

PARK SERVICE AND LAND MANAGEMENT BILLS

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS,
HISTORIC PRESERVATION, AND RECREATION

OF THE

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

ON

S. 2749

S. 2959

S. 2885

S. 3000

S. 2950

SEPTEMBER 14, 2000



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PARK SERVICE AND LAND MANAGEMENT BILLS

THURSDAY, SEPTEMBER 14, 2000

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
HISTORIC PRESERVATION, AND RECREATION,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 2:35 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

OPENING STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Senator THOMAS. We will begin our hearing.

Thank you for coming. Good afternoon. Welcome to the subcommittee hearing. We have an agenda today that is quite short, I hope. It includes four bills on matters pertaining to the National Park Service and one that addresses a Bureau of Land Management issue. I would like to thank all the witnesses for coming.

S. 2749 would establish a California trail interpretive center near Elko, Nevada. The facility would be managed by the Bureau of Land Management.

S. 2885 would establish the Jamestown 400 Commemoration Commission to assist in the coordination of activities associated with the celebration of the 400th anniversary of the landing in Jamestown, Virginia.

S. 2950 would authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

S. 2959 would amend the legislation that establishes Dayton Aviation Heritage National Historical Park to include additional property within the park's boundary and remove a cap on the use of appropriated funds on non-federally owned property within the park.

And finally, S. 3000 would establish an exchange of lands between the George Washington Memorial Parkway and the Central Intelligence Agency to improve the security of CIA's entrance.

The record of today's hearing will remain open for 2 weeks, should any interested party desire to include a statement or have additional information.

So again, I thank you for coming.

Senator Campbell, I think you have a little time problem, so if that is not of any objection, why do you not go right ahead, sir?

[The prepared statement of Senator DeWine follows:]

PREPARED STATEMENT OF HON. MIKE DEWINE, U.S. SENATOR FROM OHIO

Chairman Thomas and Ranking Member Akaka—thank you for holding this hearing on S. 2959, the “Dayton Aviation Heritage Preservation Amendments Act of 2000.” I am very proud to say that my home state of Ohio—Dayton, specifically—is the true birthplace of aviation. That is where Orville and Wilbur Wright, in their Dayton bicycle shop, researched and conducted their experiments to perfect the first power-driven airplane. The Dayton Aviation Heritage National Historical Park, created in 1992, commemorates the Wright brothers’ efforts, and preserves the literary work of Paul Laurence Dunbar, a friend of the Wright brothers from Dayton, who achieved national and international acclaim as an African-American poet and writer.

The citizens of Ohio have shown their support for the Heritage Park by forming a partnership with the National Park Service. We are entering a new era of preservation in the management and operation of preservation facilities inside and outside our National Park system. As we enter the 21st Century, the Park Service is under increased pressure to not only maintain its existing sites, but also to incorporate additional sites into the system and offer financial and technical assistance to non-federal park facilities.

More and more private individuals and organizations are showing innovation and leadership in historical preservation, ranging from artifact preservation to battle-field acquisition. In light of this trend, we need to keep pace with the changes of this new era and come up with more cost-effective ways to manage America’s treasure. One practical approach we can take in the operation and management of our parks is to create public-private partnerships between the National Park Service and the local community. With an emphasis on private sector involvement, such public-private partnerships can help stretch taxpayer dollars farther by allowing local communities and private organizations to take the lead in management and support of facilities.

The Park is a cooperative effort between the National Park Service, the Dayton Aviation Heritage Commission, the City of Dayton, and numerous other community members. Each partner has contributed resources toward the success of this park. Because of the unique public-private partnership at this park, the limitation on federal dollars that can be spent on non-federal projects needs to be removed. When the Park was authorized in 1992, no one envisioned the spirit of cooperation that allows the construction of a Park Service Interpretive Center in a privately owned facility. But, the reality is that the funding cap threatens the development of the West Interpretive Center, which Congress appropriated funds for last year.

For those who don’t understand the urgency involved in removing the impediments to completing the Interpretive Center, I would like to remind them that we will be celebrating the Centennial of Flight in 2003. It is very important that the Park be open when the international celebration begins. Any delays threaten the Park’s 2003 completion.

Again, thank you Chairman Thomas and thanks to the other Members of this Subcommittee for convening this timely and necessary hearing.

**STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL,
U.S. SENATOR FROM COLORADO**

Senator CAMPBELL. Thank you, Mr. Chairman. Yes, I unfortunately have to chair a hearing in about an hour. We are all faced with those conflicts. So I am going to stay as long as I can. And I would like to speak to S. 2950, the Sand Creek bill. I realize that you have a pretty full schedule today.

And frankly, if we had more time, I would have requested we did a hearing on this one alone, because there were a lot of people, a lot of witnesses, that would have liked to have been here to speak. But I know the constraints we are under with just a few days left in our session.

I introduce the Sand Creek Historic Site Act on July 27, 2000. Eighteen months ago, as you probably remember, I introduced a bill that would authorize the Park Service to do a study with the

help and support of both the Cheyenne tribes and the Arapaho tribes in the State of Colorado to determine the exact site of a very tragic time in American history. And that was the killing of over 150 Cheyenne and Arapaho Indians in an area of Colorado, the southeast part of our State.

That study has been complete, and that is what took us so long in getting this bill in, because we just got the reports back from both the tribes and the National Park Service. But two people, James Doyle of my staff, worked very hard on this bill. And certainly Barbara Satir, who I saw in the audience, who is with the Park Service, who was the liaison between the Park Service and the tribes, spent an awful lot of time on this bill.

There has been an awful lot written about the horrors visited upon the plains Indians in the territories of the West United States in the latter part of the 19th century, Mr. Chairman. Certainly coming from Wyoming, you know them as well as I do. But there has been an awful lot lost, too, over a century of the understanding and the detail of what actually happened.

Certainly, in the early part of the 19th century, there was a prevailing attitude that the Indians had it coming somehow. And so often the things that happened to them were justified from people who wanted expansionism in the westward migration to continue. But the undisputable facts are simply this: There were 700 members of the Colorado militia volunteers. They were not regular military. They were a militia called together by then Governor John Evans. They were out to drive Indians totally off of the land. And in many cases, they almost succeeded.

The magnitude of the atrocities that happened at Sand Creek, if it would happen in this day and age, they would simply be declared murders, and they would have been brought to justice and tried, as some people were in the My Lai massacre of Vietnam and subsequent things in which American soldiers participated in terrible atrocities.

These were not soldiers. And in fact, there was an investigation done. But they mustered out. So they could not be brought to trial in a military court of law, because they were no longer even quasi military. But they had done it while in uniform of the Colorado militia. So they were not tried by the civilian courts either.

But the band that was led by Black Kettle and Arapaho chiefs, too, were actually flying the American flag and the white flag and had been told to do so by American military authorities, that if they flew those flags, they would be safe.

We are still learning things about this terrible atrocity. And in fact, just this morning Mr. David Halaas, who is with our Colorado Historical Society, gave me copies of two letters I would ask unanimous consent to introduce those in the record, Mr. Chairman.

Senator THOMAS. Without objection.

Senator CAMPBELL. They were just discovered a few weeks ago in an attic, where they had been for over a century, of a lady by the name of Ms. Linda Rivick of Evergreen, Colorado, whose great-grandfather was a man named Mark Blunt, who apparently knew some of the participants in this terrible tragedy. One of the participants was a captain by the name of Soule or Soule. Maybe it is pro-

nounced that way. He was the battalion commander, a captain, a provost master.

This was one of the few men in that terrible raid that refused to kill Indian women and children and older men. Because he exposed Chivington at that time, within just a few weeks after returning to Denver, Captain Soule was killed himself by Chivington supporters, who were angry that he had sort of blown the whistle on the atrocity that took place that fateful day.

Well, let me just read a couple sentences from Captain Soule before he was killed. This letter was written on December 19, 1864. He says—let me just read a couple—“After the fight, there was a sight I hope I never see again”—oh, excuse me. I have two letters here. This was one written by another witness by the name of Sergeant Joe Cramer.

And Joe Cramer said, “May I never see again. Bucks”—an unfortunate use of terms, but in those days I guess it was common with Anglo soldiers—“women and children were scalped, fingers cut off, rings taken from them. And this as much with officers as men. And one of the officers, a major yet, a lieutenant colonel, cut off the ears and all of the parts of Indian women and children. These were used for souvenirs, by the way. One squaw ripped open, child taken out of her, little children shot while begging for their lives. All these indignities shown while some of the women were actually on their knees begging for mercy.”

That gives you an indication of how bad it was.

And Captain Soule says in his letter, who he wrote to somebody named Ned, “By this time, there was no organization. It was just a perfect mob, every man on his own hook. My company was the only one that kept their formation and did not fire a shot.”

To his credit, he would not participate in that massacre. “The massacre lasted 6 or 8 hours. And a good many Indians scalped—escaped. I tell you, Ned, it was hard to see little children on their knees, have their brains beat out by men professing to be civilized. One squaw was wounded, and a fellow took a hatchet to finish her. She held her arms up to defend herself, and he cut one of her arms off and held the other one with one hand and dashed the hatchet through her brain. One squaw had two children. They were on their knees begging for their lives while a dozen soldiers fired at them within 10 feet away. One succeeded in hitting the squaw in the thigh.” When she realized she was dying, and those are my words, “she took a knife out and cut the throats of both of her own children rather than let them be beat to death by the soldiers.” And then she killed herself.

