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Article Summary: In his time Fremont had both champions and detractors, and a century later experts still do not agree on the significance of his achievements. Duncan analyzes Fremont's role in the Bear Flag revolt and the subsequent conquest of California.

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# Fremont In California: Hero or Mountebank?

*By Charles T. Duncan*

General John Charles Fremont is a ranking member of that colorful company, the controversial figures in American history.

In personality Fremont was the kind who makes men friends and admirers or enemies and scoffers, leaving few neutral. Even had he been otherwise—easy-going rather than impetuous, modest rather than flamboyant, conciliatory rather than imperious—it is doubtful that he could have threaded his way across the same course of exploring and soldiering without stepping into hot water at least occasionally. Being what he was, he seemed fairly to leap from cauldron to cauldron.

In light of the facts of Fremont's career, it is not strange that he should have had his contemporary champions and detractors alike. It is less easy, though, to understand and to explain the chasm that still exists between the two camps. It might be expected that time, perspective and scholarly digging by this date would have brought out the "real" Fremont. There is every evidence, however, that no picture of Fremont has emerged on which all of the experts can agree. Perhaps some light can be shed on the nature of the Fremont controversy by discussing his activities in terms of his own reports and estimates given by two outstanding present day historians, Allan Nevins<sup>1</sup> and Bernard DeVoto<sup>2</sup>, with special emphasis on that episode, or series of episodes, which landed him in the public eye: his California adventures of 1843-47, and more spe-

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<sup>1</sup>Allan Nevins, *Fremont: The West's Greatest Adventurer* (New York: Harper and Brothers, 1928), 2 volumes.

<sup>2</sup>Bernard DeVoto, *The Year of Decision: 1846* (Boston: Little Brown and Company, 1943).

cifically his part in the Bear Flag revolt and subsequent conquest of the state.

### FIRST EXPEDITION (1842)

Inasmuch as John Charles Fremont, then a 29-year-old lieutenant in the Army Engineers Corps, did not proceed beyond South Pass on the first major undertaking of his career, the 1842 expedition is of little direct interest here.

The trip is of significance, however, for at least two reasons. First, it was Fremont's debut to the American public as its favorite hero of the Far West. His journal, in which the precise accuracy and minute detail of a military report is generously larded with life and romantic color (in which direction Fremont received the able assistance of his wife Jessie, who did the actual writing), was what Nevins calls "a literary achievement."<sup>3</sup>

While the Senate was holding a debate on Oregon, Fremont put the finishing touches on his report and filed it with the War Department. Senators Benton (Fremont's father-in-law) and Linn (another expansionist) were waiting to give it due advertisement. "A motion was passed calling upon the Secretary of War to transmit the report to the Senate, and Linn then offered a resolution that it be printed for Congress, with 1,000 extra copies for distribution. He made a brief speech, praising Fremont generously and summarizing the work of the expedition. The printing was ordered and the report was no sooner in type than the newspapers seized upon it . . ."<sup>4</sup>

This was the first of a long line of seizures by the Fourth Estate upon Fremontania, and, then as later, the reading public ate it up.

The second important reason for the significance of the young lieutenant's Rocky Mountain expedition lies in its obvious relationship to the westward movement. The Oregon Trail was already in use and Nevins acknowledges

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<sup>3</sup>Nevins, *op. cit.*, I, Chapter 9.

<sup>4</sup>*Ibid.*, p. 137.

that many a "pathfinder" had preceded Fremont over it,<sup>5</sup> but the Benton crowd in Washington believed—and rightly—that the route needed mapping. The famous Nicollet was lying ill in Baltimore and would never take to the trail again. If Fremont had any serious competition for the assignment he left it at the post. Early in 1842 Benton and Linn pushed through an appropriation of \$30,000 and on May 2, Fremont left his bride of six months in Washington and was off to take command of his own expedition, off to a sensational career.

Long afterward it was acknowledged that the expedition was "auxiliary and in aid to emigration to the lower Columbia," although it was diplomatically impolitic to make such statement at the time<sup>6</sup>—for the very good reason that Oregon was in English hands.

#### SECOND EXPEDITION (1843-1844)

The type of mind which delights in dalliance with the "ifs" and "had nots" of history might well find material for this unrewarding line of speculation in contemplating what might have been the results had Jessie Benton Fremont minded her own business one morning in St. Louis in May, 1843, and refrained from opening an official letter from the War Department to her husband.<sup>7</sup>

Her consort was at Kaw Landing, readying his equipment and filling out his complement of picked men in preparation for his second expedition, this one to be all the way to the coast. He was well outfitted. Scientific instruments for the trip included a refracting telescope, two pocket chronometers, two sextants, a reflecting circle, a syphon barometer, thermometers and compasses. He had under him thirty-nine men, not counting supernumeraries, all

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<sup>5</sup>*Ibid.*, p. 89.

