

## **Beyond the Valley of a Doubt: The Espinosa Brothers Revisited**

**Tyler:** This episode contains descriptions of violence and a reference to sexual assault

**[Cold open]**

**Noel:** All right, go ahead and introduce yourself, if you would.

**Jake Rosenberg:** My name is Jake Rosenberg and I am a folklorist. I am the producer of special projects at ALT, which stands for American Lore Theater, and we design public programs for any folklore organization in the United States.

**Noel:** And what does a folklorist do?

**Jake Rosenberg:** A folklorist studies folklore. The way that I define it is living traditions in living communities. Folklore is popular learning.' Folk, people, 'lore' learning. For the most part, people learn through stories. It helps you navigate and make sense of the position you were dealt.

**Noel:** What is the folklore of the Espinosa Brothers story that you knew going into this?

**Jake Rosenberg:** I knew that the story of the Espinosa Brothers was one that was shrouded in violence. I knew that they had allegedly killed up to 32 people in the San Luis Valley over the course of one summer. I know that a legendary frontiersman, Tom Tobin, was given the charge of tracking them down and eventually finding them in extreme episodes, he cut off their heads, and those heads were then presented on display for anyone to come and see. The story was sensationalized beyond belief and now exists today as an intense and vivid tale of two outlaws that's something almost out of an action movie. What I didn't know going into it was the human

element of the story. The web of relationships that overlap to create all sorts of dynamics that I had no idea existed in the beginning. It's more than just violence. It is a family saga.

**[Theme Post]**

**Tyler:** From History Colorado studios, this is *Lost Highways: Dispatches from the Shadows of the Rocky Mountains*. I'm Tyler Hill.

**Noel:** And I'm Noel Black. On this episode, we'll take a fresh look at one of the most sensationalized alleged murder sprees in the history of the early American West, and explore the story of the so-called "Bloody Espinosas."

**Tyler:** For more than a hundred and fifty years, the Espinosa Brothers of Colorado's San Luis Valley have been portrayed as cold-blooded murderers, or America's first serial killers, born from the pages of a pulp novel as fully formed incarnations of evil.

**Noel:** And from the white settler perspective, they were.

**Tyler:** From March to October, 1863 – Felipe and Vivian Espinosa, and their cousin José managed to kill as many as thirty-two people across southern and central Colorado, most of them white.

**Noel:** They were eventually caught and killed by a rugged tracker, frontiersman, and trusted friend of the legendary Kit Carson named Tom Tobin.

**Tyler:** Or at least that's been the dominant narrative, which has almost always centered the fears of white settlers.

**Noel:** But few chroniclers of the Espinosas' supposed vendetta against gringos fully consider the historical context of the story, or the many other stories, tales, and lore about what really happened.

**Tyler:** On this episode of *Lost Highways*, we travel to the San Luis Valley of Southern Colorado and Northern New Mexico with folklorist Jake Rosenberg and his partners in American Lore Theater to reconsider the story of the Espinosa Brothers from the perspectives of those who live there today.

**Noel:** Along the way, we'll look at how the history, myths, and propaganda of the American West have blurred together over time, often covering up longstanding injustices.

**Tyler:** We'll also explore how difficult it can be to define what truth and justice are when so often it depends on which side of a conflict you stood on, and who won.

**Jake Rosenberg:** Usually in finding folklore, it's about finding continuity and what is referred to as 'survivals.' So there is a survival in your language of something from this period, right? A lot of the time this occurs on literal islands because it's a place where things can be preserved and families can stick together. And there is some sort of geographic barrier preventing these traditions from dissipating, or from maybe new people coming in. I find that the San Luis Valley, in a lot of ways, is an island in the middle of Colorado.

**[Music]**

**Tyler:** The San Luis Valley, if you've never been there, is like a giant mouth opening from Poncha pass in the north toward the New Mexico border in the south. It's surrounded by the jaws of the Sangre de Cristo Mountains in the east, and the San Juan Mountains in the west.

**Noel:** The land in the valley itself is larger than Connecticut and Rhode Island put together, and it spans six different counties. But the population of the whole valley is less than 1,700.

**Tyler:** It was Ute territory for thousands of years before Spain and Mexico arrived and began to colonize it.

**Noel:** And even though it's surrounded by mountains and sits at an altitude of 8,000 feet, the valley is remarkably flat, and it's been coveted as fertile farmland for centuries. Maybe it's the sheer vastness of it, or how remote it is, but in recent decades the valley has also attracted more esoteric types.

**Tyler:** There's a giant UFO viewing platform and an Alligator Farm warmed by a hot spring right in the middle of it.

**Noel:** And there's a whole town called Crestone filled with small religious communities from around the world including Tibetan Buddhists, Hindus, and Catholic Carmelite Monks.