“One old squaw hung herself in the lodge. There wasn’t enough room so that she could hang down, so she held her knees up and choked herself to death. Some tried to escape on the prairie, but most of them were run down by horsemen. I saw two Indians hold one another’s hands, chased until they were exhausted. When they kneeled down and clasp each other around the neck, both were shot together. They were all scalped. And as high as a half a dozen taken from one head.” And I assume that means multiple scalplings until everything was taken off their heads.

“They were horrible mutilated. One woman was cut open and a child taken out of her and then scalped. White Antelope, War Bon-

net and a number of others had their ears and their privates cut off, as did squaws, too.”

And these things, by the way, were paraded through the streets of Denver.

I do not know of any worse atrocity, frankly, in American history than Sand Creek. And nothing in the world can probably ever fix it or make it totally right. But the reason I started on this bill 18 years ago, long before I ever came here, and trying to get this recognized as a site that is really a sacred site to most Indian people, because there were so many lives lost there, was because it needs to be commemorated. And if we are ever going to learn how to deal with our fellow man better in the future, we need to recognize the places where we made terrible mistakes in the past.

I will not go into all the acreage, but it is willing seller, willing buyer. And we have negotiated with the county commissioners, with landowners, and it is supported by the administration.

Thank you.

Senator THOMAS. All right. Thank you very much, Senator. We appreciate your taking the time.

I think the way we will proceed here, as normally, is we will ask Senator Warner now and then we will go to our first panel and then to our second panel.

Senator, welcome.

STATEMENT OF HON. JOHN WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. I thank the chair. You know, I have been in the Senate 22 years. And each day, you do not know what to expect. And I must say to my dear friend and colleague, Senator Campbell, that was the most moving and compassionate rendition of a tragic chapter in the history of America. And I commend you and join with you in doing what little we can these many years after to recognize and perhaps some way rectify that situation.

Senator CAMPBELL. Thank you, Senator. These men sitting behind you are all descendants of people that lost their lives on that terrible, tragic day. And I am sure they appreciate your words.

Senator WARNER. Thank them for traveling the long journey to be here and hear your presentation.

Mr. Chairman and members of the committee, I am very pleased to come here. I used to be a member of this committee. And I am here today to talk to you about legislation to promote the celebration of the 400th anniversary of the Jamestown settlement. This also had a sad chapter for Native Americans, and I recognize that.

Since the celebration of 1807, the Federal Government has joined with Virginia in planning and sponsoring events to mark the anniversary of the first permanent English settlement. We have had several commissions, one in 1907, one in 1957. The Queen of England came over in 1957. And now I am asking for a third.

The original fort at Jamestown, once thought lost to the tide of the James River, has been found. Park Service and the Association for the Preservation of Virginia Antiquities have had an extensive archeological research effort underway. Over a million artifacts have been recovered and will soon be on display.

The Commonwealth, which owns the reconstructed fort and the Indian village and the three ships, also is funding a major restoration program. The 2007 celebration is an important opportunity to examine the full story of the Jamestown experience. Jamestown remains a signature event in our history because of the lasting cultures and traditions of language, law, and custom that the English brought with them.

We Virginians and many others also know the “darker side of the Jamestown legacy,” as one scholar called it, on the Powhatan Indians and Africans who were forcibly brought to the New World in slavery. A Federal commission will bring together noted historians and scholars with the State and Park Service efforts to tell the full story, and I underline full, of Jamestown and to make this celebration hopefully an event of national significance and education for our younger generations today and generations in the future.

And I ask unanimous consent to insert as a part of my submission this morning a letter from the Association for the Preservation of Virginia Antiquities and from the State of Virginia, the chairman of the Jamestown-Yorktown Foundation.

Senator THOMAS. Without objection.

Senator WARNER. I thank the chair and members of the committee.

Senator THOMAS. Thank you, Senator. We appreciate it very much.

Will there be anyone else speaking about this?

Senator WARNER. No. No, Senator.

Senator THOMAS. Okay. It authorizes the necessary appropriations. Do you have any idea what the cost might be?

Senator WARNER. I would like to provide that for the record, because I want to be accurate.

Senator THOMAS. All right, sir.

Senator WARNER. Thank you.

Senator THOMAS. We appreciate it very much. Thank you.

Senator WARNER. Thank you. Good day, gentlemen, ladies.

Senator THOMAS. Senator Reid, we are just winding up with Senators here. And we would be happy to hear from you.

STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA

Senator REID. Thank you very much. Mr. Chairman, I appreciate your holding this hearing. Your being from the West, like I being from the West, it is difficult to explain to people what we have out there. We have these wide open spaces. And really, one of the highlights of my career has been a trip that I took on the trail that goes from Utah through Gerlach, northern Washoe County. It is the old immigrant trail, the trail that the Donner party traveled on, as an example.

And it is amazing what these folks did. Over 3,000 of them traveled this trail, the California Trail. For example, you come from Utah over that very, very desert that people were parched and very thirsty. The first water hole they come to looks fresh and beautiful. But the one problem, it was boiling water. And these people literally dying of thirst, and their animals, learned very quickly that

you could not drink that water. They had to syphon it like coffee out of a cup into a saucer.

Well, the reason I mention this to you, Mr. Chairman, is we really want to do something to help preserve this trail system we have in Nevada. And under the National Trail System, the Secretary of the Interior may establish interpretative centers to document and celebrate pioneer trails, such as the California National Historic Trail.

In Nevada, in Elko County, which is in northeastern Nevada, alone we have there 435 miles of national historic trails. We want to preserve the legacy of the American pioneer. These settlers sacrificed their lives, many of them did, in search of the American dream. I have already mentioned the Donner party, one of these historical groups. This party spent 31 days in Elko County. They should not have been spending it there, but they did. As a result, almost half this group died in the journey. And we know what happened when they were stuck in the Sierras.

So I believe, Mr. Chairman, that recognition and interpretation of the pioneers' sacrificing journey on this trail is very important, in light of America's strong interest in understanding history and heritage. People like Stephen Ambrose have really instilled a great curiosity in the American public about what went on in the past. And those who pursue western Americana, as millions do now, will find physical evidence of these documented hardships facing the original pioneers.

Mr. Chairman, you can still see the wheel tracks of these old wagons. It really brings your heart to a standstill when you look down and you see these areas that they had to go down and up, and you can still see the tracks of these old wagons.

This project, we do not want the Federal Government to pay for everything, Mr. Chairman. We want it to be a joint effort between the State of Nevada, the city of Elko, the county of Elko. But we need the Federal Government to participate, because this is a national treasure.

This act recognizes the California trail for its national historic and cultural significance through the construction of an interpretive facility devoted to the role of the pioneer trails in the West. So I would hope that you would join your friends from the west, Nevada, in supporting S. 2749 to help preserve American pioneer heritage.

And if there are further questions the committee has, I would be happy to respond to them.

Senator THOMAS. Thank you very much. Appreciate you taking time to come. Are there other interpretive trails and interpretive centers in Nevada?

Senator REID. No.

Senator THOMAS. There are none?

Senator REID. Nothing. And this is such a unique part, Mr. Chairman, of the West, where the trails came there. We have so much rich history, you know, with Jedidiah Smith and others who came there and were the original pioneers. As I said, we can document 300,000 that used the trail that we want to designate.

Senator THOMAS. Very well. Do you have any questions, Senator?

Senator CAMPBELL. No. I know the area well, since I used to live out just west of where Senator Reid lives, not too far. And I certainly support the bill.

Senator REID. Thank you very much.

Senator THOMAS. Thank you, sir. Appreciate it.

All right. Let us go on then with our first panel, Mr. Don Hellmann, Deputy Assistant Director, Legislative and Congressional Affairs, National Park Service; Mr. Henry Bisson, Assistant Director for Renewable Resources, Bureau of Land Management.

Gentlemen, thank you.

Don, we have you listed first. Would you like to go ahead, please?

STATEMENT OF DONALD J. HELLMANN, DEPUTY ASSISTANT DIRECTOR, LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL PARK SERVICE

Mr. HELLMANN. Would you like me to do all four bills at one time?

Senator THOMAS. Yes, if you would.

Mr. HELLMANN. The first bill, Mr. Chairman, is S. 2885, a bill to establish the Jamestown 400th Commemoration Commission. The National Park Service supports enactment of this legislation to commemorate the 1607 founding of Jamestown, Virginia. As you know, Mr. Chairman, Jamestown is the first permanent English settlement in North America. And it is something that is found today in both the language we speak, our common law, and the representative government that we have.

And as Senator Warner mentioned just earlier, there has been a commission approximately every 50 years to commemorate this event, with the last one occurring in 1957. Planning for the commemorative activities in 2007 has been underway for a number of years. And the Commonwealth of Virginia's Jamestown 2007 has held roundtables throughout the State to get citizen input to design a statewide commemoration.

Additionally, the reconstructed ships, fort, and Indian village are being rebuilt at Jamestown to reflect current resources. Special events have been undertaken, and outreach to schools across the Nation are also being planned.

Now together with the Association for the Preservation of Virginia Antiquities, the National Park Service has worked with them to preserve nearly a million artifacts in our collections. They are now jointly planning a revitalized Jamestown Island to improve visitor experiences and understanding and to increase protection for these museum collections.

The bill before you today would establish this Federal commission to ensure a suitable observance for the 400th anniversary of the founding of Jamestown. And the commission would compliment and coordinate the programs of the Commonwealth of Virginia, provide visitor services, hold appropriate observances, and assist in Jamestown-related programs and activities, while also facilitating international involvement.