<sup>6</sup>*Idem.*

<sup>7</sup>According to Nevins (*op. cit.*, I, 142), Fremont had authorized Jessie to open his mail and forward only that part which related to the expedition. However, in the same paragraph he says that when she picked up this official envelope, "something told her to read it." The two statements don't quite jibe.

well armed with Hall carbines and pistols, says Nevins.<sup>8</sup> Fremont also had a howitzer.

Here Colonel Stephen Watts Kearny enters the Fremont saga for the first time. It was to Kearny, commanding at St. Louis, that Fremont had applied for the field piece. The War Department, learning "through channels" of the matter, was no more able to account for the strange request than historians have been since. The letter which Jessie opened, and "dropped to her lap in consternation,"<sup>9</sup> was an order from Colonel Abert of the Topographical Corps directing Fremont to return to Washington and explain the need for artillery on a peaceful scientific survey. Another officer, wrote Abert, would be sent to take charge of the men.

Jessie Fremont did not shrink from taking matters into her own hands. She delayed the orders and by special messenger sent an urgent dispatch to her husband, declaring that haste was imperative and that he must be off at once.

"Good-bye," came Fremont's answer from Kaw Landing, "I trust, and GO."<sup>10</sup> If it is uncharitable to suggest that an uneasy conscience might have inspired such an impressive testimonial to the lieutenant's faith in his 18-year-old wife's judgment, the fact remains that Fremont broke camp the morning after receiving the note, and the Second Expedition was underway. Later a detachment had to be sent back to the settlements to pick up missing parts of the equipment.

#### *Some of Fremont's Observations*

Fremont's own report of his second trip (ghost-written by Jessie) was an even greater literary success than the first one.<sup>11</sup> Several passages are of interest not only with

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<sup>8</sup>Nevins, *op. cit.*, I, 139.

<sup>9</sup>*Ibid.*, p. 142.

<sup>10</sup>*Ibid.*, p. 145.

<sup>11</sup>The government ordered 10,000 copies, commercial editions ran into thousands of copies, newspapers printed copious extracts, Fremont found himself a hero of the hour.—Nevins, *op. cit.*, I, 228-229.

regard to conditions on the High Plains in that day but because they reflect the character of their author.

For example, there is a lengthy and informative discussion of the buffalo situation in 1843. It comes unexpectedly to realize that even at this early date the buffalo was fighting a losing battle and that Plains-wise men sensed the significance of the relationship between the Indian and his chief source of meat on the hoof.

"The extraordinary rapidity with which the buffalo is disappearing from our territories will not appear surprising," Fremont wrote, "when we remember the great scale on which their destruction is yearly carried on."<sup>12</sup>

The fur traders, having decimated the beaver population, were already turning to buffalo hides, and the Indians of course killed the animals in great numbers. On this point Fremont is at odds with popular conception (or perhaps misconception) in accusing the Indian of slaughtering "with a thoughtless and abominable extravagance."

He then describes in some detail the extent and range of the herds and gives figures for the estimated annual "take" of the American Fur Company, the Hudson's Bay company, and "all other companies"—a total of 90,000 skins annually for the preceding eight or ten years.<sup>13</sup> For this information he acknowledges his indebtedness to Thomas "Broken Hand" Fitzpatrick, famed mountain man and Fremont's guide until Kit Carson joined the expedition at Bent's Fort.

The Indians were beginning to worry a good deal and their consternation did not escape Fremont. "At this time there were only two modes presented to them by which they see a good prospect for escaping starvation," he notes. "One of these is to rob the settlements along the frontier of the States; and the other is to form a league between the

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<sup>12</sup>Brevet Captain J. C. Fremont, *Report of the Exploring Expedition to the Rocky Mountains in the year 1842, and to Oregon and North California in the Years 1843-44* (Washington: Gales and Seaton, 1845), p. 143.

<sup>13</sup>*Ibid.*, p. 145.

various tribes of the Sioux nation, the Cheyennes, and Arapahoes, and make war against the Crow nation, in order to take from them their country, which is now the best buffalo country in the west.