**Tyler:** The Great Sand Dunes rest at the southeastern edge of the Sangre De Cristos. And just south of the Sand Dunes sits the town of Fort Garland, named for the fort built there in 1858 for the soldiers sent to protect white settlers. It's now run as a museum and cultural center by History Colorado.

**Noel:** And at the opening of the mouth of the valley, just north of the New Mexico border, sits the little town of San Luis, with a population of less than a thousand, but more than five hundred, depending on who you ask.

**Tyler:** The farmers there still use an ancient cooperative Spanish irrigation system called an 'acequia' fed by Culebra Creek, a tributary of the Rio Grande.

**Noel:** It's a beautiful, charming, odd, fascinating, and isolated place where white, indigenous, and hispano cultures have converged, and sometimes clashed for centuries.

**Jake Rosenberg:** So what I did was looked at who might still be connected to telling this story today, who might be one of the tradition bearers, if you will. So first and foremost, I looked at people who are connected to various institutions in the area.-After finding this list of people, almost all of them were concentrated in the San Luis Valley, where these events took place. Something that is a principle of folklore is that it's really tied to the geography of where people meet and live and gather, whether that is a restaurant or a church, or what have you.

**Noel:** Sure.

**Jake Rosenberg:** So figuring out what that was going to be, where those places were. Eventually, I got a car, went down to the San Luis Valley and tried to go to as many of these institutions as possible and see what was in their collection, what these people knew and if they knew of anyone in that area that we'd be able to talk to. So we go down there and the first person that we talk to is Louise Colleville.

**Louise Coleville:** I'm Louise Colleville and I'm the director of Rio Grande County Museum, which is an extremely interesting job because history is not dates. History is people. And this is what we focus on here at the museum is the history of the people, particularly Rio Grande County, but in all of southern Colorado.

**Jake Rosenberg:** Are you from the area?

**Louise Coleville:** I'm from the area. My Swedish great great grandparents got here in Del Norte, October 29th, 1873.

**Jake Rosenberg:** So getting right into it, what do you know about the story of the Espinosa brothers?

**Louise Coleville:** What I have gotten from a family member is that they were peacefully living when their land in the Fort Garland area and came home and found that their wives and their children had been murdered and their homes burned. And you know, of course, every story has at least three sides and this is the family side is how they started. And you know, thinking of how you will come home and find this happen to your family, your reaction could be extremely violent, circumstances can make you a murderer. And if this is the true story, this to me explains why they became so angry. Having your your family destroyed while you were gone in your home, it would lead you to some violence. And it was a period of time when there was violence. You had just come through the Mexican War. You were, you know, the border, you didn't cross the border, the border crossed you. You became United States citizens not necessarily because you wanted to, but because of circumstances. And you know, you would have some resentment if this was the army or the Anglo cowboys who didn't like the sheep herders in the area.

**Jake Rosenberg:** When you hear this story or hear any of the details, how do you feel?

**Louise Coleville:** I sort of feel angry that perhaps just one side of the story was told, and not taken into consideration the family. Because the Espinosa families, there's cousins who settled in this area because it was the Conejos Land Grant, where on the other side it was the Sangre de Cristo Land Grant that those Espinosas who had been in.

**Jake Rosenberg:** Can you tell me a little bit more about the land grants?

**Louise Coleville:** The Conejos Land Grant is the one that we work with the most because it's here and it was granted in...

**Tyler:** The situation with the land grants in the San Luis Valley is the complicated result of a bunch of different groups stealing that land from each other over the centuries. First, it was Ute territory, before it was settled by the Spanish, who – throughout the Southwest – implemented a system of land grants gifted to communities and individual settlers.

**Jake Rosenberg:** So after Mexico kicks off the yoke of Spain, those land grants are still intact. The people that had this land, they have that...Those grants are still honored, although they're increasingly being whittled away when Mexico eventually becomes New Mexico after the Treaty of Guadalupe Hidalgo. Over the course of the lead up to the Civil War, this part of New Mexico becomes the Colorado territory. The laws change overnight. Previously, people that we're used to dealing with courts in Spanish in their native language, they're no longer able to be read the law in Spanish. And what the Colorado territory does is converts a large part of these land grants to land that people can either take or buy.

**Louise Coleville:** ... The Utes got a little angry that the Mexican government gave away their land. So, you know, they in turn kind of pushed the settlers out.

**Jake Rosenberg:** And all the families are still around today?

**Louise Coleville:** There are still some family members around today, I don't know them personally...

**Jake Rosenberg:** She gives us a thorough overview of the tensions between the Hispano people of Southern Colorado and Anglo settlers. There is a tremendous amount at stake in defining these terms for a lot of different people.