In addition to this, the Commission would support efforts for a commemorative coin and stamp and assist in the development of heritage tourism. We would also be working in this commission to encourage other groups, such as civic, educational, patriotic and

historic organizations to participate in the anniversary. We would help facilitate and coordinate scholarly research and publication of this research and would facilitate fund raising by encouraging public/private partnerships. And the commission would terminate on December 31, 2008.

I will now go on to S. 2950, a bill to establish the Sand Creek Massacre National Historic Site as a unit of the National Park System. The Department strongly supports protection of this site through S. 2950 with the amendments that we have outlined in our testimony. And we appreciate the interest and the continued support of Senator Campbell on this great effort.

In fact, I think Senator Campbell has done a very eloquent job of talking about the events of November 29, 1864, when Colonel Chivington led his soldiers into that area, which resulted in the massacre of over 150 individuals who were there. So I will not go over that.

But since the time of that, there really has been little done by the Federal Government to provide any kind of recognition of the event that went on there. In fact, the only commemoration that has occurred since that time is there has been a simple granite marker that has been placed at the site. I believe that was in 1950. But since that time, not much more has been done.

In the last Congress Senator Campbell introduced a bill to authorize the National Park Service to do a study of this particular site. And there were actually two activities we were asked to undertake in this study. One was to actually determine the location of the site, because there had been some disagreement about exactly where the site was. And then secondly, after determining where the site was, to determine if the site was suitable and feasible to be added to the National Park System.

We started this process in 1998, using a variety of techniques, including looking at research of written records, archeology, geomorphology, aerial photographic analysis, traditional tribal methods, and recording the oral traditions of the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne and the Northern Arapaho.

Once the site was located, the special research study was conducted, which, as Senator Campbell mentioned, was just completed in July of this year. And actually, it was in two volumes. The first volume was the volume that talked about the site location work that went on. And then the second volume was actually the study determining the national significance and the suitability and feasibility.

A National Park System unit at Sand Creek would provide an opportunity for Americans to better understand the significance of the massacre and the chain of events that led to it, as well as the relationship between the Indians and the white people during the mid to the late 19th century and the devastating effects of the massacre upon the Cheyenne and Arapaho Indians. The site retains a high degree of physical integrity today.

This bill would establish the unit, once the Secretary of the Interior determines that sufficient lands had been acquired to provide for protection and commemoration of the Sand Creek massacre. Keys to managing the site would be protection of the natural and

cultural features that are critical to telling the story of Sand Creek and cooperation and consultation with the tribes in the development of management plans and educational programs.

The legislation also contains important provisions that would provide for special needs of the descendants and other members of identified tribes to access and use federally acquired land for the purpose of traditional, cultural and historical observances. And it calls also for the dedication of a portion of the site for the purposes of repatriation of human remains.

We believe some minor amendments are needed in sections eight and nine in that bill to make it consistent with recent congressional direction regarding reasonable accommodation of the religious and cultural needs of the American Indians in units of the National Park System. And we would be pleased to work with the committee and Senator Campbell's office to provide some draft language to accomplish that.

The third bill is S. 2959, which would expand the authorized boundaries of the Dayton Aviation Heritage National Historical Park through the inclusion of three properties adjacent to the park's core unit and one property at the expanded Wright Hall Complex at Carillon Historical Park. And the bill would also remove the ceiling on the use of appropriated funds for the operation, development, or the restoration of non-federally owned properties within the boundaries of the park.

The Department supports enactment of this legislation. It is consistent with the November 1997 general management plan, the June 2000 land protection plan, and is supported by all affected park partners and property owners. The total acreage we are talking about in these four tracts is only seven-tenths of acre. Of these tracts, two are owned by the city of Dayton that would be donated to the National Park Service.

Mr. Chairman, I am sure you are well aware of the importance of the Dayton Aviation National Historical Park, which is a multi-unit partnership to commemorate the legacy of the Wright Brothers and the poet and author Paul Lawrence Dunbar and their association with the Greater Dayton region.

The park is currently undergoing rapid change that is developed in preparation for the centennial flight commemoration, which takes place in 2003. Planning and design work is being completed for the initiation of some construction and rehabilitation projects at each of the four units with the goal of having the park ready and accessible by December 17, 2002.

The West Third Street historic district incorporates the Wright Cycle Building and two adjacent historical residential properties. This historic district is significant because it is where the Wright Brothers had their printing, bicycle, and airplane businesses. The roof of the small wood frame house located at 26 South William Street touches the roof of the Wright Cycle Company Building and presents a potential threat by fire to the long-term protection and preservation of the Wright Cycle Company Building. Inclusion of these properties would allow the Park Service to consider fire suppression of all buildings and ensure the long-term protection of that.

The Park Service and Aviation Trail, Incorporated, are proposing to partner in the development of the Hoover Block in the Aviation Train Building to create a single interpretive center facility that would occupy the two structures. The combined development of the two structures will preserve historic resources associated with the Hoover Block by centralizing facility utility systems, reducing overall project costs and facilitating improved visit flow throughout the structure.

In addition, removal of the ceiling on the use of appropriated funds on non-federally owned properties within the boundaries would eliminate a significant impediment to the development of the park and the partnerships of the park has been mandated to foster and support. The proposed improvements to non-Federal facilities within the park's unit's boundaries would provide a distinct benefit to the park.

And then the last bill, Mr. Chairman, is S. 3000, which would allow—

Senator THOMAS. Why do you not just summarize that one, Don. That is pretty—

Mr. HELLMANN. Okay. This would just do a quick land exchange between the George Washington Memorial Parkway and the CIA, basically to allow greater security at the access to the entrance of the Central Intelligence Agency. We have worked closely with them on developing the language of this legislation. And as far as I know, there is no controversy associated with it.

Senator THOMAS. It is an acre and a half for two acres, something like that.

Mr. HELLMANN. That is right.

Senator THOMAS. Very good.

[The prepared statements of Mr. Hellmann on S. 2885, S. 2950, S. 2959, and S. 3000 follow:]

PREPARED STATEMENT OF DONALD J. HELLMANN, DEPUTY ASSISTANT DIRECTOR, LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR ON S. 2885

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 2885, a bill that would establish the Jamestown 400th Commemoration Commission. The National Park Service supports enactment of this commission to commemorate the 1607 founding of Jamestown, Virginia, and believes that establishment of this commission would help ensure that we leave a lasting inheritance worthy of Jamestown's significant place in history.

Jamestown, the first permanent English settlement in North America, lives today in the language we speak, our common law, and our representative government. The first representative assembly held in these English colonies occurred at Jamestown in July 1619. We can trace our legislative history directly from that first assembly to here in the United States Congress today—truly a living legacy. Jamestown was Virginia's capital for 92 years, its port, and its social and commercial center. Here the society we know today began to take shape.

Since at least 1807, Jamestown's founding has been commemorated every 50 years. In 1957, Queen Elizabeth II visited Jamestown as part of major festivities celebrating the 350th anniversary. The Commonwealth of Virginia's preparations for that anniversary included building reconstructions of the three ships that brought the 1607 colonists, the Jamestown Fort, and an Indian village. The National Park Service constructed the Jamestown Visitor Center, completed the Colonial Parkway to Jamestown, conducted archeological research, and provided visitors with paintings depicting early settlers' activities. The federal commission complemented the Commonwealth of Virginia's state commission.

Planning for commemorative activities in 2007 has been underway for several years. The state's Jamestown 2007 has held roundtables throughout Virginia to get citizen input to design a statewide commemoration. The reconstructed ships, fort, and Indian village are being rebuilt to reflect current research. Special events and outreach to schools across the nation are also being planned.

Under the Association for the Preservation of Virginia Antiquities' project "Jamestown Rediscovery," the original 1607 fort, long thought to be lost to the James River, has been found. The National Park Service has undertaken massive historical, archeological, and scientific research under its Jamestown Archeological Assessment. Together, the Association for the Preservation of Virginia Antiquities and the National Park Service have preserved nearly a million artifacts in their collections. They are now jointly planning a revitalized Jamestown Island to improve visitor experiences and understanding, and to increase protection for irreplaceable museum collections. Finally, an Internet web site has been set up to provide information to a wide range of audiences both within and outside the United States at: <http://www.Jamestown2007.org/>

S. 2885 would establish the Jamestown 400th Commemoration Commission, a federal commission to ensure a suitable national observance of Jamestown's 400th anniversary in 2007. The commission would complement and coordinate the programs of the Commonwealth of Virginia, provide excellent visitor experiences, hold appropriate observances, and assist in Jamestown-related programs and activities while also facilitating international involvement. Jamestown 400th should be a truly national event so that all Americans understand the challenges our predecessors faced. Because its story has meaning outside the United States, it should be an international event as well. The commission would also support efforts for a commemorative coin, stamp, and similar efforts, and assist in the development of heritage tourism. Having a federal commission that could help coordinate all the different aspects of the commemoration would help ensure their success.

S. 2885 establishes a 16-member commission to plan, develop, and hold programs and commemorative activities for the 400th anniversary of Jamestown's founding, facilitate Jamestown-related activities throughout the United States, and encourage other groups such as civic, educational, patriotic, and historic organizations to participate in the 400th anniversary activities. The commission would coordinate and facilitate scholarly research on and publication about Jamestown, it would assist in developing appropriate programs and facilities, and it would provide for hiring staff, using state staff, and accepting volunteers. S. 2885 provides for the commission to terminate on December 31, 2008. We estimate that the commission could make a considerable contribution towards our common understanding of this shared legacy. We also believe it would facilitate fundraising by encouraging public-private partnerships. Finally, we believe the commission would help make the experiences of Jamestown's first 92 years relevant today, to Americans who immigrated here as well as those who descended from those early inhabitants.

