



May 25, 2021

Re: Byers Branch Library Renaming Effort

Michelle Jeske, City Librarian  
Denver Public Library  
10 W 14th Ave.  
Denver, CO 80204

### **Criminal Incitement<sup>1</sup> - The Case Against William Byers**

In 1859, William Byers loaded a printing press on a wagon and set out for the Front Range of the Rocky Mountains in what was then the Territory of Kansas. Like thousands of others, Byers was drawn by the promise of the riches to be uncovered in the gold deposits near the confluence of Cherry Creek and the South Platte River. Boosters of the new sites made bold claims that diggings in the foothills rivaled the gold deposits found in California by the “49ers” a decade earlier. For Byers and thousands of others like him, that was all an enterprising individual needed to know. Within a year, nearly 50,000 people moved onto lands guaranteed to the Cheyenne and Arapaho tribes under the terms of the 1851 Treaty of Fort Laramie less than a decade before. The new arrivals quickly established a number of ramshackle towns in the foothills and on the plains, including Denver at the confluence of Cherry Creek and the South Platte River.

Like many others who made their way to what would become the state of Colorado, Byers was an opportunist, what might have been called at the time “a man of many parts.” History suggests that his commitment to journalism did run substantially deeper than his commitments to any number of subsequent ventures in which he became involved, from railroads to real estate development to interurban transportation to tourism and resort development. The specific endeavor was less important than the payoff that any one or more of them would eventually yield. In his favor was the fact that Byers did have a genuine appreciation for the power of the press. And like so many others who had gambled on finding riches on the frontier, Byers wagered heavily that his journalistic venture--the *Rocky Mountain News*--would become the voice of the new territory and would pay off in spectacular fashion.

That looked like a reckless bet in the early 1860s. For a town that purported to be the next Eldorado of the West, Denver endured a pretty rough start, with challenges on many fronts. Floods, drought, fire, shallow gold deposits, and rumors of a Confederate invasion all posed threats to Denver and the other towns that sprang up on the plains and in the foothills. Worse in the minds of some were the reports of Indian depredations on the Smoky Hill Trail, the Santa Fe Trail, and other trails on the plains leading to what had become the Territory of Colorado. Byers and his fellow speculators couldn't do a thing about the weather, mineral deposits, or the Confederacy--but allegedly hostile Indians were another matter.

Byers used the *Rocky Mountain News* as the pulpit to preach for a campaign against the tribes on the Colorado plains. As fears mounted among the territory's population in the summer of 1864, Byers issued a call in his paper for war against the Plains Indians. “A few months of active extermination against the Red Devils will bring peace and nothing else will.” On November 29, 1864, a few months after Byers' call for violence, Colonel John M. Chivington and troops of the 1st and 3rd Colorado regiments, United States Volunteers, launched an attack against the Cheyenne and Arapaho encampment on Sand Creek in southeastern Colorado Territory. Over two hundred fifty people in the encampment were slaughtered, a majority of them women, children, and elders.

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<sup>1</sup> Criminal incitement refers to conduct, words, or other means that urge or naturally lead others to riot, violence, or insurrection.

Byers suffered little or no blowback from his reckless incitement of a massacre. The Indians were soon driven out of Colorado, the Denver Pacific Railroad connected Denver to the transcontinental railroad, Denver began its rise as one of the preeminent "instant cities" of the west, and Byers' fortunes blossomed. He diversified, engaged in all the ventures named above, and despite a few setbacks, continued to prosper in what became the state of Colorado in 1876. He became in the vernacular of the time, a pillar of the community. He indulged himself in many of the activities favored by men of his station, including engaging in an extramarital affair. He made promises to his mistress, as men in that position often do, broke those promises, again according to the standard of the day, and attempted to shake free of what had become an embarrassing encumbrance.

In 1889, the mistress, Hattie Sandcomb, attempted to gun down Byers and his wife on the streets of Denver. Hattie missed both targets but nonetheless got her point across. Byers and his remarkably forgiving wife moved out of Denver to a farm south of the city. Perhaps Byers concluded that life in the city had become too lively for his tastes. Or perhaps he experienced in that split-second encounter with his murderous mistress, a faint echo of the terror he helped unleash, to their unending misery, on the Cheyenne and Arapahos camped along Sand Creek.

Byers died in 1903 at the age of 82, one of the last leaders of the so-called pioneer generation of Colorado. His name is attached to a Denver public school near the location of his home and farm in Southeast Denver, the Byers branch of the Denver Public Library, the town of Byers on the eastern plains, the magnificent Byers Peak and the Byers Peak Wilderness in Middle Park.

Byers' inflammatory words violated no elements of the criminal code as it was known in 1864. It took Congress 120 years to address the issue of fighting words and their power to incite violence. In 1984, Congress enacted the Comprehensive Crime Control Act of 1984. The provision reflects the judgment of Congress that "a person who makes a serious effort to induce another person to commit a crime of violence is a clearly dangerous person and that his act deserves criminal sanctions whether or not the crime of violence is actually committed."

There is no doubt that Byers' reckless and violent speech helped incite a large number of people to commit crimes of unspeakable violence against an unsuspecting and vulnerable group of people who posed no threat to the white population of Colorado. William Byers is beyond the reach of a court of law but he can be tried in the courtroom of history, his memory held accountable for his actions. We can't change the past but we can alter the ways in which we choose to recognize and honor it. Taking the name Byers off the state's maps and place names would be a good place to start.

As the Byers Branch Name Reconsideration Committee engages the community in exploring a new name for the library, the Sand Creek Massacre Foundation would like to offer the cultural and historic expertise of our Board of Directors and Advisors to the conversation. Should you like any assistance or consultation, please feel free to contact us at [info@sandcreekmassacrefoundation.org](mailto:info@sandcreekmassacrefoundation.org)

Sincerely,



Conrad Fisher



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Tom Thomas

CC:

Cathy Lucas, President, Denver Public Library Commission  
Byers Branch Name Reconsideration Community Committee  
Representative Jamie Torres, District 3