

...“*This gun was found at the site where Alferd Packer*

Solving the West's Greatest Mystery:

Was Alferd Packer Innocent of Murder?

David P. Bailey

During a vicious spring storm in 1874, six forlorn figures struggle against a sea of blowing snow in the San Juan Mountains. In desperation, they find shelter in a deep ravine protected from the wind by a large stand of pine trees. The ragged men build a small fire on top of a rotted log. The six prospectors, lost and starving to death, send out a scout to find the Los Pinos Indian Agency settlement. After a fruitless all day search, the scout returns to the camp as darkness falls in the mountains. As he approaches, a dark figure, silhouetted against the fire, rushes at him with a raised hatchet. Startled, the scout backs up, reaches for his pistol and shoots his assailant. The attacker, although slowed, reaches his intended victim and the scout is forced to drop the pistol and fight for the hatchet. The pistol, flung hastily aside, is lost in the deep snow... and from memory.

The mystery of what happened that fateful day would slowly come to light one hundred and twenty years later in a most unlikely place, the artifact storage area of the Museum of Western Colorado. As Curator of History at the museum in 1994, my intention was to photograph, document, and obtain the provenance or associated history of the firearms in the Audrey Thrailkill collection. The Thrailkill collection has an amazing assortment of pistols, rifles, carbines, and swords owned by the famous and infamous figures of the Wild West, such as Kit Carson, Buffalo Bill, and outlaw members of Butch Cassidy's Wild Bunch.

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Many of the firearms have fascinating histories that were well documented and verified by firearms experts. Several had little or no historic information, but a few had tantalizing bits of information that connected them to important events in Colorado history. One of the most intriguing of these was an 1862 Colt Police Model pistol. The pistol was in poor condition—the grips were rotted off, the main spring broken, and the rusted cylinder of the gun still had .38 caliber bullets in three of its five chambers. The yellowed accession card with the gun cryptically stated, “This gun was found at the site where Alferd Packer killed and ate five of his traveling companions.”

The card referred to one of the most infamous incidents in the American West. In the winter of 1874, Alferd Packer and five prospecting companions tried to cross the San Juan Mountains in southwestern Colorado in order to reach the Los Pinos Indian Agency, 75 miles from present day Lake City. They were advised by the famous Ute leader, Chief Ouray, not to attempt this dangerous passage in winter, but the prospectors, anxious to get to a gold strike in Breckenridge, ignored his warning.

In April of that year, only one man ventured out of the mountains, Alferd Packer. Suspicions were aroused and Packer was arrested after his companions were found murdered and partially eaten. Fearing that he would be lynched and hanged, Packer escaped from jail and stayed on the run for eight years. He was eventually arrested in Cheyenne, Wyoming, tried, and after several changes of venue, was sentenced to forty years in prison.

During the trial, he told the jury that his prospecting companion, Shannon Bell, attacked him with a hatchet after killing the other members in the party. Packer then fired his gun at Bell and killed him. After much hesitation, Packer admitted to “eating the flesh of his fellow man” knowing that he was on the brink of death from starvation. Packer later claimed that it was cannibalism that sent him to jail not murder charges. However, in 1901, Packer was paroled after sixteen years in prison due to the public outcry that he was convicted on flimsy circumstantial evidence. He eventually died in 1907, claiming to his last breath that he was innocent of murdering his traveling companions.



Alferd Packer before his trial in Lake City

To think that this rusted relic could actually be the pistol that Packer used to shoot Bell intrigued me and I decided to find out whether or not this gun had actually been at the murder site. While researching the pistol's origin, I found out it had been issued by the Colt Firearms Company as a cap and ball revolver in 1862. The gun was later re-released in 1873 and converted to fire .38 caliber rimfire bullets. This conversion pistol was popular with prospectors because it was inexpensive and this is probably why it accompanied the ill-fated Packer expedition. While I was working with archaeologist Phil Born in the Museum collections, he noticed the pistol and recalled seeing a photograph of it taken by his cousin, Jim Harris, many years ago.



1862 Colt Police Model Pistol

On April 14, 1994, I contacted this cousin in Texas and found out how the pistol came into the Museum's possession. The pistol had been unearthed by a young Western State College historian, Ernest Ronzio, in 1950. Mr. Ronzio was a student of C.T. Hurst, the father of Colorado Archeology.

After the pistol was found at the Alferd Packer massacre site on Cannibal Mesa, near Lake City, Colorado, it was brought to Jim Harris, then a member of the Uncompahgre Archaeology Society, to be photographed and studied. The pistol later went on display at the Western State College Museum.