Establishing the Jamestown 400th Commemoration Commission would ensure that this 400th commemoration will have lasting value for all Americans by engaging the largest segment possible of this nation in this commemoration of our common heritage.

This concludes my prepared testimony, Mr. Chairman, I would be pleased to answer any questions you or the committee might have.

PREPARED STATEMENT OF DONALD J. HELLMANN, DEPUTY ASSISTANT DIRECTOR, LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR ON S. 2950

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you to present the position of the Department of the Interior on S. 2950, a bill to establish the Sand Creek Massacre National Historic Site as a unit of the National Park System.

The Department strongly supports protection of this site through S. 2950 with the amendments outlined in this testimony. We appreciate the continued interest and support of Senator Campbell, and look forward to working with him and the subcommittee to protect this site.

Since the day it happened, the Sand Creek Massacre has been regarded as one of the most emotionally charged and controversial events in American history. On November 29, 1864, Col. John M. Chivington, leading about 700 soldiers of the First and Third Colorado Volunteers, attacked a village of about 500 Cheyenne and Arapaho people. These people were under the overall leadership of Black Kettle, and had camped on Sand Creek at the direction of Major Scott Anthony, who commanded

Fort Lyon, about 40 miles to the south. By day's end, the soldiers had killed at least 150 people, including women and children.

The massacre resulted in almost instant controversy, which ultimately led to three federal investigations, all of which condemned Chivington's actions. By the 1865 Treaty of Little Arkansas with the Cheyenne and Arapaho, victims of Sand Creek received minor compensation for their suffering and loss of property. While some efforts were made to understand the massacre, place blame on the responsible parties, and compensate the tribes, little was actually done.

Many people, including Gen. William Tecumseh Sherman, visited the site and collected artifacts of all kinds. The land was used for large-scale cattle operations, and eventually small private landowners fanned and grazed the property. As time passed, evidence of the massacre slowly disappeared. Although the event continued to be remembered, mostly by the tribes and historians, the only commemoration of the massacre was a simple granite marker placed near the site by the local community in 1950.

In 1998, P.L. 105-243 authorized the Secretary to identify the location and extent of the Sand Creek Massacre, determine the suitability and feasibility of designating the site as a unit of the National Park System, and present those findings in 18 months.

Starting in 1998 a variety of techniques and methods were used to locate the site of the Sand Creek Massacre. These included a thorough research of written records, archeology, geomorphology, aerial photographic analysis, traditional tribal methods and recording the oral traditions of the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne and the Northern Arapaho.

Once the location of the site was identified, the next task was to determine national significance and suitability and feasibility of the site as a unit of the system. To be eligible for consideration, National Park Service Management Policies state that an area must possess nationally significant natural, cultural or recreational resources; be a suitable and feasible addition to the system; and require direct NPS management instead of protection by some other governmental agency or private sector. The Special Resource Study for the Sand Creek Massacre site, completed in July 2000, concluded that the area is nationally significant.

The Sand Creek Massacre site possesses exceptional value in illustrating and interpreting the history of U.S.-Indian relations in the American West. The massacre at Sand Creek of nearly 150 Cheyenne and Arapaho people who believed they were under the protection of the U.S. Government was a major turning point in the relationship between whites and Indians. Virtually all Indian and army conflicts that ensued were rooted, at least partly, in the massacre.

A National Park System unit at Sand Creek would provide an opportunity for Americans to better understand the significance of the massacre, the chain of events that led to it, the relationship between Indians and whites during the mid- to late-19th Century, the devastating effects of the massacre upon the Cheyenne and Arapaho peoples, and its far reaching repercussions, many of which linger today. The site also retains a high degree of physical integrity, and its isolated setting will give visitors an opportunity to contemplate the complexities of the human tragedy that unfolded there.

The Special Resource Study also concluded that Sand Creek is both suitable and feasible as a unit of the National Park System. The site is suitable because it represents a cultural theme that is not already adequately represented in the system. As described on the map referenced in S. 2950, the proposed national historic site is also a feasible addition in that the area taken as a whole is of sufficient size and configuration to ensure long-term resource protection and accommodate public use. As outlined in the Special Resources Study, acquisition of up to 12,480 acres of land and development of the site will cost approximately \$13,600,000. The preliminary annual cost of administering the site is approximately \$1,260,000.

S. 2950 would authorize the establishment of Sand Creek National Historic Site. The unit would be established once the Secretary of the Interior determines that sufficient lands have been acquired to provide for the protection and commemoration of the Sand Creek Massacre. Lands are identified on a map dated July 1, 2000 and would be acquired through donation, purchase from willing sellers or exchange. Priority for acquisition is given to the site containing the historical marker. Keys to managing the site would be protection of the natural and cultural features that are critical to telling the story of Sand Creek; and cooperation and consultation with the tribes in the development of management plans and educational programs.

S. 2950 calls for the Secretary to consider locating support facilities in Kiowa County. The legislation also contains important provisions that would provide for special needs of the descendants and other members of the identified tribes to access and use federally acquired land for the purpose of traditional, cultural and historical

observances, and consultation with respect to commemorative activities. S. 2950 also calls for the dedication of a portion of the site for the purposes of repatriation of human remains.

One of the major strengths of this project has been the extensive consultation and inclusion of the interested individuals and organizations, especially tribes, land-owners, the State of Colorado and Kiowa County. A critical result of this effort was the agreement that protection of the site is essential. It is essential in part so that we may all learn how to deepen our understanding of other cultures.

We believe some minor amendments are needed in Sections 8 and 9 that would clarify the intent of the legislation. These sections address the special needs of the descendants and tribal members of those affected by the Sand Creek Massacre. We believe that the two sections should be made consistent with recent Congressional direction regarding reasonable accommodation of the religious and cultural needs of American Indians in units of the National Park System. We would be pleased to provide draft language to that effect.

We also recommend deleting on page 12, line 21, "located in the vicinity of the site", as there are no tribes located in the vicinity of the site.

We look forward to working with the subcommittee and Senator Campbell to ensure that the final bill language protects this important site and the story it has to tell.

That concludes my remarks. I would be happy to answer any questions you may have.

STATEMENT OF DONALD J. HELLMANN, DEPUTY ASSISTANT DIRECTOR, LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR ON S. 2959

Mr. Chairman, thank you for the opportunity to appear before the subcommittee to present the views of the Department of the Interior on S. 2959, a bill to clarify the areas included in the Dayton Aviation Heritage National Historical Park, Ohio, and to authorize appropriations for that park.

S. 2959 would expand the authorized boundaries of the Dayton Aviation Heritage National Historical Park through the inclusion of three properties adjacent to the park's core unit and the inclusion of the expanded Wright Hall complex at Carillon Historical Park; and, it would remove the ceiling on the use of appropriated funds for the operation, development, or restoration of non-federally owned properties within the boundaries of the park.

The Department of the Interior supports enactment of this legislation. This position is consistent with the legislated purpose of the park, the November 1997 general management plan, and the June 2000 land protection plan; and is supported by all affected park partners and property owners. The total acreage of all four tracts is 0.7 acres. Of these tracts, the two owned by the City of Dayton would be donated to the National Park Service, the tract owned by Aviation Trail, Inc. would continue to be owned by Aviation Trail, Inc. with acquisition by the National Park Service a future possibility on a willing buyer-willing seller arrangement, and the tract owned by Carillon Historical Park would continue to be owned by that organization.

The removal of the ceiling on the use of appropriated funds on non-federally owned properties within the boundaries of the park would eliminate a significant impediment in the development of the park and the partnerships that the park has been mandated to foster and support. In most cases, we do not support the use of limited NPS maintenance or construction funding for non-Federal facilities, because those funds are needed to address the most important needs identified in the five-year priority lists. We do not object to this authorization, however, because the proposed improvements to non-Federal facilities within the park unit's boundaries would provide a distinct benefit to the park. Funding for land acquisition and construction is subject to the availability of appropriations and the needs identified in the NPS priority lists.

Dayton Aviation Heritage National Historical Park was authorized in 1992 as a multi-unit partnership park to commemorate the legacy of the Wright brothers and poet and author Paul Laurence Dunbar and their association with the greater Dayton region. The Wright brothers, through their invention of powered flight, achieved one of the single most important advances of the 20th Century. Paul Laurence Dunbar, a childhood friend of the Wright brothers, rose from a poor childhood in Dayton to international acclaim as a writer and as an effective voice for equality and justice and contributing to a growing social consciousness and cultural identity for African-Americans in the United States.

Operation of the park is a partnership that involves four legislatively mandated partners (National Park Service, Wright-Patterson Air Force Base, the Ohio Historical Society, and Carillon Historical Park, a private, non-profit organization), a Federal commission, other government agencies, and 40 partner organizations.

Dayton Aviation Heritage National Historical Park is currently undergoing rapid change as it is developed in preparation for the Centennial of Flight Celebration in 2003. Detailed planning and design is being completed and preparations are underway for the initiation of major construction/rehabilitation projects at each of the four units with a goal to have the park ready and fully accessible to the public by December 17, 2002, the start of the Centennial Celebration. This ongoing planning and development has highlighted issues that were not anticipated when the park was initially authorized, but which today, are critical for the protection, preservation, and management of these significant national resources.