**[Music/Sounds]**

**Jake Rosenberg:** From there, we go further and further into the valley, and especially as the Sun was setting, we felt that we were definitely participating in the same journey that somebody 150 years ago also may also have been experiencing, and that was pretty cool... So here we are in this area. Everyone is related to the folks in this story because families were so large, as well as this is just a really unique area where there are tremendous amount of cross-connection. So you see Kit Carson Contractors, you know, Espinosa Plumbing, and you're like, "Oh, interesting, that is part of this story still to this day too, the pedestrian elements of just daily life in San Luis Valley are really tied into every figure and character in the story. The next day we go to the San Luis Valley Museum. We talk to Adam James Jones and he's an author. He wrote a book called *The Vendetta of Felipe Espinosa*.

**Adam James Jones:** My name is Adam James Jones, and I grew up in Fairplay, Colorado. In fact, my house is right at the base of Red Hill Pass, where the Espinosa's actually killed a couple of people. Roaming around our property where I grew up, I would see things like really, really old campfire rings. I'd just wonder, like, "Man, I wonder if the Espinosas came to... I wonder if this campfire ring belonged to the Espinos's or one of their victims." Stuff like that.

**Jake Rosenberg:** So in your own words, could you summarize the Espinosa story for us?

**[Introduce Western musical "cliches"/FX here?]**

**Adam James Jones:** Sure, so with the closing of the Mexican-American War and the Treaty of Guadalupe Hidalgo, the question arose what becomes of the land that had previously been granted these Mexican citizens living in this new American territory? And so part of this treaty had promised them that they would get to keep their land. Of course, like a lot of other things in American history, that promise wasn't honored. And so a lot of conflicts arose.



**Noel:** If you remember from previous episodes, the Treaty of Guadalupe Hidalgo ended the Mexican American War in 1848. It was at this point that many Anglo Americans started moving into the territory that had only recently been Mexican land.

**Tyler:** Many of them staked claims on property that was already occupied by others, including Ute Indian Tribes, Mexican families, and Hispanos.

**Noel:** And Adam James Jones says it was in this context that the Espinosas first took to banditry as a means of supporting their family and supplementing the meager income they'd been able to make from farming.

**Tyler:** They started out small at first, committing the kinds of small time robberies that were common in the area at the time. But then....

**Adam James Jones:** The thing that finally did him in and really kind of turned him to a life of more serious crimes is he and his younger brother, Vivian held up a wagon near Santa Fe. And this wagon was going between Santa Fe and Galisteo. And they, for reasons unknown, they tied this wagon driver upside down to the wagon tongue and then whipped the horses into a frenzy. And this poor wagon driver, he was just, you know, his face was hitting the earth, just bouncing as this wagon just careened out of control for miles and eventually when some passersby spotted the wagon and got the horses under control, miraculously this driver was still alive and was able to identify his assailants.

**Noel:** The closest law enforcement in the area was at Fort Garland.

**Tyler:** And rather than knock on the door and immediately confront the Espinosa brothers, they devised a plan to impersonate recruiters from the Union Army, offering them room, board, and financial support for their family in exchange for joining the Northern cause.

**Adam James Jones:** And it was Vivian who answered the door, and Vivian for a while pretending to be very interested. Like, “Oh ok, and how much does it pay? And how much will you feed us? All this kind of stuff, when abruptly he just said, “Ok, we're not interested.” And when he did that, the person in the army he was talking to him, grabbed him. And the moment he grabbed him, Felipe, who had been keeping a bead on him, on this officer the whole time through a window, opened fire and killed him.

**[Music/FX]**

**Adam James Jones:** And now all the other people from the army who were watching nearby, they started shooting in return. And so we have a big gunfight that just explodes. And Felipe and Vivian are shooting through the windows while the family members are lying on the ground, passing on ammo. And Felipe and Vivian amazingly escape from the house, and they flee up into, further into northern Colorado or north into Colorado, I should say. And now they are wanted men. And this is where their vendetta really begins and they start killing indiscriminately.

**[Music/FX]**

**Noel:** Some tell a different version of the story, where the Union Army or other Anglo settlers stole the Espinosa family's land, and maybe even murdered Felipe and Vivian's family, leading them to seek revenge.

**Tyler:** Either way, from March until May, the Espinosa brothers ranged widely throughout Southern Colorado on a horseback. From their home in San Rafael near the New Mexico border in south central Colorado, they seem to have killed people as far north as Cañon City and South Park.

**Adam James Jones:** There was thought that it was Confederate guerillas, because that was common at the time. In fact, Mace's Hole, which is not too far from here, was a major

Confederate hideout, and it was thought that maybe these confederates are in the area, striking terror into people's hearts and maybe even recruiting people to the Confederate cause, which was happening at the time.

**Noel:** It's important to remember that the Civil War was in full swing at this time. And Confederate soldiers had made their way into the New Mexico and Arizona territories just a year earlier to try to break the Union's hold on the West and its mineral riches.

**Tyler:** Though people seldom think of the Civil War being fought in the West, several hundred confederate soldiers from Texas tried to push into Colorado territory in the Spring of 1862.