"This plan they now have in consideration and it would probably be a war of extermination, as the Crows have long been advised of this state of affairs, and say that they are perfectly prepared. These are the best warriors in the Rocky Mountains, and they are now allies with the Snake Indians . . . It is in this section of the country that my observation formerly led me to recommend the establishment of a military post."<sup>14</sup>

In due time the party came upon Great Salt Lake, whereupon Lieutenant Fremont took an unwitting hand in the founding of the State of Deseret, the future home of the Latter Day Saints. His glowing description of this region and his enthusiastic appraisal of its agricultural possibilities were to fall under the eye of Brigham Young, who was in the market for just such a place.<sup>15</sup>

Pushing on toward Oregon, the expedition arrived on October 9, 1843, at Fort Boise, a Hudson's Bay post, and on October 25 reached the Nez Perce fort, another Hudson's Bay establishment. In November Fremont was the guest of the impressive Dr. McLoughlin, executive officer of the Hudson's Bay company, at the latter's headquarters on the lower Columbia.<sup>16</sup>

After leaving Oregon, Fremont began to come nearer to justifying the soubriquet which was to win him some votes later as the Republican party's first presidential candidate. He left the beaten track and struck southwest into rough country. This is not the place to record the story—and it makes good reading—but it is satisfying, in a per-

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<sup>14</sup>*Ibid.*, p. 146.

<sup>15</sup>*Ibid.*, p. 160.—A controversy arose later between Fremont and Young, according to DeVoto, over an ambiguous passage in the former's report concerning the separate identity of Great Salt and Utah Lakes.

<sup>16</sup>*Ibid.*, p. 191.



verse sort of way, to note that winter on the Nevada desert succeeded in doing what the War Department had been unable to accomplish; it parted Fremont and his beloved howitzer. Approaching from the west the last great barrier to California, the forbidding snow-clad Sierra range, Fremont was forced with great reluctance to abandon his cannon—"for the time,"—as he puts it.

"It was the kind invented by the French for the mountain part of their war in Algiers," he writes in fond tribute, "and the distance it had come with us proved how well it was adapted to its purpose. We left it, to the great sorrow of the whole party, who were grieved to part with a companion which had made the whole distance from St. Louis and which had commanded respect for us on some critical occasions [he had fired it a few times for the enlightenment of certain Indians], and which might be needed for the purpose again."<sup>17</sup>

John Charles Fremont must have had wonderously good eyesight, or an unreliable sense of distance. After his dramatic plunge across the Sierra, of questionable necessity and of unquestionable foolhardiness, in January and February of 1844—a great feat of mountaineering in any event—he stood one day on the westward side of the summit, looked out across California and saw, he says, San Francisco Bay.

"We [Carson was at his side] saw [in the valley below] a shining line of water directing its course towards another, a broader and larger sheet. We knew that these could be no other than the Sacramento and the Bay of San Francisco . . . On the southern shore of what appeared to be the bay, could be traced the gleaming line where entered another large stream; and again the Buenaventura rose up in our minds."<sup>18</sup>

Fremont gives the distance as 80 miles. That would

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<sup>17</sup>*Ibid.*, p. 226.

<sup>18</sup>*Ibid.*, p. 236.—The Buenaventura was the name of a mythical river supposed to flow from the Great Basin directly to the Pacific Ocean. Fremont, though skeptical, kept an eye cocked for it.



put him well down in the foothills and out of the snow. Yet the party was still deep in snow and not until March 6, two weeks after the "peak of Darien" incident described above, did it meet the *vaquero* who led the famished, staggering explorers to Captain Sutter. Perhaps Fremont was looking through his refracting telescope.

*Nevins on the Second Expedition*

When on January 18, 1844, Fremont's second expedition reached the Carson river in what is now western Nevada, men and animals were in no condition to tackle a march which by comparison made their journey thus far seem like a promenade.

"As a mere physical venture, the attempt to cross the high Sierras [Nevins incorrectly pluralizes "Sierra"] in midwinter was appallingly foolhardy. This mighty range, in places 14,500 feet high [but not in that part, he might have added], rises precipitously from the east, steep on steep, to a point where, in January, all is a silent, frozen waste of snow and rock, as bleak, empty, and bitter as the Himalayas themselves, with no life or movement save the terrific storms which sweep across the peaks and valleys . . . Paths and trails are hidden beneath the drifts, and the sub-zero temperature means death for those who lose themselves in the mountain corridors . . . There are few passes in the high Sierras, and in the year 1844 they were virtually unknown. No maps were available, no scientist had ever examined the range, and no white man had ever crossed it in winter."<sup>19</sup>

Thus does even Nevins question the judgment of Fremont in deciding to defy common sense and good Indian advice to hurl himself at the frozen ramparts. He could have stayed all winter. There was grass for his horses and fishing was good in Pyramid Lake and the Truckee. He might even have discovered the Comstock Lode, near which he camped on the 19th. Instead, he did not so much as take a week off to gain strength, but headed forthwith for California.

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<sup>19</sup>Nevins, *op. cit.*, I, 168-169.