The West Third Street [National Register] Historic District incorporates The Wright Cycle Company building (22 South Williams Street) and two adjacent historic residential properties (26 and 30 South Williams Street). This historic district is significant because it is where the Wright brothers had their printing, bicycle, and airplane businesses. The two adjacent turn-of-the-century residential structures are a critically important component of the cultural landscape providing historic integrity for The Wright Cycle Company building, the only structure representing the Wright brothers bicycle business that remains at its original location and original form. Also significant is the fact that the roof of the small, wood-frame house located at 26 South Williams Street touches the roof of the Wright Cycle Company structure and represents a potential threat by fire to the long-term protection and preservation of the Wright Cycle Company building. Inclusion of these properties would allow the NPS to consider fire suppression of all the buildings and will ensure the long-term protection and preservation of the Wright Cycle Company building.

The NPS and Aviation Trail, Inc. are proposing to partner in the development of the Hoover Block and the Aviation Trail building to create a single interpretive center facility that would occupy the two structures. The combined development of the two structures will preserve historic resources associated with the Hoover Block by centralizing facility utility systems, reducing overall project costs, facilitating improved visitor flow through the structures providing for a higher quality visitor experience, and providing additional space for exhibits and displays. Through administrative action (Federal Register, July 3, 2000) the NPS has incorporated the Aviation Trail, Inc. property within the park boundaries. Inclusion of this provision within the legislation will update the legislation to match existing conditions and removal of the ceiling will allow the partnership project to proceed.

When the park was authorized in 1992, Wright Hall was a separate, stand-alone structure. As a part of the private development of that unit of the park, Wright Hall has been expanded with constructed additions and an attached structure, that is now known collectively as the John W. Berry, Sr. Wright Brothers Aviation Center. To facilitate consistent and clear management of Wright Hall as a unit of the NPS, the entire facility should be incorporated within the boundaries of the park.

Since the date the bill was introduced, we have received the final map referenced in section 2. The map is numbered 362-80,010 and dated September 1, 2000. We suggest the bill be amended to include the number and date.

This concludes my testimony. I would be happy to answer any questions that you or members of the subcommittee may have.

PREPARED STATEMENT OF DONALD J. HELLMANN, DEPUTY ASSISTANT DIRECTOR, LEGISLATIVE AND CONGRESSIONAL AFFAIRS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR ON S. 3000

Mr. Chairman, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 3000, a bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia and for other purposes.

The Department supports S. 3000 with the technical amendments outlined at the end of this testimony. This legislation is similar to a bill the Administration transmitted to Congress on June 19, 2000.

S. 3000 would allow the Secretary of the Interior and the Director of the Central Intelligence Agency to exchange 1.74 acres of land within the George Washington Memorial Parkway for approximately 2.92 acres of land adjacent to the boundary of the George Washington Memorial Parkway and currently under the jurisdiction

of the Central Intelligence Agency (CIA). The site also provides access to the Federal Highway Administration's Turner-Fairbank Research facility.

The George Bush Center for Intelligence requires additional land outside its gates, located immediately off the parkway at the CIA exit, to provide sufficient security systems to prevent unauthorized entry onto its grounds and to exercise law enforcement powers in the area in front of the entrance. The CIA interchange was constructed in 1959 to serve the CIA complex at Langley, Virginia. The current CIA gate is located at the park boundary and just off the interchange exit ramps. Vehicles exiting the parkway onto the CIA ramp have the potential to gain sufficient speed to enter the gates before the guards at the gates can implement any protective measures. An exchange of lands between the CIA and the National Park Service, George Washington Memorial Parkway (NPS) will provide the necessary acreage to install speed and traffic control devices and signage to control approaching traffic at the gate. Section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. Sec. 4039(o)) requires that the agency either own, lease, or otherwise exercise custody and control over a parcel of land in order to exercise statutory police powers.

An agreement to exchange lands was signed on July 2, 1998. This agreement provides the CIA with temporary custody and control of the assigned NPS property. Under this agreement NPS agreed to permit the CIA to install or place traffic or speed control devices deemed necessary to prevent unauthorized entry and to acknowledge CIA law enforcement jurisdiction over the parcel. The agreement requires that the CIA work with NPS to obtain requisite Congressional approval for transfer of the property, and if Congress refuses to approve transfer, CIA will return the property to NPS in restored condition. This agreement will expire on September 20, 2001.

The United States Park Police have no opposition to the transfer or to CIA law enforcement outside CIA gates. The interchange road leading into the CIA is in good condition. The proposed exchange property owned by the CIA is wooded and has no developments on it. The exchange will benefit the National Park Service by bringing in these resources adjacent to the park's boundary. The exchange will not result in any additional staff or development costs to NPS.

We understand that the committee staff has drafted technical amendments to correct the bill's technical flaws. We support these technical amendments.

That concludes my prepared testimony, and I would be happy to answer any questions you may have.

Senator THOMAS. Mr. Bisson, one bill has the BLM involved, S. 2749.

STATEMENT OF HENRI BISSON, ASSISTANT DIRECTOR FOR RENEWABLE RESOURCES AND PLANNING, BUREAU OF LAND MANAGEMENT

Mr. BISSON. What I would like to do, if I could, sir, is briefly summarize my remarks and submit the full text for the record.

Senator THOMAS. Great.

Mr. BISSON. And I appreciate this opportunity to testify today. The BLM supports, with recommended modification, this bill to establish the creation of the California Trail Interpretive Center in Elko, Nevada.

The only concern that we have is that the modification we are asking for is to permit the BLM to have permanent authority to collect an entrance fee from visitors. Right now we are planning on using the recreation fee demo pilot authority to collect fees. And that could expire at some future time. What we are asking is for permanent authority to establish a fee.

And we are concerned that the estimated annual operating cost of about \$900,000, that some provision be made to provide that funding, because there is insufficient funding within the budget of the Nevada BLM office to absorb that level of cost.

I thank you.

[The prepared statement of Mr. Bisson follows:]

PREPARED STATEMENT OF HENRI BISSON, ASSISTANT DIRECTOR FOR RENEWABLE
RESOURCES AND PLANNING, BUREAU OF LAND MANAGEMENT

Mr. Chairman, thank you for the opportunity to testify today on S. 2749. The Bureau of Land Management (BLM) supports with recommended modification this bill to establish the creation of the California Trail Interpretive Center in Elko, Nevada.

During the 19th century westward movement, the occurrence of hot springs, combined with the availability of feed and fresh water, gave rise to the community which is today the City of Elko—a well-remembered location along the Overland Trail. Over 300,000 emigrants passed over this ground on their way west between 1840 and 1869. The emigrants traveling on the California Trail added to the population base for the development of the American west, and in so doing, their numbers discouraged England and Russia in their efforts to colonize the Pacific Coast. The early settlers of the State of Nevada were direct descendants of the emigrants who traveled the California Trail. This six-month journey from St. Joseph, Missouri, to the Central Valley of California covering 1,800 miles, saw twice as many emigrants than all other trails combined. Today, few motorists on Interstate 80 know that they are traveling along the California Trail. In fact, when aerial photographs were taken during construction of Interstate 80 in the 1960s, well over a century after the emigrants had passed by, remnants of the wagon passage could still be identified. A few of those who passed by the future site of Elko on their way west later returned to the region, founding some of the oldest ranches in the county and what would become, in the words of the late journalist Lowell Thomas, "the last real cow county of the West."

Today, Elko is the economic hub of northeastern Nevada. Through an interpretive center such as the one proposed by this legislation, Americans will continue to learn about, and better understand, one of the most important phases of American history—the emigrant experience.

Through that great migration, Americans populated the West and took the first steps toward creation of the great economic engines that exist today in California, Oregon, Washington and Nevada.

The proposed site of the center is a 40-acre parcel located approximately 10 miles southwest of Elko near the Hunter Interchange of Interstate 80, the junction of California Trail and the Hastings Cutoff, which during the gold rush years of 1849–1850 brought fortune seekers to the Humboldt River. The Humboldt River and the original Central & Western Pacific Railroad also cross this area. The Interpretive Center would support economic diversity within Elko County. This is a county where an economy, historically dependent upon livestock, ranching and mining, will clearly benefit from the tourism opportunity. Easy access from I–80 will entice tourists to stop and learn more of our nation's colorful history.

Through strong community support, \$6 million has been committed toward this project, of which the City of Elko and the County of Elko have committed \$2,000,000 and \$1,000,000, respectively. Additionally, the State of Nevada has committed \$3,000,000. Congress previously authorized \$250,000 for a feasibility study which will be completed by mid-December of this year. S. 2749, is the next logical step, representing Congress' commitment to working with the local partners making the Center a reality, by authorizing a \$12 million federal share of the required funding. In addition, the State of Nevada's commitment is contingent upon federal funding.

BLM has the expertise to manage and maintain this Center. To ensure the Center's efficient operation, we recommend that the bill be modified to include permanent authority for the BLM to accept, retain, and expend donations of funds, property, or services. We also recommend that the BLM receive permanent authority to collect an entrance fee from visitors and to use the amounts received from fees for expenses associated with the Center's operation. In addition to expected income in the form of visitor entrance fees authorized by the pilot fee demonstration program, there will be estimated annual operating costs of \$900,000 for which additional operations and maintenance funding will be needed on an annual basis if the visitor center is to provide the educational, informational and management services envisioned. The land management priorities in Nevada are such that the annual operating cost of the Center could not be met at the current funding levels.

This concludes my statement. I will be happy to answer any questions you may have.