**Noel:** But they were pushed back at Glorieta Pass at the southern tip of the Sangre de Cristo mountains in New Mexico, right outside of Santa Fe.

**Tyler:** So fears of another confederate attack had been high for over a year by this point in the late Spring of 1863.

**Noel:** And there had been all manner of tensions with various tribes in the area as miners and settlers moved in on their territory and started to make mining claims and land claims under the Homestead Act of 1862, oftentimes under cloudy legal pretexts.

**Tyler:** And you might remember from our episode about Alfred Packer earlier this season, the United States had been pushing Ute tribes farther and farther into the southwest corner of Colorado as more gold and silver were discovered in the Rocky Mountains.

**Adam James Jones:** So really, no one knew who was doing this. And it wasn't until finally a man named Metcalf was driving a wagon through, near what is today Alma, Colorado, when the Espinosas ambushed him. They opened fire. They shot him in the chest. And he, it is said that he had a copy of Lincoln's Emancipation Proclamation in his breast pocket, which slowed the

bullet enough that he toppled back, but it did not kill him. And he then sat up and he spotted the two people that shot him. And finally, these two people had a face and he was able to get away.

**[Pause/Music]**

**Adam James Jones:** In Fairplay, Colorado, a posse was formed led by a man named McCannon. And this posse then tracked the Espinosas to what is called Great Spring outside Cañon City. They saw Felipe and Vivian within this little grove of trees. And McCannon directed his posse to surround the two, so half of them would be on one side of the Espinosas, the other half would be on the other side. And as Vivian came out from the grove to start untying his horse, one man opened fire and shot Vivian.

**Noel:** There's an account of this ambush and Vivian's death in a Denver newspaper from the time called *The Weekly Commonwealth*. The man who wrote it went only by the name "Dornick," a pseudonym we'll come back to later in this episode.

**Tyler:** In his account, "Dornick" claims that the posse, which was composed almost entirely of miners who were afraid they might be next, recovered a memorandum book with a note written to Governor Evans. Though he admits in the article that none of the men in the posse could speak Spanish, he also says that they were able to translate it, and that Vivian vowed that they would continue to kill Americans as long as they were alive.

**Adam James Jones:** Things became very quiet after that. No one really knows where Felipe went. It is speculated that family members housed him. It's possible that sympathizers housed him as well. So either way, it's a pretty quiet summer after that.

**[Pause/Music]**

**PROMO:** To learn more about the stories you hear on *Lost Highways*, check out History Colorado’s eight museums around the state. Like the El Pueblo History Museum in Pueblo, which features a series of exhibits, events, and more, related to the borderlands of southern Colorado. From a place of meeting between Indigenous tribes, to a physical border between nations, from the boundary between mountains and plains to everyday convergences of cultural and ethnic borders, this exhibit illuminates the site’s specific geopolitical border history as well as the region’s historic and ongoing borders of cultures, ethnicities, landscapes, industries, religions, and identities.

**[Music]**

**Tyler:** Wherever Felipe Espinosa was hiding during the summer of 1863, he eventually recruited his nephew Jose to take his brother Vivian’s place.

**Noel:** Then, in the late summer of 1863, Felipe emerged briefly to deliver five letters to the Post Office in Conejos, one of which was addressed to Colorado Territorial Governor John Evans.

**Tyler:** *The Santa Fe Gazette* reported on September 19, 1863 that one of the letters contained a plea to Governor Evans to grant the Espinosas amnesty and return stolen land to their family. If he didn’t, Felipe said they would return in a month and, as the Gazette wrote “commence a war of extermination against Mexican and American citizens in that territory.”

**Noel:** A month later, Felipe and Jose were seen again on the other side of the valley, in the mountains east of Fort Garland.

**Adam James Jones:** Felipe and Jose, they went to what is today La Veta pass, where they held up a wagon that was being driven by a man named Philbrick and his companion Dolores Sanchez. Sanchez and Philbrick took off in opposite directions. At first, the Espinosas went after Philbrick.

**Noel:** Dolores Sanchez supposedly ran in another direction, where she found a wagon being driven by two Mexican drivers who allowed her to hide on board.

**Tyler:** Eventually, the Espinosas caught up with the wagon, and interrogated the drivers.

**Noel:** The story goes that after some questions, presumably in Spanish, they were about to let the wagon go, but...

**Adam James Jones:** For reasons unknown, Dolores Sanchez burst out of the back and said, "Please, please, please have mercy on me." That is when the Espinosas did take her. They did assault her, they tied her up to then go look for Philbrick. Dolores Sanchez was able to get free. She eventually made it to Fort Garland, where she told her story to the commanders in charge there, and then a new posse was formed. Now it was time to get really serious. By this time, a bounty had already been put up by Governor Evans that was only going so far. A man named Tappan at Fort Garland was in charge at the time, and he knew someone who would be perfect for this job of tracking down the Espinosas, and this was Tom Tobin.