What was his hurry, and why go to California at all?

As for Fremont's haste, if Nevins can't answer it nobody can, and Nevins has no explanation. For the second part of the question—why go to California?—the reason is less elusive. There was little doubt, in Nevins' opinion, that the expansionist senators, Benton and Linn in particular, and Fremont were in agreement before the expedition started that California was to be entered and spied out.

They knew that it [California] was like a great ripe fruit, ready to fall into the first hand that touched it; they knew that the British were casting envious eyes upon it. They felt that if there was to be war with Mexico over Texas, the United States should possess authentic information upon the feasible mountain passes for an invasion of California; upon the resources of its fertile valleys; upon the attitude of the Californians toward the United States; and upon the strength and position of the Mexican forces under General Alvarado. Who could collect this information so well as Fremont, whose journey would carry him to the very gates of California anyway?<sup>20</sup>

Who indeed? And who would be happier doing it?

Fremont got over the mountains somehow, with the loss of a good many animals, but only one man, and proceeded to collect the information he wanted. Unfortunately for the native Californians, he obtained most of it from sources not in sympathy with those pleasant, easy-going people. John Augustus Sutter, whose fortress-like home in the Sacramento Valley was a haven for the exhausted party, was having no serious trouble with the Mexican authorities but he was not above quarreling with them.<sup>21</sup> And other American settlers in the region would have echoed the sentiments of Sutter when he wrote to Governor Alvarado that "when this Rascle of Castro<sup>22</sup> should come here, a very warm and hearty welcome is prepared for him."<sup>23</sup> It was with these that Fremont talked about California. Nevins suggests that he might with profit have sought out men like Alvarado and General Vallejo, and have found

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<sup>20</sup>*Ibid.*, pp. 167-168.

<sup>21</sup>*Idem.*

<sup>22</sup>Jose Castro, military commander of the province.

<sup>23</sup>Nevins, *op. cit.*, I, 195.

them to be intelligent, cultured gentlemen of high character.

As it was, Fremont saw enough of California to make him want to see more—later. For the present, he was ready to go home. He arrived in St. Louis on August 6, 1844, for reunion with a wife who was beginning to be apprehensive (Jessie knew he was planning to enter California; there is little she didn't know) and to commence talk with Father-in-law Benton about still another expedition.

### THIRD EXPEDITION (1845-1847)

Of this third journey to the Far West—the most ambitious of all in terms of men, in preparation and undoubtedly in motivation—Fremont left no full report in the manner of those for Expeditions one and two. If his trial by court-martial, in which the expedition resulted, was not in itself enough to sour his taste for the job, Jessie's inability to help made it final. They were working one evening, Nevins relates, when Jessie "suddenly said, 'Do not move the lamp, it makes it too dark,' and went into a prolonged fainting fit, from which she emerged a temporary invalid. Thereafter, Fremont spoke of his task as 'the cursed memoir,' and dismissed it as summarily as his conscience would permit him . . . A distinct gap was thus left in the literature of the West."<sup>24</sup>

The tale of Fremont's embroilment in California affairs during the swift and relatively bloodless transfer to the United States must then come from second-hand sources. Two such sources more opposite in view could scarcely be found than the writings of Nevins, Fremont's loyal champion, and those of DeVoto, his implacable and merciless debunker.

#### *Through Nevins' Eyes.*

Senator Benton ostensibly was not in favor of war with Mexico but he was too practical a man to ignore its imminence, or to overlook the implications of such a war

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<sup>24</sup>*Ibid.*, II, 393.

with respect to his favorite cause. With the support of George Bancroft, Polk's Secretary of the Navy, and the usual crowd of western statesmen, Benton soon had plans afoot for a third Fremont exploration. It was officially decided that the expedition should go into Mexican territory. It was further officially set forth that Fremont was to "examine the Great Salt Lake and the surrounding territory, and he was then to survey the vast chain of mountains west of the Rockies—the Sierras in California and the Cascade Range in Oregon—with a view to the discovery of passes through them to the Pacific."<sup>25</sup>

Unofficially, there were some additional instructions. "The eventualities of war were taken into consideration," Fremont wrote in his memoirs, thus giving firm ground for the belief that Benton, Bancroft and others—including the explorer—were aware of the ease with which Fremont's band of scouts and scientific assistants could be transformed into a tight little company of fighting men when and if the occasion should arise.

