Massacre descendants seek justice 148 years later

ANADARKO, Okla. (AP) – They dance for the dead.

The foreman, the minister and the princess in the buckskin dress stomp and twirl and sing on a gymnasium floor protected by a tarp.

About 100 people watch from chairs arranged around a drum circle. All of them are family, in a way, bound to a terrible event 148 years ago on the banks of an ice-encrusted creek in Colorado.

The old lawyer is here, too, the former Oklahoma attorney general who smoked the truth pipe in a tepee as the Cheyenne arrow keeper looked on.

They gather every year—descendants of the Sand Creek Massacre and their unlikely allies—in a long search for justice that started with optimism, languished and now has a breath of new life.

163 killed

At dawn on Nov. 29, 1864, Colorado soldiers attacked peaceful Indians camped on the banks of Sand Creek in what is now southeastern Colorado, slaughtering an estimated 163—mainly women, children and the elderly—and desecrating their bodies.

The backlash was so severe, the U.S. government not only acknowledged wrongdoing but promised reparations of land and cash to survivors and relatives of victims.

That promise—spelled out in an 1865 treaty—remains unfulfilled, according to descendants and their attorneys.

Champions of the cause have died or moved on. And descendants who once stood as allies now view one another with scorn.

But on this early December day, in a town that calls itself the "Indian Capital of the Nation," descendants receive a rare progress report.

The newly expanded legal team for the Sand Creek Massacre Descendants Trust has opened a dialogue with Department of Interior officials about the claim. At the least, the discussions could lay the groundwork for a federal lawsuit, the lawyers say.

And after decades of research and recruitment, about 15,000 descendants have been identified—a step that trust leaders believe is necessary.

Homer Flute, a former auto-parts- factory foreman who has headed the trust since 1990, sits on the gym's wooden bleachers and considers the unlikely group of people in his company.

"Sand Creek is like a cobweb," Flute says. "It links in all different directions, and you don't know where it's going. You find people you didn't know existed, and they are kin to you somehow. The idea is you belong to these people and they belong to you."

Killing, desecration

It is one of the darkest marks on Colorado's history.

On a clear night in November 1864, 700 men under the command of Col. John Chivington set off from Fort Lyon on the Eastern Plains.

Tensions had been running high in the Colorado Territory, where white settlers and Indians were clashing over land.

That April, Arapahos had slaughtered a ranching family east of Denver, inflaming public opinion.

Yet there had been progress toward peace. The great peace chiefs—White Antelope and Black Kettle of the Cheyenne, and Left Hand of the Arapaho—were camped on Sand Creek under government assurances they would be safe.

Chivington, a fierce abolitionist and former Methodist minister, had a different view. He rallied his men against the "red scoundrels," urging them to remember their own women and children.

The first shots were fired at daybreak, as the village of about 100 lodges, almost entirely Cheyenne with a few Arapaho, began to stir.

The village was largely empty of men, who were away hunting buffalo. The cavalrymen fired from sand bluffs and pounded targets with shells from mountain howitzers.

Soldiers paid no heed to the large American flag and smaller white flag beneath it tied to a lodgepole in the village.

Witnesses described Indians on their knees begging for mercy, children clubbed in the head and a woman's belly sliced open. Indians hid in pits dug in the sandy creekbed.

Once the killing was over, the desecration began. White Antelope's ears and genitals were cut off. One man claimed to have a cut out a woman's heart and impaled it on a stick.

Body parts were taken as trophies and put on display in a Denver theater.

Initially, the incident was hailed as a heroic battle. But recriminations came quickly in congressional and military hearings the following year.

Soldiers wearing uniforms that should be "the emblem of justice and humanity" had executed a "foul and dastardly massacre," a congressional committee found. Chivington suffered no consequences; by then, he was out of the military.

Sand Creek was a defining moment in relations between whites and Indians in the West.