**[Music]**

**Noel:** Though Tobin is much less known than Kit Carson, the two were friends, and regarded as near equals among frontiersmen of the time.

**Adam James Jones cont'd:** Tobin was the real deal. It was said of him that he could track a grasshopper through sagebrush.

**Tyler:** Despite Tobin's legendary reputation as a scout, tracker, hunter, and marksman, Colonel Tappan insisted on sending 15 soldiers along with him.

**Adam James Jones:** So I think it was four days that Tobin led this search party after Jose and Philippe Espinosa. He allowed no fires. He kept everyone very, very quiet. When people would become exhausted or start to complain, he would send them home.

**[MUSIC/Sound FX]**

**Noel:** On their fourth day out, they spotted a plume of smoke rising from a campfire in the forest off of La Veta Pass. Tobin, being Tobin, insisted on approaching alone.

**Adam James Jones:** And so Tobin got off his horse and he army crawled toward this campsite, where he finally saw Felipe and Jose around a campfire where they had recently butchered an ox and they were cooking this ox. And Tobin had a hulk muzzleloader, this was his signature rifle. And in fact, on this rifle, he would put these little notches for every person he killed. And so as he is watching very patiently and extremely quietly, the Espinosa's around this campfire, he loads his rifle and he's waiting for the perfect shot. And as he would go on to tell it, Felipe would stand up from the campfire and stand and stretch. And that is when he opened fire and he got Felipe in the back. Felipe spun and hit the ground.

**[Music/Pause]**

**Tyler:** Felipe was down, but Jose had started to run into the forest beyond.

**Adam James Jones:** So Tobin is reloading this muzzle loader as fast as he can. And if you know how muzzle loaders work, it's not a quick process. You know, you have to tap into the powder and you put in the ball. And as he's doing this, he's watching Jose start to disappear in the trees. And finally, he gets the rifle reloaded and he gets a bead on Jose and pulls the trigger and down goes Jose.

**[Music/FX]**

**Noel:** Much of this final part of the story in which Tobin apprehended the Espinosas could only come from Tom Tobin himself. His only documented account of the incident was dictated and published as a letter sent to various publications including *The Santa Fe Democrat New Mexican*, on April 11, 1895, 32 years later.

**Tyler:** Tobin was in his early 70s at this point. He was broke, and hoping to collect a bounty on the Espinosa's heads said to have been promised, but never delivered by Governor John Evans in 1863.

**Noel:** Among the many curious things about the letter, and its timing, are a variety of details that flatter his legend and reputation as a hero.

**Tyler:** For example, Tobin seems to be the first person to suggest that Dolores Sanchez was raped, an allegation that we were unable to find in any other newspaper account or history before this time.

**Noel:** And in 1897, a man named W. Boots wrote to U.S. Marshall J.A. Israel in Denver claiming that he knew a man who had proof that Tobin hadn't killed Felipe and Jose.

**Tyler:** In response, Tobin began soliciting corroboration from everyone still living who'd been present at Fort Garland or in his detachment of soldiers in the Fall of 1863. But many of the letters addressed to the Marshall in support of Tobin's version admit that the details had grown hazy over time.

**Noel:** Yet all of Tobin's colleagues from that venture remembered the heads.

**Adam James Jones Interview:** So Tobin has Felipe and Jose's heads in a bag, in a burlap sack. He returns to Fort Garland, and as the story goes, Colonel Tappan is having dinner with his wife. And as Tobin enters the Fort, Tappan asks him, "Well, how'd it go?" And Tobin says,



“So-so,” and turns the bag upside down and dumps out the two heads onto the ground. So there ends the story of the Espinosas.

**Tyler:** But not quite the end, actually, because the heads that Tom Tobin is said to have collected from the Espinosas and rolled onto the ground in front of Colonel Tappan have a lore of their own.

**Adam James Jones Interview:** No one really knew for sure what happened to those two heads. It said that for some time, they sat on the desk of the editor of the *Fairplay Flume* in Fairplay, Colorado, pickled in a jar of whiskey. But either way, to this day, no one knows what happened to the Espinosa's skulls.

**Tyler:** In fact, most of what remains as evidence of the Espinosa's story are objects only said to have belonged to them.

**Noel:** History Colorado has a number of these alleged Espinosa artifacts, including a pistol attributed to Vivian Espinosa, a rawhide leather trunk, or *petaca*; another Colt revolver; a pair of Spanish spurs; a pair of leather chaps; a pair of beaded Arapahoe moccasins; and a braided leather rope. And most of these objects were donated to the state in 1943 by the descendants of Leopold Mayer, a white settler in the San Luis Valley at the time of the killings.