Senator THOMAS. Okay. Good. Well, I am hopeful that the demonstration fee will be there. But you are right, it is not currently. And so the contribution from the locals is about \$6 million. And they are asking for authorizing \$12 million, is that right?

Mr. BISSON. Yes, Senator.

Senator THOMAS. And that is for construction. And then operation would be in addition to that.

Mr. BISSON. Yes, it is. In fact, the city of Elko and the county of Elko are each committed to \$2 million and \$1 million respectively. And the State of Nevada is committing \$3 million to this project.

Senator THOMAS. Senator, any questions?

Senator CAMPBELL. No questions. Thank you, Mr. Chairman.

Senator THOMAS. Thank you, gentlemen. Appreciate it. Appreciate your brevity.

Senator, would you like to introduce panel two, please?

Senator CAMPBELL. The panel is just made of two people in the name of brevity, Mr. Chairman. One is Mr. Halaas, who is the director with our Colorado Historical Society, and Steve Brady, who is a member of our Council of Chiefs in the Northern Tribe and a descendant of the people that died at Sand Creek.

Why don't you come on up?

Senator THOMAS. Welcome, gentlemen. Glad to have you here. Unless you have a different view, we have listed Mr. Brady first. And if that is all right, we will begin with you, sir.

Senator CAMPBELL. May I ask, just a moment, if Mr. Brady would like to introduce his brothers in the north and the south, who are all descendants of the massacre?

Senator THOMAS. That would be fine, sir. Yes.

Mr. BRADY. We have one of our members of the Tribal Council, Lee Lone Bear; and the vice president of CNA Tribes of Oklahoma, Eugene Black Bear, Jr.; and Joe Big Medicine, the NAGPRA representative; and Steve Chestnut, tribal attorney, who has worked on this pro bono for the tribes; and Laird Cometsevah, Cheyenne Chief from the Southern Tribe. He has worked on Sand Creek issue for a good part of his life, 30 years.

Senator THOMAS. Well, thank you. Welcome. We are glad to have you all here. We appreciate you making the effort to come.

STATEMENT OF STEVE BRADY, PRESIDENT, NORTHERN CHEYENNE SAND CREEK DESCENDANT GROUP

Mr. BRADY. First of all, unfortunately, we do not have all that much time. It would have been, I think, very appropriate if many of the tribes were allowed to testify, but understanding the situation and the time frames and things like that. Hopefully, the tribes are allowed to provide many statements that they may want to submit in the specified time frames.

Senator THOMAS. The record will remain open, and you may submit those.

Mr. BRADY. Now, first of all, I want to say something in my native language.

[Not translated.]

Mr. BRADY. My name is Steve Brady. I am the president of the Northern Cheyenne Sand Creek Descendants and co-chair the Northern Cheyenne Sand Creek Massacre Site Committee with our tribal president and vice president.

On behalf of our Cheyenne-Arapaho ancestors, who were subjected to the unspeakable horrors of ethnic cleansing of what be-

came infamously known as the Sand Creek massacre on November 29, 1864, I thank you, Mr. Chairman and committee, for allowing me to provide testimony on an issue that remains profoundly sensitive and indelible in many ways to our people, as appallingly indelible as the recent bombing of the Alfred P. Murrah Building of Oklahoma City.

If I might recall, to be distinct, on March 24, 1998, this same committee held hearings on S. 1695 introduced by the Honorable Ben Nighthorse Campbell that proposed to establish the Sand Creek National Historic Site in the State of Colorado, that was subsequently authorized by Congress and signed into effect by the Honorable William Jefferson Clinton, President of the United States, that became Public Law 105-243, entitled Sand Creek Massacre National Historic Site Study Act of 1998.

It is unquestionably clear, absolutely clear, that there is no more room for ambiguity. The location and extent of the massacre site and area has been identified. While there have been hearings, studies upon studies, reports upon reports that have repeatedly justified, unequivocally substantiated for the need to set aside this area, one more time, one more study, through Public Law 105-243, it is substantiated again.

Although Congress admitted responsibility to the atrocities, the acts of genocide, committed at Sand Creek and promised reparations to the Cheyenne and Arapaho through Article 6 of the Treaty of Little Arkansas of 1865, this remains an empty promise. Moreover, the University of Nebraska at Lincoln and the Colorado History Museum in Denver presently hold within their collections those that were killed, mutilated and taken as trophies and/or specimens at Sand Creek. Hopefully within the new future, we will be able to inter our ancestors at Sand Creek.

In order to protect the integrity of the Sand Creek massacre site, including especially the cultural resources, and for traditional cultural and historic observance of the descendants, it is imperative that the Sand Creek massacre site be established as a national historic site. Therefore, we urge the immediate passage of S. 2950. The Northern Cheyenne Tribe, the Northern Arapaho Tribe, and the Cheyenne-Arapaho of Oklahoma must be involved in all phases

I would like to mention the letters from the Morningstar High School students from the Northern Cheyenne Reservation, many of whom are descendants of Sand Creek, and also a letter from the vice president of the Northern Cheyenne Tribe. Necessary suggestions and corrections have been submitted to Senator Campbell.

I would like to take this opportunity to commend and thank Senator Campbell for his courage and persistence on this bill that is very much long overdue.

Thank you.

Senator THOMAS. Thank you, sir. We appreciate it very much.

Dr. Halaas.

**STATEMENT OF DR. DAVID F. HALAAS, CHIEF HISTORIAN,
COLORADO HISTORICAL SOCIETY**

Dr. HALAAS. I would like my remarks to be entered into the record and just focus for a minute or two on these new letters, these letters that were mentioned by Senator Campbell.

This is the classic case of a trunk in the attic revealing information, a trunk that had been put away for 135 years. We knew the existence of these letters because others had quoted portions of them. Because these letters from the Whiteside really make up ground zero of the investigation into Sand Creek. It is because of the courage of these two men, men who were witnesses to Sand Creek, that Congress began its investigation and the Army began its investigation. And for his efforts, Silas Soule was shot down in the streets in Denver shortly after he testified against Chivington.

The woman who came forward with these letters came forward because her great-grandfather, Mark Blunt, had come to Denver in 1859. And he had some letters dealing with early Denver, with early Pueblo, and with ranching along the Arkansas. But she also had some affidavits, military affidavits, relating to Sand Creek. And I was asked to come in to see if these might be of interest. And they were interesting. But they were copies, and we have had those before.

In that group of material was an envelope that contained these two letters. And when I began reading, at first I thought maybe they had been seen before, that these were copies. And then I realized that these were those two missing documents. And the importance that they have, they are the earliest written records relating to Sand Creek, the earliest description of what happened there.

The second thing that is important about them is that they were written by friends of Chivington, men who had supported him in his career, men who had been in his regime. And I think the final thing is the great importance, that if there is anybody that doubts what happened at Sand Creek and whether atrocities occurred there, let them read these letters. They are shocking. They are disturbing. And they must be made part of the record. And I thank the senator for doing that.

I think that there are those still who defend the actions of that man at that place. And anybody who reads these will see what happened.

That is all I have to say. I would be pleased to answer any questions.

[The prepared statement of Dr. Halaas follows:]

PREPARED STATEMENT OF DR. DAVID F. HALAAS, CHIEF HISTORIAN,
COLORADO HISTORICAL SOCIETY

Senate Bill 2950—The Sand Creek Massacre National Historic Site Bill has no agenda. It is in no way motivated by political consideration. It is about right and wrong; about Justice. As Chief Historian of the Colorado State Historical Society I support it because it is the right course to pursue. Senator Ben Nighthorse Campbell has introduced into the record two letters written 135 years ago. One, dated December 14, 1864—only two weeks after the Sand Creek Massacre, was written by Captain Silas S. Soule of the Colorado First Veteran Battalion; the other, dated December 19, 1864, was written by Lieutenant Joe A. Cramer—also of the Colorado First. Both men witnessed the horror of Sand Creek, both men refused to allow their men to “burn powder.” Later, within weeks, both men sent letters to their superior exposing Sand Creek for the atrocity it was. And for this, one of them, Captain Soule, would be assassinated in the streets of Denver after testifying against his commander, Colonel John M. Chivington.

For those who doubt that atrocities were committed at Sand Creek, I urge them to read these two letters—they are the earliest account of the massacre that exist, and they are the most graphic. They were written by men who supported Chivington. But after Sand Creek, they became his greatest enemies. We owe these men much, for they set in motion the great Congressional and Army investigations

into what would be the greatest tragedy that ever befell the Cheyenne and Arapaho people. And one of the greatest tragedies to befall the American people.

The Colorado Historical Society urges passage of the bill.

Senator THOMAS. Thank you very much.

For any of you, including the Senator, it speaks of over 12,000 acres. Is that considered to be what is necessary, or will it be part of that? It seems like that is an awfully lot.

Senator CAMPBELL. That is the area—and David Halaas can help me on this. But that is the area that they identified where the total killing fields, you might say, took place. It was not just in one place, because people were running and hiding. And so it spread out along the creek. The creek bank has changed since those years, and there have been a lot of pot hunters and so on that have come by and picked up things. But through some very scientific help from the National Park Service, they identified that within that area, all the different camps and the locations of the tribes.

And also, I might point out, Mr. Chairman, I have the feeling that you do about taking private land. And this is a willing seller that the Park Service has negotiated with.

Senator THOMAS. Is this one seller, one owner?

Senator CAMPBELL. No. It is several. In fact, four is it? Three or four.

Mr. BRADY. More than that.

Senator THOMAS. I see.