Then there was England to consider. It was the probably justifiable assumption that if war with Mexico should come that country would seek British aid, particularly in California. In a piece written in later years Fremont stated that, "our relations with England were already clouded and, in the event of war with Mexico, if not anticipated by us, an English fleet would certainly take possession of San Francisco Bay," adding, "My private instructions were, if needed, to foil England by carrying the war now imminent with Mexico into the territory of California."<sup>26</sup>

In the face of this candid declaration the controversy which has raged over whether Fremont was acting under orders or "on his own" would seem to become academic. Unfortunately—and characteristically—he did not elaborate upon or document the statement. The implication is that

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<sup>25</sup>*Ibid.*, I, 235.

<sup>26</sup>*Century Magazine*, XIX (New Series), 919; quoted in Nevins, *op. cit.*, I, 237.

these "private instructions" came from Bancroft, or at least from Bancroft *et al.*

The close, if not intimate, relationship between the Secretary of the Navy and this young army officer is interesting. Such a kink in the chain of command was apparently of little concern in those days, but it would be difficult to imagine the modern parallel—Secretary Sullivan giving "private instructions" to a lieutenant in the army.

A commissioned officer by act of politics to begin with, Fremont had never endeared himself to the West Point set. There is room for speculation as to the possible influence of this rapport with the Navy, personified by Bancroft, upon Fremont's subsequent siding with Commodore Stockton when the chips were down in California.

Toward the end of August, 1844, Fremont and his sixty men rode westward from Bent's Fort. By November he was well into the Great Basin and could have, in compliance with the official terms of his mission, spent the winter mapping the little known regions east of the Sierra. But again he was in a hurry to get to California. This time he went over the hump without incident, although winter was uncomfortably close. On December 9 he stood once more before the thick walls of Sutter's New Helvetia, unaware that he had reached the end of a trail in more than one sense. "The path of my life had [now] led out from among the grand and lovely features of Nature," he realized in days to come, ". . . into the poisoned atmosphere and jarring circumstance of conflict among men, made subtle and malignant by clashing interests."<sup>27</sup>

It is not the intention here to go into a detailed account of the events of the ensuing twelve months—one of the two most controversial chapters in Fremont's career (the other being his "Hundred Days" as Commander of the West in 1861). The facts stand for themselves; it is in their interpretation that dissension arises. A selected few of these overt acts, together with their appraisal by Nevins and DeVoto, will serve the present purpose.

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<sup>27</sup>Nevins, *op. cit.*, I, 240-241, 248-249.

Nevins is not always blind in his admiration for Fremont. Occasionally he is not above saying outright that his man was wrong. One such occasion was the Hawk's Peak farce in the Gabilan mountains<sup>29</sup> in March, 1846. Fremont had been stalling for time ever since his arrival at Sutter's Fort. He had visited the Mexican officials in Monterey, protesting the innocence of his expedition, to request a little more time for refurbishing before setting out again in the interests of science and trade. Politely, but with obvious suspicion, the authorities acceded. Fremont stalled some more. By mid-February, finally, he had been joined by that section of his party under Walker which had split off east of the Sierra and had come in from the south. Had Fremont been seriously concerned with pursuing his officially stated course of action he would now have lost no time in getting back to the exploring business. To the north was Oregon, in whose mountains a job awaited him—officially. But when at last he broke camp and leisurely started to move it was in a direction toward which official business could not possibly lead him—southwest, through the richest and best settled parts of California.

These dilatory maneuverings of sixty hard-boiled, well armed *Americanos* had not gone unnoticed by Castro, and the southward push was the last straw. Fremont was ordered to leave California, and instantly, under penalty of arrest and forcible expulsion. Exploding in indignant wrath, the visiting "scientist" replied that he would leave when he got ready—not sooner.

"In this," Nevins declares with rare candor, "Fremont unquestionably did wrong."<sup>30</sup> (DeVoto, as will be seen, was no less candid and a good deal more vehement.) "The Mexican authorities had a perfect right to dismiss him from California," Nevins further admits, "and they possessed good grounds for doing so."

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<sup>28</sup>Fremont, *Memoirs*, p. 602; quoted in Nevins, *op. cit.*, I, 249.

<sup>29</sup>DeVoto spells it "Galivan."

<sup>30</sup>Nevins., *op. cit.*, I, 263.

The ensuing tableau, though undoubtedly exciting and fraught with danger at the time, now seems ridiculous in any light. Fremont withdrew to the nearby heights of the Gabilan mountains, ran up the Stars and Stripes, and sat waiting for Castro to attack him, having sent to Larkin, American consul at Monterey, a melodramatic vow that he would die fighting for his honor and for the glory of his country. An unexpected incident several days later ended this cat-up-a-tree act. Fremont's flagpole broke. Perhaps he regarded this as an unfavorable omen. At any rate, he came down from his perch—under cover of darkness—and lit out for the San Joaquin. Nevins cannot resist pointing out that he moved "with defiant slowness." Reaching the river, Fremont turned north and was soon over the Oregon line, where, according to his written orders, he belonged.