**Tyler:** But beyond the newspaper accounts written by mostly white newspapermen, there's no firsthand evidence of any of the Espinosa story, and no primary sources to date. Not the notebook allegedly found on Vivian's body, or Felipe's letter to Governor Evans that was allegedly intercepted in Conejos. None of it. And you can hardly find two written accounts that agree on any of the supposed facts unless the article was copied or rewritten from another newspaper's account.

**Noel:** And this, says Jake Rosenberg, is why the folklore is so important to understand. Not because it solves the mystery, or offers a definitive truth, but because it gives you a deeper understanding of a complicated story from all sides.

**Tyler:** And it's not a surprise that Adam James Jones's story, in the end, is also mostly folklore, which he himself admits.

**Adam James Jones:** It should be noted that a lot of these things that we're talking about, whether he lost land, whether he lost family members, whether his family members were assaulted. None of that is documented. This whole story is just decades of playing telephone.

**[Music/Pause]**

**Jake Narration:** So after that, we go to the Fort Garland Museum, where we talk to Eric Carpio. He tells us some really interesting things.

**Tyler:** Eric Carpio runs the Fort Garland Museum and Cultural Center, which is now part of History Colorado's system of museums throughout the state. It's the fort where Tom Tobin allegedly delivered the heads of Felipe and Jose Espinosa.

**Eric Carpio:** So, of course, we're at Fort Garland. Just real quickly, just to orient you to where we were at or where we're at right now, so Fort Garland... **[Fade out]**

**Noel:** Carpio told Jake that a lot of people come to the museum asking about the Espinosas. And there's one part of their story that those visitors tend to ask about.

**Eric Carpio:** The other thing that's just interesting, I guess, is just the whole, like this has taken up a whole life of its own, the whole story of the heads themselves. And, you know, I get people that come into the museum asking where the heads are at, what we've done with them. We've had people come into the museum say that they heard that their heads were held by the historic

society in the basement in Denver, in the capital, and they were eventually disposed of in an incinerator or in a furnace. I read a story recently about the Capitol being haunted, where one of the tour guides talked about, you know, all of the tour guides at the Capitol. it's common knowledge that after hours, you'll hear hoofs like, like the beating of hooves, horse hooves on the steps in the rotunda. And the story is that those are the headless Espinosa brothers on horses looking for their heads in the Capitol.

**[Music/Pause]**

**Eric Carpio:** We'd always heard rumors too that the museum had reenacted both the shootout between Tobin and the Espinosas and also the, I guess the rolling of the heads in the playground. We have one gentleman who believes that he's a descendant of the Espinosa brothers who told us that he remembers being at the reenactment as a young child and that it was really, you know, horrifying and just really traumatic. And so for many of the visitors to the museum, you know, this is a real personal, you know, story that, you know, brings up a lot of emotion, which I think is one of the reasons why, it becomes interpreted in a lot of different ways over the years.

**Jake Rosenberg:** That is something as a folklorist, I'm really fascinated by, because how is this story retold, reenacted, reenacted to a moral point for the residents of the valley, reenacted as a symbol of who's really in power, and so we have the opportunity **[Fade out]**

**Tyler:** Carpio says he's glad that Fort Garland, which used to be a prominent symbol of white colonial settlement and military power in the San Luis Valley, is now focused on looking more critically at stories like the Espinosa Brothers.

**Eric Carpio:** So, but it's interesting to us. Because, you know, as a museum and as a historic society, I think it is important for us to even understand the way that the museum has told the

story, and the way that the historic society has told the story. And so, if we can learn more about what is involved with, like in this case, the reenactment, that helps us to think about, you know, what are the impacts on community? And how can we, you know, how can we be more sensitive to those things and more inclusive in the way that we approach stuff like this?

**Noel:** A few weeks after Jake visited Fort Garland, Eric Carpio sent us a photo he found of the reenactment that apparently took place in 1963, right around the hundredth anniversary of the alleged delivery of the Espinosa's heads.

**Tyler:** In it, you can see an actor in Tom Tobin's legendary leather coat covered in all manner of colorful geometric patterns standing before two paper mache heads in the grass between him and another actor dressed up as Colonel Tappan.

**Noel:** Carpio says photos like this can provoke a lot of emotion for locals who have long known the Espinosa folklore as a story of resistance and the fight for land that many still believe was stolen by white settlers. To them, the Espinosas were freedom fighters.

**Jake Rosenberg:** There is a deeper interrogation of this story, of both the story of Fort Garland and everything it meant, and the story of the Espinosas, and I really appreciated that because it does seem like the institution that has the most at stake in this is really doing a lot of work to uncover that, which I really appreciate. Doing that work to uncover it, I think it helps for a lot of that folklore to be used to process rather than to empower a certain kind of narrative.

**Noel:** After talking to Eric Carpio, Jake and his research partner ran into some car problems, which led them to a serendipitous encounter with the owners of the motel where they were staying. Not only were they able to offer Jake and his partner a ride, but also told them about aspects of life in the San Luis Valley that gave even more background on the story of the Espinosas.