Senator CAMPBELL. And several people within that area have decided they do not want to sell, which is their choice.

Senator THOMAS. I see. Well, that was my next question. So yes, we both feel strongly about that. So currently what is it? Is it ranch land?

Senator CAMPBELL. Almost all straight ranch land, yes. A little marker there, a little concrete marker. And then when I was in the legislature 18 years ago, we authorized a wooden, a large wooden, sign to be put out on the county road that tried to explain what had happened. But over the years, that began to deteriorate and rot. And I think it is even gone now. It stayed there for about 12 or 14 years before it just—the weather took its toll.

Senator THOMAS. Mr. Brady, did you have a role in the development of this study?

Mr. BRADY. Yes, sir, we did. The tribes were involved through this very comprehensive study. Even previous to this, there was a State study authorized by the State of Colorado, and tribes were involved in that. We had tribal representation during the field survey, the comprehensive field surveys, and the oral histories done by NPS through tribal elders and so forth.

Senator THOMAS. I see. As you may know, last year, when we were on our rather extensive park bill that was passed, one of the items was to have a study of these kinds of things before there was a decision made. And the folks on the committee and in the Department think this is one of the better studies that has been done with regard to previous decision making. That is very good. And I see there is more to it than just this one, I notice.

What would be the continuing role of the Park Service, if this was established as a—what is it, a monument? No. National historic site.

Mr. BRADY. It would be to manage the site. It would be under the National Park Service.

Senator THOMAS. I see.

Senator CAMPBELL. I guess it is just basically ranch land now. Although, as you heard in the testimony from the Park Service, they would dedicate an area for religious practices, things that travel groups need.

Senator THOMAS. So this would be managed by the Park Service, not by the tribes.

Senator CAMPBELL. Yes.

Senator THOMAS. You mentioned, I think someone mentioned in their statements, the continued involvement with the tribal members, some sort of special needs of the descendants. What does that mean?

Mr. BRADY. I think probably first of all is to be able to allow tribes to be able to go there for cultural observance—

Senator THOMAS. I see.

Mr. BRADY [continuing]. Memorial types of activities, for prayer to provide healing for the descendants, very profound, sensitive issues.

Senator THOMAS. I see.

Any further questions, Senator?

Senator CAMPBELL. No. No questions, Mr. Chairman. I just appreciate our friends being here. I might mention Lee Lone Bear on the end with the hat on is a direct descendant of Black Kettle, who died there, one of the more famous chiefs in fact.

You might tell the chairman, though, how many descendants are in the Descendants Association, Steve?

Mr. BRADY. Well, I believe that each tribe—

Senator CAMPBELL. Literally everybody can trace some ancestry back to that.

Mr. BRADY. Yes.

Senator CAMPBELL. But the ones that are active in that association.

Mr. BRADY. We have not been able to narrow down a specific number, but I believe the Northern Arapaho, Northern Cheyenne, Cheyenne-Arapaho Tribes of Oklahoma are extensive in terms of descendancy. This is a very, very active issue on each reservation for each tribe, culturally sensitive issue.

Senator CAMPBELL. One of the things that has always really, I guess, interested me, being sort of a student of military history, is that there is no question, I do not think, in anybody's mind, if that took place now, or even in the last half century, those people would be clearly declared murderers and brought to justice. And yet they got totally off the hook and were considered heroes in some circles at the time.

And it was only just a few years ago, in fact, that the University of Colorado dropped the name Chivington from one of the dormitories, took it off at the request of the Indian students that go to the University of Colorado.

Senator THOMAS. Well, fortunately times change.

Senator CAMPBELL. Times change, fortunately.

Senator THOMAS. We had, as you may know, a little celebration last week here, where Wyoming used its second statue that we are

entitled to with Chief Washakie. And we had a celebration here. And the Arapahos and the Flat Heads from Montana, and the Shoshones from Wyoming were here. It was excellent.

Senator CAMPBELL. A very nice presentation.

Senator THOMAS. Well, if there is further information that you would like to have in the record, the record will remain open to be able to allow that. And I do want to thank all of you for making the effort to be here. You have made an excellent case for this. And we will certainly look forward to moving it forward.

If there is no further business, the meeting is adjourned.

[Whereupon, at 3:30 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT OF V. EARL DICKINSON, CHAIRMAN, JAMESTOWN-YORKTOWN FOUNDATION

Mr. Chairman, on behalf of the Jamestown-Yorktown Foundation I am pleased to offer testimony in support of S. 2885, a bill proposing the creation of the Jamestown 400th Commemoration Commission.

The Virginia General Assembly in 1996 designated the Jamestown-Yorktown Foundation as the state agency responsible for planning and coordinating the Commonwealth of Virginia's role in the commemoration of the 400th anniversary of the founding of Jamestown, the first permanent English settlement in the New World, in 1607. The Foundation subsequently created the Jamestown 2007 Steering Committee, now consisting of 30 outstanding Virginians possessing a wide variety of backgrounds and expertise, to begin planning the commemoration of this seminal event in American history.

The Jamestown quadricentennial observance in 2007 offers Virginia, America and the world a unique opportunity to reflect on and take new inspiration from the enduring principles and traditions that have made our democratic nation the envy of countries everywhere. It was at Jamestown that our representative form of government, a democracy based on the rule of law, the free enterprise system, the rights of individuals and other freedoms all had their beginnings.

The Jamestown anniversary also offers the opportunity for Americans to honestly examine and create a new understanding and awareness of the appalling outcomes of the encounters of European, American Indian and African cultures that began at Jamestown. The anniversary provides a rare occasion for coming to terms among all peoples by recognizing the human sacrifices that accompanied the founding and development of the nation. A recognition of the triumph over the darker days of our history and the prospect of a new millennium of human advancement are reasons to commemorate this important milestone in American and world history.

In 1607, Jamestown was the gateway to opportunity and promise of the future. In 2007, Jamestown can be the gateway for a new world of opportunities for millions in this century and for the next 400 years.

From the beginning the Jamestown 2007 Steering Committee has endorsed the creation of a national commission to ensure that the unparalleled opportunities inherent in this significant national occasion will enable all Americans, as well as citizens of other lands, to become involved in and benefit from the Jamestown commemoration.

I earnestly and humbly urge the subcommittee to endorse S.2885 and submit it to the Energy Committee for its consideration.

THE ASSOCIATION FOR THE PRESERVATION
OF VIRGINIA ANTIQUITIES,
Richmond, VA, September 13, 2000.

Hon. JOHN WARNER,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WARNER: I am writing in support of Senate Bill 2885 to form a Jamestown 400th Commemoration Commission. I understand that the Bill is before the Committee on Energy and Natural Resources and that the National Park Service will testify for the Bill on Thursday, 14 September. This commission will enable the commemoration in 2007 to have significance for every American citizen.

As you know, the APVA is a partner with the National Park Service on Jamestown Island. We are working together with the National Park Service to improve and expand the visitors' experience for 2007. Further, it is our intention to create a "One Jamestown" experience with our State partners at Jamestown Settlement.

Our legacy at Jamestown, however, will be even greater than just these pieces. Jamestown was where this country was founded, and it is the place where many of the identifiably American institutions find their beginnings. Its story traces both the best and the worst of the American experience. It was at Jamestown that American democracy was formed, where race relations and cultural sharing began, and where the American entrepreneurial spirit was defined. Together, the APVA and the National Park Service will establish the center for study of the continuing archaeological, historical, and scientific research of not only Jamestown, but for the pre-sixteenth-century sites and the surrounding mid-Atlantic region, where so much of this expansion took place.

I urge your continued support of S. 2885, so that the anniversary of Jamestown may indeed be a national event. The year 2007 will offer all Americans the opportunity to look back at how this country was founded and to look forward to how these lessons may be applied to our future.

Sincerely,

ELIZABETH STANTON KOSTELNY,
Acting Executive Director.

KIOWA COUNTY COMMISSIONERS,
Eads, CO, September 12, 2000.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building, Washington, DC.

Re: Proposed Sand Creek National Park

DEAR SENATOR CAMPBELL, As Kiowa County Commissioners we are in support of the Sand Creek Massacre Legislation. We support the legislation with the understanding by James Doyle that the land not owned by parks within the site will remain agriculture and subject to local zoning laws, which would require a hearing to change land use.

We expect the visitor center to be confined to inside park boundaries and any other facilities to be located within Kiowa County. It is our understanding with James Doyle that these facilities will be administered and managed by the National Park Service. It is also our understanding that PILT payments can not be part of the legislation, but that your office will assist us with these payments at a later date.

If we may be of any assistance, please let us know.

Sincerely,

DUTCH EIKENBERG,
Chairman.
J.D. WILSON,
Commissioner.
ROD BROWN,
Commissioner.

Ft. Lyon, C. T., December 14, 1864.

DEAR NED: Two days after you left here the 3d Reg't with a Battalion of the 1st arrived here, having moved so secretly that we were not aware of their approach until they had Pickets around the Post, allowing no one to pass out! They arrested Capt. Bent and John Vogle, and placed guards around their houses. They then declared their intention to massacre the friendly Indians camped on Sand Creek. Major Anthony gave all information, and eagerly joined in with Chivington & Co, and ordered Lieut. Cramer, with his whole Co to join the command. As soon as I knew of their movement I was indignant as you would have been were you here, and went to Cannon's room, where a number of officers of the 1st and 3rd were congregated and told them that any man who would take part in the murders, knowing the circumstances as we did, was a low lived cowardly son of a bitch.