There, early in May, destiny came riding after him in the person of Lieutenant A. H. Gillespie of the Marines, and Fremont (now a brevet captain, by the way) was soon back in the thick of things in California. Gillespie brought verbal instructions from Washington, the exact nature of which has never been determined. Nevins calls this "one of the most baffling problems of Fremont's career."<sup>31</sup>

The story of Fremont in California from this point until he departed in June of 1847, "trailing eastward at the chariot wheels of the General [Kearny],"<sup>32</sup> is an involved one for the historian who seeks motivations, who would sift truth from rumor and falsehood, who weighs personalities, political and economic considerations, and who, above all, seeks to weave the story into the whole pattern of that turbulent year in American history. To tell merely what occurred and when is a fairly simple matter, for things now began to happen pretty fast.

Among the accomplishments of Fremont between May 9 and July 4, 1846, were these. Without warning he fell

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<sup>31</sup>*Ibid.*, p. 273.

<sup>32</sup>*Ibid.*, II, 363.



upon the Indians in the Sacramento Valley, on the strength of rumors (Nevins calls them "reports") that they were about to take the warpath, killing several, driving the rest out, burning their villages. He accepted Mexican army horses which had been stolen from a detachment of Castro's men in an act of flagrant road agency by American settlers. He superintended the surprise assault upon and capture of Sonoma and its astonished commander, General Vallejo, who was routed out of bed, taken prisoner and jailed at Sutter's Fort. He turned on his friend and erstwhile benefactor, Sutter, who had not been consulted about the use of his premises as a prison, and imperiously ordered Sutter to do as he was told, making him virtually a prisoner in his own house. He openly engaged in war with Castro's forces, and was clearly out-smarted by a Mexican lieutenant in some bloodless wild goose chasing. He raised his own army and called it the California Battalion.<sup>33</sup>

All this while, as far as Fremont knew, there was still peace between Mexico and the United States. Actually, the Mexican War had already started (May 12), but news of it did not reach California until July. By that time Fremont had started his own war.

In recounting these exploits Nevins seeks in the main to justify and defend his hero, saying that Fremont would have been "dismayed and incredulous" had he realized how historians would criticize "his daring series of acts in turning back from his explorations, fomenting the Bear Flag uprising, and finally assuming its open leadership."<sup>34</sup> As for Fremont's acting without specific authority, acknowledged by Nevins to be true, history was replete with precedent for such conduct. Half the British Empire had been won, says Nevins, without itemizing, by "subalterns, generals, ship captains, and merchants who acted without authority and were applauded later."<sup>35</sup> Nor was there lack

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<sup>33</sup>These incidents are recounted in detail in Nevins, *op. cit.*, I, 301-311.

<sup>34</sup>Nevins, *op. cit.*, I, 317.

<sup>35</sup>*Ibid.*, I, 318.

of example in American territorial aggrandizement—Jackson in Florida in 1818, for instance.

It is this writer's opinion that Fremont believed, at any rate, that he had plenty of authority for his actions, that he felt reasonably secure in the knowledge that powerful men in Washington stood behind him. In effect, he went to California in 1845 with two sets of orders—one in his pocket and one in his head. Which set he was to follow was left largely up to circumstances and to his own discretion.

### *As DeVoto Sees It.*

Enough has been given to illustrate the point of view exemplified by Nevins. A dual purpose can be served by turning to Bernard DeVoto at this point: to tell briefly the remaining chapters of Fremont-in-California and, in so doing, to show how the Pathfinder looks under harsher light.

To begin with, DeVoto stacks the cards against Fremont before ever letting him into the California game. Dubbing him "Childe Harold's American heir,"<sup>36</sup> he portrays the great adventurer as an impetuous, irresponsible romanticist with delusions of grandeur and an acute consciousness of the stirrings of greatness in his soul. Moreover, "he was primarily a literary man . . . who had a literary wife."<sup>37</sup> DeVoto, a literary man himself, seems to use the term as no recommendation in Fremont's case.

There is no mystery to DeVoto about the motives of the Third Expedition. In itself it did not constitute a plot against Mexico; it was only a part of the plot, a detail—an important one, to be sure—in the whole grand scheme that was called Manifest Destiny. Fremont's were not the only "exploring" parties in those days.<sup>38</sup>

It will be recalled that Nevins reached the mild con-

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<sup>36</sup>DeVoto, *op. cit.*, 37.

<sup>37</sup>*Ibid.*, p. 38.