**Jake Rosenberg:** They are able to also tell us a lot about the tensions that resulted from these land grants. So after the Espinosa brothers are caught and killed, there are a tremendous, there is a tremendous amount of tension over mining rights in the Sangre de Cristo Mountain Range and a lot of miners come in. The Espinosa brothers were seen in a lot of ways as kind of the last holdout against Anglo encroachment on resource exploitation in this area. People still live to this day trying to get land in San Luis, but there is serious resistance to people coming in and buying this land, and that results from an extreme mistrust not of outsiders, but of Anglo people, as represented by the Colorado government, saying they have a claim to this land to just buy it up when it was never even theirs to begin with and was taken from these people originally. So, I know that there's more to this story, so I reach out to Virginia Sanchez.

**Noel:** Virginia Sanchez is an independent scholar and the author of the book *Pleas and Petitions*, which is a history of the San Luis Valley Land Grants and what she sees as the long history of injustices surrounding them.

**Tyler:** In her book, Sanchez casts doubt on just about every aspect of the Espinosa story by looking closely at both the contested legal history of the land grants and the motives of those who wanted them.

**Virginia Sanchez:** I'm Virginia Sanchez. And I've always been interested in the Espinosa story, and I had lots of questions that couldn't be answered, so....

**Jake Rosenberg:** What are some of those questions, and did you find answers to that?

**Virginia Sanchez:** Yes, I did find answers to them. Well, first of all, I wanted to research what was going on in the area during this time. So I'll start with 1859, 1858, when the miners started

coming in. But this area had already been settled by Hispanos from northern New Mexico. *The Conejos Land Grant...* [Fade out]

**Jake Rosenberg:** And Virginia was really able to tell me about the story of a man named Wilbur Fiske Stone, which actually played a pretty big part in how the story of the Espinosa Brothers was interpreted.

**Noel:** Born in Connecticut, Wilbur Fiske Stone went to University in Indiana where he studied law, then headed west into Colorado Territory just before the Civil War. Like so many other Anglo men in the West at that time, he dabbled in anything he could.

**Tyler:** He worked as a lawyer, a judge, and a quasi-journalist.

**Noel:** And Stone's pen name...was "Dornick." He was the one who wrote the account of Vivian Epinosa's death published in the *Weekly Commonwealth* that we mentioned earlier. And when he arrived in the San Luis Valley in the early 1860s, he, too, became a miner and a land speculator.

**Tyler:** Later, when the Chieftain newspaper was founded in Pueblo in 1868, Stone became its first editor.

**Virginia Sanchez:** The *Colorado Chieftain* was a very prejudicial newspaper at the time and and into the 70s it was writing that land would be more prosperous under the care of white immigrant farmers.

**Jake Rosenberg:** So he started a code called the Miner's codes. He was responsible in setting up many miners' courts, and these were all legal systems that he was responsible for. But they were basically kangaroo courts. They did not serve the Hispanic population and often would not even translate proceedings into Spanish for the accused.

**Noel:** And what kind of disputes were they resolving?

**Jake Rosenberg:** Ownership of land, usually connected to mining rights or farming rights. A lot of the laws would change overnight. There was a lot of legal confusion. And clearly, people stepped up to take advantage of that and abuse that power. Wilbur Fiske Stone had given himself a lot of power in these courts, in order to take this land, get the mining rights to it and oftentimes boot off the people that had been living there for sometimes hundreds of years.

**Noel:** Wilbur Fiske Stone became so powerful that he was part of Colorado's Constitutional convention in 1875; he was made a Colorado Supreme Court Justice in 1877; and in 1891, he was one of five judges appointed to the Court of Private Land Claims.

**Tyler:** The Court of Private Land Claims was set up by President Benjamin Harrison to decide, once and for all, the rightful ownership of disputed land grants throughout the west and southwest that became part of the United States after the Treaty of Guadalupe Hidalgo in 1848.

**Noel:** Only 1/10th of the three million disputed acres were returned their pre-1848 owners.

**Virginia Sanchez:** So there's a conflict of interest. He he has a conflict of interest and should not have been on that court. So I think... I think we should go back and revisit it.

**Jake Rosenberg:** So Virginia has some fascinating and serious critiques of the entire story of the Espinosas. There is a lot that has been proven to be misreported, and Virginia takes a lot of umbrage with the way that these stories have been portrayed. All of these were decisions that people made whether to take up violence or to report the story in a way that served their interests. However, it was really Virginia who was able to show me specifically where these two stories meet.

**Virginia Sanchez:** Why we have a story like this? I don't know. It just gets so out of control. And one, I'd like a couple of things to change here.

**Jake Rosenberg:** So why do you think there are so many mysteries to this story? Do you think it's because there are just so many storytellers, each clearly with their own history and interest in how the story is told or recorded?

