek Massacre Site Study Act of 1998, which was into effect by President William Jefferson Clinton.

In May of 1999, evidence was found in a field survey on the Dawson Property, as well as the adjacent property. Over 300 pieces of evidence were found, including the fragments of a cannon ball from a Mountain Howitzer, the very same type used by Col. Chivington and his troops at the village on Sand Creek. It was absolutely unequivocal that this was the Sand Creek Massacre Site of November 29th, 1864.

In 2000, the final report and recommendations were submitted as mandated by the Site Study Act by the National Park Service, CHS and the consulting tribes to Congress for consideration. Another bill was introduced by the former Senator Ben Nighthorse Campbell. The Sand Massacre National Historic Site Establishment Act of 2000, was then authorized by Congress and signed into law by President William Jefferson Clinton, designating 12,480 acres of the Sand Creek Massacre Site.

While the site was designated by act of Congress, provisions within Act allowed for acquisition by willing seller only. To this date NPS have acquired more than 900 acres within the designated boundaries and the Cheyenne & Arapaho Tribes of Oklahoma have acquired more than 1400 acres (what was known as the Dawson Property). All the properties acquired thus far remain contiguous.

The property acquired by NPS automatically goes into federal trust as part of the duties of the Secretary of the Interior. However, the property acquired by the C & A Tribes of Oklahoma will require an act of Congress to place it into federal trust. Hence. H.R. 481 and its companion Senate version S. 57. Initially during the previous session, the former Senator Ben Nighthorse Campbell introduced a bill and after much deliberation between the consulting tribes and NPS, the bill ended up to be S. 2173 of which the tribes supported wholeheartedly. S. 57 is the same identical version as S. 2173, therefore it is with a strong recommendation that H.R. 481 must be drafted in a manner consistent with S. 57.

I would like to take this opportunity to thank all those that have made it possible thus far, there are numerous individuals, organizations and governmental entities, that have pitched in for past decade and a half. I would especially, like to thank Cheyenne Chief Laird Cometsevah and his wife, Colleen, who have dedicated more than 50 years of their lives in preserving and perpetuating the memory of our ancestors of the Sand Creek Massacre of November 29th, 1864. The Oklahoma City bombing of the Alfred P. Murrah Building and the World Trade Center of New York have already been memorialized, I wonder why this is taking so long to accomplish? Again, I would like to thank the Committee for allowing me to provide testimony today.

* * * * *