<sup>38</sup>*Ibid.*, p. 40.

clusion that Fremont was wrong in his violent reaction to Castro's orders to depart from California.

Here by contrast, is DeVoto's treatment of the same incident:

He had been told to get out on the ground that he had broken faith with the officials, lied about his instructions and intentions, broken the law, defied the courts, and condoned the misbehavior of his men . . . Consul Larkin found so little intelligence in his actions that he supposed Fremont could not have understood the official orders and wrote explaining them—meanwhile asking Don Castro not to get rough but to talk things over with the hero in simple language.<sup>39</sup>

Later, DeVoto holds no brief for the belief that Fremont was acting within his verbal but nonetheless unmistakable charge from men in high place. In stating the case, however, he is somewhat self-contradictory. Having already labled the expedition as part of a plot and mentioned its "usefulness to Polk," having started Gillespie on his way with "instructions directing the consul at Monterey to procure a peaceful revolution in California,"<sup>40</sup> DeVoto brings Fremont to the threshold of the Bear Flag War and then chops out from under him whatever shaky foundation there was. He dismisses any idea of secret instructions. He cites "Polk's October confidence that there would be no war," declares that Gillespie in fact told Fremont that California was to be pacified and suggests that even Benton was cautious. Finally, he belittles Bancroft's evidence given, forty years later, in defense of Fremont, as "the untrustworthy recollections of an old man." In short, "there were no secret instructions from anyone. Fremont [in intimating that there were] was lying."<sup>41</sup> That is strong language, as Mr. DeVoto, who comes from Utah, must know.

The Pathfinder reached a decision while he sat by the dying fire after all the others were asleep. To go back to California and do a great deed, for honor and glory. To seize California for the United States and wrap Old Glory round him, to give a deed to the greatness in him. To seize the hour, take fortune at the full, and make

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<sup>39</sup>*Ibid.*, p. 108.

<sup>40</sup>*Ibid.*, p. 39.

<sup>41</sup>*Ibid.*, p. 194.

the cast. To trust that the war which was certain to come would transform the actor from a military adventurer, a freebooter, a fillibuster, into a hero.<sup>42</sup>

Thus, doing a bit of seizing himself, does DeVotopatly explain the whole thing. It is a good explanation—too good. It smacks of having been written with recourse more to his rhetoric than to his notes.

### *The Climax*

With the Bear Flag War over, Fremont's activities—and his troubles—were, of course, only beginning. Again to outline rather than to relate in full, he did the following: He marched his California Battalion to Monterey, where the indecisive Sloat and the canny Larkin already had things under control. He joined forces with Sloat's relief, Commodore Stockton—a man something of Fremont's stripe—to their mutual satisfaction. He entered his battalion into the naval service, capping that wondrous feat of organizational dexterity by taking unto himself a majority and making Gillespie a captain, and sailed for San Diego in the sloop *Cyane* to cut off Castro from the rear. Meeting no resistance there (indeed, they were given a cordial reception by the inhabitants), he and Stockton just as effortlessly captured Los Angeles on August 13, 1846. So far so good.

Fremont was then sent north to the Sacramento Valley, having been promised the governorship of California by Stockton, to take command of the northernmost of the three military districts into which the conquerors had divided California. Stockton had the middle one and Gillespie the southern. No sooner had Fremont and Stockton taken their triumphant departures than the sleeping dog which Gillespie had been left to watch awoke and bit him: Los Angeles was recaptured on September 22 and Gillespie was taken prisoner. Stockton, buzzing angrily, flew to the rescue, but futilely. After seventy-five days of marching and counter-marching, he had accomplished nothing. Fre-

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<sup>42</sup>*Ibid.*, p. 196.

mont, meanwhile, had been taken with a sudden fit of caution and stayed up north among his old Bear Flag friends. In the fullness of time he got his battalion underway—Stockton beside himself with rage at Fremont's failure to show up—and neared the fighting zone toward the end of November, just in time to wallow the rest of the way through the mud and cold rain of a fine southern California winter. On January 11, 1847, he learned that General Stephen Watts Kearny was abroad in the land. The witches' brew was about to boil.

Kearny, with full knowledge of the Mexican War and under wartime orders, had left Santa Fe for California with 300 dragoons. Enroute he met Kit Carson, hurrying eastward with dispatches from Stockton and private mail from Fremont. Being told by the great scout that California was in the bag, Kearny sent back all but a hundred of his dragoons and continued his march, prodding the reluctant Carson before him.

Kearny soon learned that the picture had changed since Carson left California. He fought the Battle of San Pascual (winning it in DeVoto's book and losing it in Nevins')<sup>43</sup> and reached San Diego in bad shape. The general and the commodore joined forces, decisively trounced the Californians near what is now Pasadena and set up headquarters in Los Angeles, the rumpled Gillespie this time merely looking on.