"It's never been forgotten," said David Halaas, former chief historian of the Colorado Historical Society and an ally to the Cheyennes in the Sand Creek struggle. "It's an open wound that still hasn't healed."

The 1865 Treaty of the Little Arkansas acknowledged "gross and wanton outrages perpetrated against certain bands" of Cheyenne and Arapaho. Article 6 promised land in locations to be determined and cash for victims.

'Going to succeed'

Robert Simpson remembers his grandmother coming to him when he was in high school and telling him to write down names of ancestors butchered at Sand Creek. One day, she said, he would need them.

Simpson joined the Army, fought in Vietnam and worked as a sheriff's deputy. Later in life, he attended seminary and became a Methodist minister—just like Chivington, the villain of Sand Creek.

A soft-spoken bear of a man who apologizes when he gets emotional about Sand Creek, Simpson is pastor of J.J. Methvin Memorial United Methodist Church in Anadarko and a descendants trust leader.

"All this was by divine intervention," Simpson said. "We were picked to do this for a reason, and we are going to succeed. It's been a long journey for all of us, but we are still going forward."

Other reparations efforts over the years have gone nowhere. Bills introduced in Congress in 1949, 1953, 1957 and 1965 failed.

In the 1960s, the federal Indian Claims Commission ruled that the Sand Creek claims were "individual in nature and must be brought by descendants."

Tribal members thought identifying the descendants would fall to them. Activity stalled for several years.

Then, an anthropologist named John Moore got involved. Moore sought to solve a mystery central to any claim—identifying the tribal bands at Sand Creek and tracking their movements afterward.

He also began working with Laird Cometsevah, a Cheyenne chief, and his wife, Colleen, who were identifying descendants through records and oral histories. Moore and his graduate students dug through decades-old census records and other documents.

The going was tough. Cheyenne change their names and use nicknames. There were problems with translations.

By 1990, enough progress had been made to form a new pan-tribal descendants group. Laird Cometsevah recruited Flute, an Apache tribal member known for his organizational skills, to head it.

The group also hired a lawyer—Larry Derryberry, who served as Oklahoma attorney general in the 1970s.

In 1991, in a ceremony near the massacre site, Derryberry entered a tepee with trust leaders and the Cheyenne Sacred Arrow Keeper, the tribe's highest religious office.

The lawyer smoked a pipe filled with tobacco and herbs. To the Cheyenne, "smoking on it" is a sacred vow.

Before the dying embers of a fire, smoke drifted up through the top of the tepee, sealing the deal. There would be a paper contract, too, laying out Derryberry's contingency fee.

Derryberry said the goal of the descendants search always was to cast as wide a net as possible. If someone had one drop of blood traceable to Sand Creek, that was enough.

Shirley Wells discovered her ancestral ties to Sand Creek while researching her family tree in the 1990s.

She has taught the story to her 11-year-old daughter, Samantha, who is starting a four-year term as the descendants trust's princess, traveling to powwows and other events as an ambassador.

"It is sad, but it makes me feel good my ancestors would be willing to sacrifice their lives for us," she said. "I know they are in heaven and always watching down on us."

Trail of Tears monument plan

FORT SMITH, Ark. (AP) – The Inter-Tribal Council of the Five Civilized Tribes has accepted the U.S. Marshals Museum's property offer to build a Trail of Tears monument in Fort Smith.

Muscogee (Creek) Nation Principal Chief George Tiger sent a letter last month to museum officials, saying that the council's executive committee unanimously approved the offer. "This was a very generous and thoughtful gesture on behalf of the Museum Board to commemorate the tragic and historic events surrounding the removal of our ancestors to Indian Territory. It is also a reflection of the tribes' history with the U.S. Marshals Service," Tiger wrote.

The monument would represent the tribes' forced journey west into what is now Oklahoma during the 19th century, known as the Trail of Tears.