I verified that the pistol had been in the Western State's Museum collection when I noticed an old accession number on the backstrap of the gun. I called the librarian at Western State College and she found the old museum record book indicated that the accession

number on the gun matched an entry in the book. This entry described the rusted condition of the pistol, that it came from the Alferd Packer site, and was loaned by Ernest Ronzio. Eventually the pistol was purchased by Audrey Thrailkill and given to the Museum of Western Colorado.

Having established the proper time frame and location in conjunction with the Packer massacre, I began a search for every document related to the Packer case in hopes of connecting the pistol to the crime. From 1994 to 1999, I combed through archives, research libraries, old diaries, depositions, and hundreds of pages of the Packer trial documents. The evidence that emerged was astounding because many of the documents seemed to prove that Packer was innocent. I found much of the testimony given by the witnesses against Packer directly contradicted later interviews they gave to the press and other private sources.

Perhaps the most startling find was a “lost” journal that gave a detailed description of the murder scene that could have possibly freed Packer if it had been available during the trial. Other 1874 documents indicated that, although the bodies had been exposed to the elements, each of the dead men were identifiable by their clothes and physical features. A Civil War veteran who visited the crime scene stated that Shannon Bell had been shot twice and the other victims were killed with a hatchet. Upon careful study of Bell, he noticed a severe bullet wound to the pelvic area and that Bell’s wallet had a bullet hole through it. He also stated that only two shots were fired at the murder scene, both at Bell. This passage caught my attention because the rusted 1862 Colt pistol found many years later at the scene had two chambers empty and three loaded.

The facts from the 1874 investigation of the murder scene seemed to mesh with the physical evidence, the 1862 Colt pistol. Packer stated numerous times during his trial that he shot the real killer Shannon Bell, but his testimony failed to convince the jury. What is even stranger is that visitors to the crime scene failed to report their findings on the witness stand, and in some cases lied about what they discovered.

My case to prove Alferd Packer’s innocence came to a standstill in the spring of 1999. Even though I had physical evidence that matched Packer’s story, there was still no way to scientifically tie the gun to the murder scene. The pistol never was introduced as evidence because it was lost after Packer’s desperate fight with Bell and not recovered until 1950 by Mr. Ronzio during his archeological excavation.

As with many historical investigations, my chance to prove my case came unexpectedly during a visit to the Lake City Museum in October of 2000. The Museum of Western Colorado and the Hinsdale County Historical Society had just finished a joint exhibit on Alferd Packer. I asked Grant Houston, the Hinsdale County Historian, about the exhumation of the Packer party victims by Dr. James Starrs and a forensic team in 1989. He explained the team proved the bodies had been cannibalized and had met violent deaths. Each of the skeletons had been marked A through E for scientific identification and then photographed. Skeleton A had a hole in the pelvic region and therefore must be Shannon Bell. Mr. Houston shocked me by mentioning that forensic samples had been taken from under the skeletons and were now in possession of the Hinsdale County Historical Society. I then asked if the Museum could borrow the samples from Skeleton A (Shannon Bell) for testing. Hopefully, there would still be gunshot residue in the samples to help prove Packer’s story that Shannon Bell had been shot at close range.

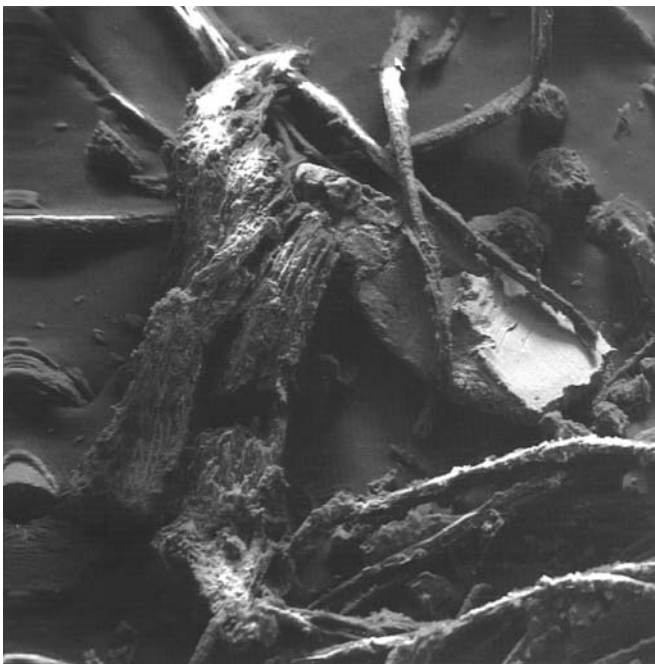
“Upon careful study of Bell, he noticed a severe bullet wound to the pelvic area and that Bell’s wallet had a bullet hole through it.”