Fremont never got beyond the dirt-pawing stage during this business, but with the fighting over, he now made the peace. At Couenga, near San Fernando, he received overtures from Don Adreas Pico, a commander of the Californians, and promptly concluded a treaty. Even Nevins is slightly aghast at the temerity of this amazing act.<sup>44</sup> Stockton was still in command, he—with Kearny—having defeated the enemy, and he was near at hand. Fremont, subordinate to both, had not so much as fired a gun. Yet *he*

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<sup>43</sup>*Ibid.*, pp. 357-358; Nevins, *op. cit.*, I, 335.

<sup>44</sup>Nevins, *op. cit.*, I, 336-337.

made the peace treaty, and on terms which, if generous, were anything but realistic in view of the situation. But, soothes Nevins, "they were, on the whole, exceedingly wise."<sup>45</sup>

On January 14, 1847, the Peacemaker of Couenga sloshed into Los Angeles through a downpour at the head of his drooping battalion. He was walking into a buzz-saw.

Kearny and Stockton each considered himself in command. Each had orders to prove it. Fremont had to choose between them and he made the wrong choice. Here, as always, the story is tangled in a complex web of misunderstanding, confusion, personalities and side issues. The most regrettable feature is that, communications being what they were in those days, all three men were operating in an informational vacuum. What they badly needed was a transcontinental telegraph.

Nevins and DeVoto are, as is to be expected, miles apart in their respective treatments of the incident. The former believes that Fremont had good grounds for his decision and makes a fairly convincing case for him. The other is positively savage in his interpretation, admitting of no possible justification for Fremont's action. Nevins' account is a more fair-minded and scholarly attempt to weigh all the evidence.

No amount of examining and weighing, however, can efface or even soften the one basic fact which stands out, blunt and solid as a rock in a muddy stream: *General* Kearny and *Lieutenant-Colonel* Fremont (he had just been promoted again, and this time from Washington) were *Army* officers and Kearny was Fremont's superior. Stockton was a *Navy* man, and if ranks were the same as they are today, he carried no more brass than the General, although it is true he had been a commodore longer than Kearny had been a brigadier general. Fremont's peculiar and obstinate refusal to recognize the common sense demands of allegiance in this respect must have had its ori-

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<sup>45</sup>*Ibid.*, p. 337.

gin in his long and intimate association with the blue water brethren. Not content with one mistake, Fremont proceeded to make several more. He accepted from Stockton, who was soon to be replaced, the promised commission as governor of California and set himself up as the first citizen of California. Kearny, angry to his boot soles, took ship for Monterey.

Within a month after the quarrel orders written by the Secretary of the Navy (not Bancroft; he had resigned) on November 5, 1846, reached Stockton in San Francisco, informing him that President Polk had seen fit to invest all military and civil affairs in the hands of the military commander and ordering him to relinquish to Kearny all control of these matters. This decisive piece of intelligence went a step further; it made Kearny the governor of California.

Whether by deliberate design or because he considered it beneath his dignity, Kearny did not inform Fremont of these developments. "Governor" Fremont thus continued to sit defiantly in Los Angeles, conducting the affairs of state right and left and crawling farther out on the limb with every flourish of his pen.

It is difficult to understand how this impossible situation could have lasted as long as it did. It seems that Fremont should have learned of the November 5 orders through other sources, Kearny remaining silent. Nevins does not explain this and DeVoto does not even mention Kearny's alleged withholding of the information, an omission which would be unfortunate as an oversight, worse if intentional.

The denouement came on March 26, 1847, in a stormy scene in Kearny's office at Monterey, whither Fremont had made a theatrical ride for reasons best known to himself. Presumably, he sought to "warn" Kearny of threatening trouble among the Los Angeles populace, in which case his duty as governor would have been to stay and meet it. More likely, Fremont wanted to find out what the score was, which is precisely what he learned.

The game was up. Former Governor Fremont request-



ed permission to take sixty men and 120 horses and join his regiment under General Winfield Scott in Mexico. Kearny said no. Fremont then asked that he be allowed to return to the States with his original exploring party, at his own expense. Again Kearny refused. The General, who had been summoned back to Washington, had other plans for this clipped eagle. In June, with only nineteen of his original force still loyally at his heels, Fremont joined Kearny near the Sacramento. Soon the two parties, keeping a stiff and chilly distance between them, set off on the long walk home—to court martial, conviction, virtual exoneration and more fame for the one; to dubious victory, vengeful hatred and death within the next year for the other.

It could not have been a pleasant journey.