Capt. Y.J. Johnson and Lieut Harding went to camp and reported to Chiv, Downing, and the whole outfit what I had said, and you bet hell was to pay in camp. Chiv and all hands swore they would hang me before they moved camp, but I stuck it out, and all the officers at the Post, except Anthony backed me. I was then ordered with my whole company to Major A.—with 20 days rations. I told him that I would not take part in their intended murder, but if they were going after the Sioux, Kiowa's or any fighting Indians, I would go as far as any of them. They said that was what they were going for, and I joined them.

We arrived at Black Kettles and Left Hand's Camp at day light. Lieut. Wilson with Co's. "C", "E" & "G" were ordered in advance to out off their herd. He made a circle to the rear and formed line 200 yds from the village, and opened fire. Poor Old John Smith and Louderbeck ran out with white flags but they paid no attention to them, and they ran back into the tents. Anthony then rushed up with Co's "D" "K" & "G", to within one hundred yards and commenced firing. I refused to fire and swore that none but a coward would. For by this time hundreds of women and children were coming towards us and getting on their knees for mercy. Anthony shouted, "Kill the sons of bitches" Smith and Louderbeck came to our command, although I am confident there were 200 shots fired at them, for I heard an officer say that Old Smith and any one who sympathized with Indians, ought to be killed and now was a good time to do it.

The Battery then came up in our rear, and opened on them. I took my Comp'y across the Creek, and by this time the whole of the 3d and the Batteries were firing into them and you can form some idea of the slaughter. When the Indians found that there was no hope for them they went for the Creek, and buried themselves in the Sand and got under the banks and some of the bucks got their Bows and a few rifles and defended themselves as well as they could. By this time there was no organization among our troops, they were a perfect mob—every man on his own hook. My Co, was the only one that kept their formation, and we did not fire a shot.

The massacre lasted six or eight hours, and a good many Indians escaped. I tell you Ned it was hard to see little children on their knees have their brains beat out by men professing to be civilized. One squaw was wounded and a fellow took a hatchet to finish her, she held her arms up to defend her, and he cut one arm off, and held the other with one hand and dashed the hatchet through her brain. One Squaw with her two children, were on their knees, begging for their lives of a dozen soldiers, within ten feet of them all firing—when one succeeded in hitting the Squaw in the thigh, when she took a knife and cut the throats of both children, and then killed herself. One old Squaw hung herself in the lodge—there was not enough room for her to hang and she held up her knees and choked herself to death. Some tried to escape on the Prairie, but most of them were run down by horsemen. I saw two Indian hold of one another's hands, chased until they were exhausted, when they kneeled down, and clasped each other around the neck and were both shot together. They were all scalped, and as high as half a dozen taken from one head. They were all horribly mutilated. One woman was cut open and a child taken out of her, and scalped.

White Antelope, War Bonnet and a number of others had Ears and Privates cut off. Squaws snatches were cut out for trophies. You would think it impossible for white men to butcher and mutilate human beings as they did there, but every word I have told you is the truth, which they do not deny. It was almost impossible to save any of them. Charly Autabee saved John Smith and Winsers squaw. I saved little Charley Bent. Geo Bent was killed. Jack Smith was taken prisoner, and murdered the next day in his tent by one of Denn's Co. "E". I understand the man received a horse for doing the job. They were going to murder Charlie Bent, but I run him into the Fort. They were going to kill old Uncle John Smith, but Lt. Cannon and the boys of Ft. Lyon, interfered, and saved him. They would have murdered Old Bents family, if Col. Tappan had not taken the matter in hand.

Cramer went up with twenty (20) men, and they did not like to buck against so many of the 1st. Chivington has gone to Washington to be made General, I suppose, and get authority to raise a nine months Reg't. to hunt Indians. He said Downing will have me cashiered if possible. If they do I want you to help me. I think they will try the same for Cramer for he has shot his mouth off a good deal, and did not shoot his pistol off in the Massacre. Joe has behaved first rate during the whole affair. Chivington reports five or six hundred killed, but there were not more than two hundred, about 140 women and children and 60 Bucks. A good many were out hunting buffalo. Our best Indians were killed. Black Kettle, One Eye, Minnemic and Left Hand. Geo. Pierce of Co. "F" was killed trying to save John Smith. There was one other of the 1st killed and nine of the 3d all through their own fault. They would get up to the edge of the bank and look over, to get a shot at an Indian under them, and get an arrow put through them. When the women were killed the Bucks did not seem to try and get away, but fought desperately. Charly Autabee wished me to write all about it to you. He says he would have given anything if you could have been there.

I suppose Crammer has written to you, all the particulars, so I will write half. Your family is well. Billy Walker, Col. Tappan, Wilson (who was wounded in the arm) start for Denver in the morning. There is no news I can think of. I expect we will have a hell of a time with Indians this winter. We have (200) men at the Post—Anthony in command. I think he will be dismissed when the facts are known in

Washington. Give my regards to any friends you come across, and write as soon as possible.

Yours sc.

(Signed S. S. Soule).

Ft. Lyon, C. T., December 19, 1864.

DEAR MAJOR: This is the first opportunity I have had of writing you since the great Indian Massacre, and for a start, I will acknowledge I am ashamed to own I was in it with my Co. Col. Chivington came down here with the gallant third, known as the Chivington Brigade, like a thief in the dark throwing his Scouts around the Post, with instructions to let no one out, without his orders, not even the Commander of the Post, and for shame, our Comd'g. Officer submitted. Col. Chivington expected to find the Indians in camp below the Com——but the Major Comd'g told him all about where the Indians were, and volunteered to take a Battalion from the Post and Join the Expedition.

Well Col. Chiv. got in about 10 A.M. Nov. 28th and at 8 P.M. we started with all of the 3d parts of "H" "O" and "E" of the First, in com'd of Lt. Wilson Co. "K" "D" & "G" in com'd of Major Anthony. Marched all night up Sand, to the big bend in Sanday, about 15 or 20 miles, above where we crossed on our trip to Smoky Hill and came on to Black Kettle's village of 103 lodges, containing not over 500 all told, 350 of which were women and children. Three days previous to our going out, Major Anthony gave John Smith, Lowderbuck of Co. "G" and a Gov't driver, permission to go out there and trade with them, and they were in the village when the fight came off. John Smith came out holding up his hands and running towards us, when he was shot at by several, and the word was passed along to shoot him. He then turned back, and went to his tent and got behind some Robes, and escaped unhurt. Lowdebuck came out with a white flag, and was served the same as John Smith, the driver the same. Well I got so mad I swore I would not burn powder, and I did not. Capt. Soule the same. It is no use for me to try to tell you how the fight was managed, only I think the Officer in command should be hung, and I know when the truth is known it will cashier him.

We lost 40 men wounded, and 10 killed. Not over 250 Indians mostly women and children, and I think not over 200 were killed, and not over 75 bucks. With proper management they could all have been killed and not lost over 10 men. After the fight there was a sight I hope I may never see again.

Bucks, women and children, were scalped, fingers cut off to get the rings on them, and this as much with Officers as men, and one of those officers a Major; and a Lt. Col. cut off Ears, of all he came across, a squaw ripped open and a child taken from her, little children shot, while begging for their lives, (and all the indignities shown their bodies that ever was heard of) (women shot while on their knees, with their arms around soldiers begging for their lives.) things that Indians would be ashamed to do. To give you some little idea, Squaws were known to kill their own children, and then themselves, rather than to have them taken prisoners. Most of the Indians yielded 4 or 5 scalps. But enough! for I know you are disgusted already. Black Kettle, White Antelope, War Bonnet, Left Hand, Little Robe, and several other chiefs were killed. Black Kettle said when he saw us coming, that he was glad, for it was Major Wynkoop coming to make peace. Left Hand stood with his hands folded across his breast, until he was shot saying, "Soldiers no hurt me—soldiers my friends." One eye was killed; was in the employ of Gov't as spy; came into the Post a few days before, and reported about the Sioux, were going to break out at Learned, which proved true.

After all the pledges made by Major A ____ to these Indians and then to take the course he did. I think no comments are necessary from me; only I will say he has a face for every man he talks. The action taken by Capt. Soule and myself were under protest. Col. A ____ was going to have Soule hung for saying there were all cowardly Sons of B ____s; if Soule did not take it back, but nary take back with Soule. I told the Col. that I thought it murder to jump them friendly Indians. He says in reply; Damn any man or men who are in sympathy with them. Such men as you and Major Wynkoop better leave the U. S. Service, so you can judge what a nice time we had on the trip. I expect Col. C ____ and Downing will do all in their power to have Soule, Cossitt and I dismissed. Well, let them work for what they damn please, I ask no favors of them. If you are in Washington, for God's sake, Major, keep Chivington from being a Bri'g. Genl. which he expects. I will send you the Denver Papers with this. Excuse this for I have been in much of a hurry.

Very respectfully, Your Well-wisher

Joe A. Cramer.

John Smith was taken prisoner and then murdered. One little child 3 months old was thrown in the feed box of a wagon and brought one days march, and there left on the ground to perish. Col. Tappan is after them for all that is out. I am making out a report of all from the beginning to end, to send to Gen'l. Slough, in hopes that he will have the thing investigated, and if you should see him, please speak to him about it, for fear that he has forgotten me. I shall write him nothing but what can be proven.

Major I am ashamed of this. I have it gloriously mixed up, but am in hopes I can explain it all to you before long. I would have given my right arm had you been here, when they arrived. Your family are all well.

Joe A. Cramer.