After receiving permission from the Hinsdale County Historical Society, I took the samples to the Mesa State College Electron Microscopy Center in Grand Junction. A team of scientists led by Dr. Richard Dujay, the facility manager, began to examine the bits of wool fabric, old buttons, and soil for the traces of residue with the electron microscope. Dr. Dujay knew the task of finding gunshot residue would be difficult and stated, "It's as if 127 years ago someone hit a baseball in the U.S. and now you're asking to find it."

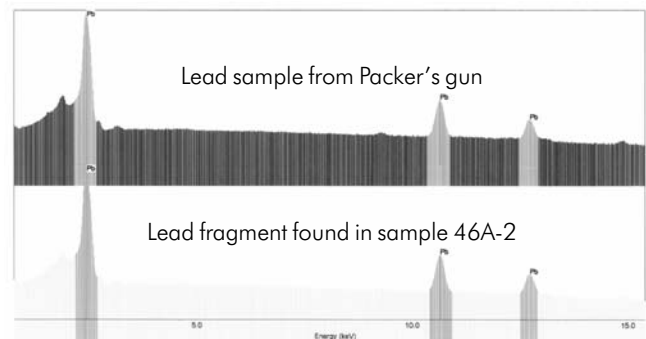
However, on February 10, 2001, we found the "baseball," a 50-micron piece of lead. Dujay and other scientists discovered that the fragment was man-made because of its structure, size, and composition. He next used an X-Ray spectrograph to analyze the elemental makeup of the object. Dujay found that the object was consistent with lead used for bullets during the post Civil War era. The scientists next took a small sample from a bullet still in the gun and compared it with the lead fragment underneath Skeleton A. The X-Ray spectrograph showed an exact match! Finally I had proof that linked the gun to the murder scene.

On February 12, 2001, Mesa State College hosted a national press conference to release the new evidence found by the Packer research team. The tremendous public interest in forensic science and its use in solving historical mysteries catapulted

the Packer story into an international media event. The story appeared in *The Times* of London and other international and national media outlets. For two solid days I did interviews, that included the national public radio stations in Great Britain, Australia, Canada, and the United States. The *Discovery Channel Canada* also filmed a short documentary on the Packer Research project at the Museum of Western Colorado, Mesa State College, and at the murder site in Lake City.



The first bullet fragment found by Dr. Dujay and the research team on February 10, 2001



Spectra comparing lead fragment to lead sample collected from Packer's gun
Rick Dujay Ph.D., Director of the Electron Microscopy Center at Mesa State College, Grand Junction, Colorado

The media attention was a nice benefit to all those years of research, but my main focus was centered on the scientific examination of the remaining forensic samples. Shortly after the press conference, the research team confirmed the presence of a small, spherical piece of close-proximity gunshot residue embedded in a wool fragment of Shannon Bell's clothing. This supported Packer's account that he fired at close range after being attacked with a hatchet. On April 27, 2001, an additional bullet fragment was found in a forensic sample taken from under Shannon Bell's body. This gave additional credence to the theory that the bullet shattered after hitting the bone in Bell's hip region.

After renewed public interest in the Packer case, Historic Littleton Inc., a non-profit historical organization, decided to have a retrial of Alferd Packer. On September 14, 2002, Alferd Packer was put on trial at the old Littleton Town Hall. The characters in the trial were faithfully brought back to life by costumed interpreters. The main difference in the trial was that Dr. Dujay and I were allowed to present historical and forensic evidence that cast doubt on Packer's guilt. We presented the modern forensic evidence on nineteenth century placards with the proper melodramatic flair. The two hundred and sixty five people in the audience also served as the jury and after a three hour trial found Mr. Packer innocent.

Even though it was only a mock trial, it felt liberating to finally see justice done. I remembered Packer's prophetic last words before he was taken to prison, quoted so well in Paul Gantt's book, *The Case of Alfred Packer: The Man-Eater*, "... In later years it will be cleared up for there has never been a case where a man has been sentenced unjustly that sooner or later it was not cleared up. I had one hope, and that was that sometime I would be able to hold up before the people of Colorado that I am not guilty of the murder of the four men. I killed Bell. I admit it, and have done so all along: on the stand, in public, and in jail...As I said, before, the whole mystery will be cleared up sometime."



Dr. Rick Dujay (L) and David Bailey (R) celebrate their victory at the Alferd Packer Re-trial in Littleton, Colorado.