



Episode 706, Story 2: Fillmore Pardon

Tukufu: Our next story investigates an 1851 document that may have saved the life of a Native American accused of murder. By the middle of the 19th century, a vast new territory from New Mexico all the way to California beckons settlers and homesteaders. But as their wagon trains rumble west from Missouri, along major arteries such as the Santa Fe Trail, they cut through the heart of Indian country and come under frequent attack. The violence on both sides is savage. The territory is the ancestral homeland of more than a hundred thousand Native Americans, who regard the settlers as dangerous intruders. In Washington, there is political pressure on the new president Millard Fillmore to pacify the native tribes and forcibly relocate them onto government reservations. More than a century and a half after these violent events, Jeff Mandell of Portland, Oregon took a closer look at a framed document in his father's office. The old paper shows president Millard Fillmore engaged in what appears to be an unusual act for the time - sparing the life of a Native American convicted of murder.

Jeff: I've had this document in my family since the mid 1950s. I just can't imagine what could be happening here.

Tukufu: I'm on my way to take a closer look at Jeff's family mystery. So what do you got for me?

Jeff: I got a document, here, a historical document. It's dated to 1851. It's signed by Millard Fillmore, President of the United States. And he has granted a pardon, to an Indian by the name of See-See-Sah-Mah, it says right here: "...the sentence of death is hereby commuted to imprisonment for life..."

Tukufu: So this is written on one sheet of paper?

Jeff: Yes. One sheet of paper, both sides.

Tukufu: Where did you get this document from?

Jeff: I got this document from my father who was an attorney.



Tukufu: Jeff says his father received the document years ago from a client, in lieu of payment. Is there anything else you can tell me?

Jeff: I never found any trial transcripts that would relate to this case. I don't know who See-See-Sah-Mah is; I don't know who the man is that he killed.

Tukufu: It's the connection between a Native American convicted of murder and the most powerful politician in the country – that have left him baffled.

Jeff: Why would the President of the United States take the time and process a pardon or a commutation of sentence for this Indian? Missouri was in the fringe of the settled United States and I don't think the Indians were held in the highest regard at that time.

Tukufu: I'll get back to you when I have some answers. I can't tell how old the document is – there is some kind of curious marking – possibly a seal of some sort - on the back. Although the president claims "good and sufficient reasons" for involving himself in the case, those reasons aren't spelled out. See-See-Sah-Mah was convicted of murder on the Santa Fe road. That's got to be the Santa Fe Trail. The President commutes the sentence in May of 1851. The pardon didn't mean he got out of jail it was a commuting of the sentence of death to life imprisonment. And it was signed by President Fillmore and Secretary of State Webster. I can't locate anything about the pardon online, but what I do find makes me more curious. Millard Fillmore came to power in 1850 after President Zachary Taylor died in office. Huge numbers of settlers were moving through Indian country and the President was under political pressure to protect them from attack. This is his state of the union address that he delivered in 1850: "Texas and New Mexico are surrounded by powerful tribes of Indians who are a source of constant terror and annoyance to the inhabitants. The great roads leading in to the country are infested with them." As President, he approved a number of treaties that relocated Native Americans onto desolate reservations, far from the settlers of America's new frontier.¹ This guy was not a friend of the Native Americans, his characterization of their battles and fights to basically maintain their own territorial integrity is very degrading and negative. So why would he sign a pardon like this? My first task is to confirm we have a genuine item. P.S. Ruckman JR. Is a scholar of presidential



pardons. So here's the document that I mentioned to you. We do have an authentic pardon, he says. The unusual emblem on the side is a presidential seal.

Ruckman: This is an actual clemency warrant from the 1850s signed by President Millard Fillmore. What you have is actually one of two copies.

Tukufu: He shows us an identical document – currently on file in the national archives.

Ruckman: When pardons were granted in this time period, two copies were made.

Tukufu: Two.

Ruckman: And one was kept in the department of state. And here's the first copy.

Tukufu: Okay.

Ruckman: And the second was delivered to the individual who has been pardoned, and that's what you have there.

