



B 2021 002

EXECUTIVE ORDER

Rescinding the 1864 Proclamations Issued by Territorial Governor John Evans

Pursuant to the authority vested in me by Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order rescinding Territorial Governor John Evans' June 27, 1864 proclamation and August 11, 1864 proclamation.

I. Background and Purpose

The State of Colorado has been and continues to be home to the Ute Mountain Ute Tribe, Southern Ute Indian Tribe, 46 other contemporary Tribes with historic and cultural ties to the State, and Indigenous peoples from more than 200 Tribal Nations.

John Evans was the second territorial governor of the Colorado Territory from 1862 until 1865 and also served as the Superintendent of Indian Affairs. Several months before the Sand Creek Massacre, Evans issued two proclamations on June 27, 1864 and August 11, 1864 (1864 Proclamation(s)) that targeted and provoked violence against Indigenous peoples. The first 1864 Proclamation directed "friendly Indians" to gather at specific camps, and threatened Indians who did not comply. The second 1864 Proclamation ordered citizens to "kill and destroy . . . hostile Indians" and urged the citizens to "take captive, and hold to their own private use and benefit, all property of said hostile Indians that they may capture, and receive all stolen property recovered from said Indians such reward as may be deemed proper and just therefor."

Evans' actions, including the 1864 Proclamations, led to the Sand Creek Massacre on November 29, 1864, during which approximately 230 Cheyenne and Arapaho people, mostly women, children, and elderly, were murdered. Three federal investigations were initiated in the wake of the massacre, two congressional and one military, all of which denounced the massacre in no uncertain terms. Territorial Governor Evans never took responsibility for his actions leading up to the Sand Creek Massacre or thereafter. He was forced to resign in 1865.

The Sand Creek Massacre National Historic Site was dedicated in 2007 to serve as a memorial to those murdered at Sand Creek and to educate the public about this shameful chapter in our national and State history. In 2014, Governor John Hickenlooper apologized to the descendants of the victims of the Sand Creek Massacre on the 150th anniversary of the horrific event.

Territorial Governor Evans had no legal basis to issue the 1864 Proclamations. They have been described as “a clearly articulated framework of encouragement from the top political official in the territory for widespread, undisciplined, and preemptive warfare against Native occupants of the region.”¹ The 1864 Proclamations were never lawful because they violated established treaty rights and federal Indian law. Further, when Colorado became a state, they never became law, as they were superseded by the Colorado Constitution, United States Constitution, and Colorado criminal code. Yet, the 1864 Proclamations have never been officially rescinded. They therefore remain as a symbol of a gross abuse of executive power during that grave period in our State’s history.

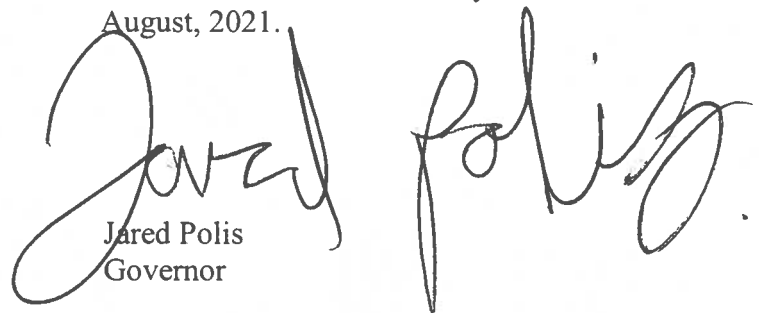
For these reasons, I find it necessary to officially finally rescind the shameful 1864 Proclamations through this Executive Order and provide closure for this dark period of our territorial history.

II. Directive

I rescind Territorial Governor Evans’ June 27, 1864 proclamation and August 11, 1864 proclamation.



GIVEN under my hand and
Executive Seal of the State of
Colorado this seventeenth day of
August, 2021.


Jared Polis
Governor

¹ See *Report of the John Evans Study Committee, University Of Denver*, November 2014, page 64:
<https://www.du.edu/sites/g/files/lmucqz251/files/2018-04/DUJEC%20Report%20Nov1-2014.pdf>.