**Virginia Sanchez:** You know, you have to treat oral histories very carefully. Because you're not sure that the person who is giving the history is... has all of the correct accounts, so you have to take that very carefully, as you do with newspaper accounts, especially of that period of the time. A newspaper correspondent would submit his story. We don't know how long the story is or how detailed it is by the time it gets to like a Denver paper. The editor only has so much room that he's going to use. So he's going to probably edit a little bit out. And of course, he's going to put his two cents worth in too if he wants to. I mean, what's going to sell newspapers, especially during that period... And who are the good guys and who are the bad guys? Who's the minority? Who's the majority? Who's who's got the power, who doesn't, you know?

**Jake Rosenberg:** So, as far as the story of the land grants. What do you think was resolved and what do you think remains unresolved about these dynamics?

**Virginia Sanchez:** Oh, that's a good question. Land grants get so confusing, and they're tricky. The Sangre de Cristo Land Grantee, descendants of the land grantees, are still fighting for their land. And I won't go into all of that, but that's still the case, the Conejos **[Fade out...]**

**Noel:** When Jake was done telling me the story of the Espinosas – telling me the lore about the lore of the Brothers – I asked him if he'd thought about why we're retelling this story now, and what it is that we in this podcast, are projecting onto the story.



**Jake Rosenberg:** There is something really powerful in this moment, 2021, 2022 about news and about authority. We know that you can tell a story based in the facts in any way you want to achieve any political goal that you want, to achieve any political power that you want. That is something that is not new. The Espinosa story brings that totally to the forefront. What occurred on the ground is really quite tragic. What echoes from those events are the tellings and the retellings to achieve certain things. It is never an innocent retelling of a story that happened. It is always about this larger story. I think the reason that this story is important today is because we can learn how things went wrong, how a story can be used and reused to push an agenda that is in no way interested in getting to the truth... What is the core of the Espinosa story? The core of this story is folklore. There are so many unanswered questions that we are not going to get answers to by looking at the historical records, the first person accounts, that is not where the truth lies. The truth lies here in the accounts of the people today, all of whom know a fragment of that story. And maybe by putting these fragments together, we can have a mosaic, something that is not exactly true. But when you pull back far enough, you're able to see the entire picture and understand what you're looking at.

**Noel:** A very special thanks to Jake Rosenberg and ALT Theater for their work on this episode, and to Ann Sneesby-Koch and Shaun Boyd, who did a huge amount of research for us.

**[OUTRO]**

**Tyler:** *Lost Highways* is a production of History Colorado and History Colorado Studios.

It is made possible by a generous grant from the Sturm Family Foundation, with particular thanks to Stephen Sturm and Emily Sturm. And by a major grant from the National Endowment for the Humanities: Exploring the human endeavor.

**Noel:** If you enjoyed this podcast and want to support it, please become a member of History Colorado. You can get 20% off your membership at [historycolorado.org/podcastdiscount](http://historycolorado.org/podcastdiscount). Plus you get all kinds of great benefits like free admission to our 8 museums around the state, where you can learn more about the stories we tell on *Lost Highways*, and a subscription to *The Colorado Magazine*, which includes access to insightful articles and compelling perspectives on Colorado's past.

**Tyler:** And even if you don't become a member, you can still get \$2 off admission to any of our museums just by mentioning the podcast.

**Noel:** Special thanks to Susan Schulten, our History advisor on this episode, and to Managing Editor of Publications Natasha Gardner and Chief Creative Officer Jason Hanson, our story editors.

**Tyler:** And to Ann Sneesby-Koch for newspaper and periodical research.

**Noel:** Our Assistant Producer is María José Maddox. And Luke Perkins is our intern.

**Tyler:** Special thanks to our transcribers for this season, Clint Carlson, Barry Levene, Ivy Martinez, and Angie Neslin. If you'd like to see a transcript of any of our episodes, either as a matter of accessibility, or because you'd like to use *Lost Highways* in your classroom, you can find them at [historycolorado.org/losthighways](http://historycolorado.org/losthighways).

**Noel:** Tyler Hill, my co-host, composed the music for this episode. Our theme is by Conor Bourgal.

**Noel:** Many thanks to our editorial team:

Jason Hanson

Sam Bock

Shaun Boyd

Kimberly Kronwall

Jose Ortega

Julie Peterson

Angel Vigil

Marissa Volpe

and Zach Werkowitch

**Tyler:** And to our Advisory Group, which includes:

Stephen Sturm

Emily Sturm

Jason Hanson

Thomas Andrews

Jonathan Futa

Charlie Woolley

Susan Schulten

Tom Romero

and Cara DeGette

**Noel:** Finally, thanks to the entire staff at History Colorado. I'm Noel Black.

**Tyler:** And I'm Tyler Hill. Thanks for listening.