Tukufu: So this was actually given to See-See-Sah-Mah?

Ruckman: That's right.

Tukufu: He doesn't know the details of the case, but says the document is extremely rare by 1851 only a handful of presidential pardons had been granted to Native Americans.

Ruckman: You throw that in with the fact that it's a murder trial, you're looking at pretty long odds against getting a presidential pardon.

Tukufu: What can we learn about See-See-Sah-Mah and his case by looking at this document?



Ruckman: If you got a pardon from the president in the 1850s, someone is probably fighting a tremendous battle for you behind the scenes. And they know someone that is connected to someone else that has access.

Tukufu: Who was fighting to save the life of a solitary Native American – and had access to the president?

Ruckman: The answer to your question is clearly going to lie beyond this document. And you're going to have to investigate court documents, things more specific to the trial.

Tukufu: The National Archives in Kansas City, Missouri, holds retired records from Federal agencies and courts in the Great Plains States. The library's archivist has to pore through a wealth of old west history to uncover a mere handful of documents. Ok, so here's the indictment. "See-See-Sah-Mah, an Indian of the Sac and Fox Tribe" did "strike, cut and stab the said Norris Colburn." The story goes that in March of 1847, two traders, Norris Colburn and his brother-in-law, Eugene Leitensdorfer, were transporting money along the Santa Fe Trail. Their mules gave out in Indian Territory, just 65 miles west of the Missouri state line. Leitensdorfer claimed he went to St. Louis for help, taking the money with him. And when he returned, Colburn was dead. Strangely, it took two years for See-See-Sah-Mah to be accused of the murder. And although he confessed, the documents have some disturbing details. Okay, listen to this...you'll get a sense of the trial he had. "Deputy Marshall, he furnished said jury with whisky, three times a day. All right, here are the names of his lawyers, F.P. Blair and B. Gratz Brown. The two attorneys write forceful appeals on behalf of See-See-Sah-Mah. They're actually suggesting that there was coercion in getting his confession. "That said first confession was made under such circumstances of terror and of fright." But it's certainly not clear from the records why the president himself intervened. Sandra Massey is the historic preservation officer for the Sac and Fox Nation - the tribe See-See-Sah-Mah' was from.

Sandra: I never heard of this case or the man until your investigation.

Tukufu: She says our questions may be rescuing the story of See-See-Sah-Mah's pardon from generations of obscurity.



Sandra: It has opened a door to a whole part of our history that we never knew before, to know that there was a whole element that went all the way to Washington D.C. in the President's office is just astounding.

Tukufu: She's not surprised to see a Sac and Fox name in the trial record, however. The murder site on the Santa Fe Trail was in Sac and Fox territory. And in 1850, she says, the encroachment of thousands of white settlers had created a powder keg atmosphere.

Sandra: There are at least two reported cases in Missouri where we did kill people for trespassing or for utilizing our salt mines for commercial enterprise.

Tukufu: Why would President Fillmore have taken a special interest in this case?

Sandra: I really couldn't answer except to say that he did have a special insight to the problems that we had.

Tukufu: Sandra throws some new light on President Fillmore for me. She says that while in office he appears to have softened his stance towards Native Americans.

Sandra: In his second State of the Union Address in December 1851, which is the same year of the pardon, he did state that by being pushed out of our natural homelands we're being forced to starve or plunder, and that the American people should be more understanding and forgiving.

Tukufu: Our trial was held in St. Louis. At the Missouri History Museum's Library and Research Center, the librarian has me search for a book entitled, *The Beginning of the West*. It cites period newspapers. There's no reference to See-see-sah mah. Maybe I can find something about Norris Colburn, let's see... ok, there he is. Ah, got him. Seems the trial got only local press attention. Probably not enough to catch the eye of a President. But I do find a startling detail.... About a possible other suspect in the murder of Norris Colborn – his traveling companion. Wow! Listen to this. "By report, people on the frontier thought he had not been killed by Indians...for a time suspicion fell on to Leitensdorfer," his brother-in-law. Well, this clearly shows why there was some doubt about the guilt of Mr. See-See-Sah-Mah. Who was able to get this case in front of the President? Bill Foley is Professor Emeritus of History at the University of Central Missouri. I've



sent him a copy of the pardon, along with what little I was able to dig up. Why is it so hard for me to find anything which would explain why Fillmore got involved in this case?