Tiger serves as president the Five Civilized Tribes, which are the Creek, Cherokee, Choctaw, Chickasaw and Seminole nations. The museum will provide the land for the monument, which will be paid for by the Inter-Tribal Council.

The Museum Board first invited the Five Civilized Tribes to place the monument in June 2011. While presenting the proposal to the board, Marshals Museum President and CEO Jim Dunn noted that each of the tribes had passed through the Fort Smith area at least once during the Trail of Tears. Since then, he said, the Marshals Service and the tribes have worked closely together.

Uncovered bones could be 1,000 years old

DUNCAN, Okla. (AP) – A Stephens County rancher was on his leased land working last week near Mud Creek when he made a surprising discovery.

He found skeletal remains of a human and quickly called 911. Stephens County Sheriff Wayne McKinney said when they arrived at the scene, which was no easy feat, they knew the bones had been there for some time.

"We think at least 50 years old," he said. That was based on some photos they sent to the medical examiner's office. But by later in the week, McKinney realized they had something much more interesting.

"We were waiting on a forensic archaeologist team," he said. That team, with an OU professor, arrived and within hours, McKinney said early estimates determine the skull and bones to be anywhere from 800 to 1,000 years old.

Man in Paiute grave looting case dies

(AP) – A former insurance agent and amateur archaeologist convicted of looting ancient Indian graves in the Nevada desert and later offering $10,000 in opals for a hit man to kill a former business partner has died in prison.

The Department of Corrections confirmed that Jack Lee Harelson, 72, of Grants Pass, died Dec. 14 in the Oregon State Penitentiary in Salem. The agency said he died of natural causes in the prison infirmary.

When he was arrested in 1995, authorities said they found the headless mummified remains of two children wrapped in garbage bags and buried unceremoniously in Harelson's garden.

A U.S. Department of Interior archaeologist said at the time that Harelson's unauthorized excavations of the Elephant Mountain Cave in Nevada's Black Rock Desert in the early 1980s destroyed the historical record of a site that was inhabited by ancestors of the Paiute Tribe for 5,000 years.

Among some 2,000 artifacts were the hand-woven baskets the children were buried in, a necklace of unborn antelope hooves and an abalone shell, a cordage net for catching rabbits, and moccasins.

By the time the artifacts were found, the statute of limitations had run out on any federal criminal charges, but the U.S. Department of Interior sued Harelson and won a $2.5 million civil judgment against him.

Acknowledging in an interview with The Associated Press at the time that he could have done a better job excavating the site, Harelson maintained that amateurs like himself tramping the desert were responsible for many significant archaeological finds. The Nevada State Museum confirmed he was responsible for finding the bones of a prehistoric camel in their collection.

Abuse of the remains of the children outraged the Pyramid Lake Paiute Tribe...

But the abuse of the remains of the children outraged the Pyramid Lake Paiute Tribe, which said the remains could not be reburied without the skulls.

State police later recovered two skulls in a separate investigation, and said they believed they came from the remains found in Harelson's garden.

Harelson served 30 days in jail rather than perform community service for his convictions.

In 2005, Harelson was convicted in a retrial of trying to hire a hit man to kill Lloyd Olds of Brookings, a partner in an opal mine whom Harelson blamed for his grave-robbing conviction.

Key evidence came from tape recordings of conversations with an informant who told Harelson he knew a hitman. According to testimony, Harelson gave the informant a jar full of opals valued at $10,000 to pay for the slayings.

Harelson's defense attorney argued he was the victim of entrapment by police, the hit man never existed, and the tape recordings of his murder plans represented the musings of a lonely old man who never had any intention of going ahead with them.

Harelson was acquitted of charges he also wanted a judge, two state police officers, and another partner in the opal mine to be killed.

Winter hours at Museum at Warm Springs

The Museum at Warm Springs is now on their winter hours. The Museum is open Tuesdays through Saturdays, 9 a.m.–5 p.m. The museum is closed on Sundays and Mondays.