Bill: Millard Fillmore is one of the more obscure US Presidents obviously so people haven't scoured his papers. Also the 1850s was a time when slavery and national expansion were very much in the forefront and Indian affairs had momentarily receded.

Tukufu: He hadn't come across the pardon either. But Bill says that I still should have come up with more in the Kansas City archives.

Bill: One of the things that you would expect to find in a case file would be the synopsis of the trial, notes of the judge, and other kinds of summaries. So that got me to thinking, where might they have gone?

Tukufu: At the National Archives in College Park, MD, Bill discovered a box of miscellaneous cases from 1789 to 1860 labeled "*Petitions of Pardon.*" Sure enough, it held the complete case file. So that's what a good historian does they find things where they're not supposed to be. So what did you find?

Bill: Here's a synopsis of the trial.

Tukufu: It includes a report from the crime scene investigator. He describes a trail of tracks leading away from the body.

Bill: He says here that the track was made by a boot or shoe – was not a moccasin track.

Tukufu: "His interpretation at the time, was that a white man did the deed." But that doesn't explain why President Fillmore took a personal interest.

Bill: The key is in the defense team, Frank Blair and Gratz Brown...

Tukufu: Bill tells me Frank Blair's father, Francis Preston Blair Sr., was an advisor to Andrew Jackson, Martin van Buren and later, Abraham Lincoln. The Blair house sat across the street from



the White House, where it remains today. Why would these two prominent lawyers take on a case like this?

Bill: Brown obviously had a lot of concerns and frankly I think he was horrified by the prospect that an innocent man might be executed. Look at this

Tukufu: "Honorable Crittenden. Get reprieve for sixty days for See-See-Sah-Mah Indian to be hung at Jefferson City... will be foul murder to hang him." Signed by our guy Gratz Brown. Who is Crittenden?

Bill: John Crittenden was the Attorney General of the United States. But there's more.

Tukufu: What Bill found buried at the National Archives finally gives me the answer for Jeff. Before this case, none of the experts I spoke to knew anything about See-See-Sah-Mah or this pardon.

Jeff: I can't believe that. I mean here is a legal document that's circulating out there.

Tukufu: I tell Jeff about See-See-Sah-Mah's unfair trial, about the suspicions surrounding Colburn's brother-in-law – and the difficulty I had finding evidence or documents in the case.

Jeff: Unbelievable, it's as good as Hollywood could write

Tukufu: What you really wanted to know, is why President Fillmore took a personal interest in this particular case, I have an answer for you.

Bill: Here is Crittenden's memo to the president about this request.

Tukufu: "I am well acquainted with Mr. Gratz Brown I venture to recommend that the President grant the reprieve requested by Mr. Brown." At the Attorney General's recommendation - the President sent a fateful telegram to St. Louis.



Bill: Literally 20 minutes before the scheduled execution. The Marshal had already begun escorting See-See-Sah-Mah to the gallows. In the end there really weren't any victors in this case. See-See-Sah-Mah was sent to the Missouri State Penitentiary which was a notoriously horrible place, where he died probably not long after his incarceration. And in all likelihood, the actual killer went scot free.

Jeff: And I can't believe really – really the tragic ending of it all.

Tukufu: This document represents on one hand the fight for Native American justice and on the other hand the ambiguous nature in which they were treated by Presidents like Fillmore. So what do you think about your document now?

Jeff: Well, you really enhanced the provenance and I have a lot of storytelling to do from here on to my family and friends.

Tukufu: In 1854, the Blair family helped found the Republican Party on the idea that free-market labor was superior to slavery. Benjamin Gratz Brown became a US Senator and eventually the Governor of Missouri.