Proceedings

War and Reconstruction in Indian Territory: 
A History Conference in Observance of the 
130th Anniversary 
of the Fort Smith Council

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Acknowledgments

“War and Reconstruction in Indian Territory: A History Conference in Observance of the 130th Anniversary of the Fort Smith Council” was the second such event held by the Fort Smith National Historic Site in the last few years. From the enthusiastic response to the history conference and the corresponding living history encampment and education program, it is a tradition we hope to continue.

Events of this magnitude do not occur without the assistance of many, many people and they deserve a heartfelt thanks at this time. First and foremost, the Arkansas Humanities Council provided the primary funding for the project. Executive Director Robert E. Bailey and his staff also provided patient guidance and advice throughout the planning process. The National Park Service was fortunate to have the co-sponsorship of both the Arkansas Historical Association (AHA) and the Oklahoma Historical Society (OHS) in presenting the conference. Dr. John Graves of the AHA and Dr. Marvin Kroeker, Dr. Leroy H. Fischer, Dr. William P. Corbett, Dr. Bob L. Blackburn, Dr. William B. Lees and Ralph Jones of the OHS were involved in the coordination of the event.

The community of Fort Smith, as always, gave a warm welcome to conference participants and attendees. Mayor Ray Baker graciously kicked-off conference activities by hosting a reception at the Civic Center. The Old Fort Museum opened their doors to participants at a reception on Friday afternoon. During the conference, the Fort Smith Historical Society sponsored breaks between sessions. The Fort Smith Convention and Visitors’ Bureau, led by Director Dee Carroll, sponsored the Dine-Around at Saturday’s lunch.

A conference does not run smoothly without the leadership of session moderators. Thank you to those who donated their time to this function: Steve Adams, Jim Spears, Suzanne Rogers, Richard Ryan, Kirk Bane, Billy Higgins, Bill Corbett, Ralph Jones and Larry Puckett. Of course, the heart of this meeting was the presentation of history. We were fortunate in having experts from across the nation attend this conference. Their words are enclosed within.

Finally, the staff of the National Historic Site devoted countless hours to making this event a success. Thank you to Superintendent Bill Black, Management Assistant Beth Hagler-Martin, Park Rangers Rick Martin, Shane Lind, Patrick Finney and Kim Hannah, Museum Technician Emily Lovick and Administrative Clerk Quoya Waters.

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Fort Smith National Historic Site
The Fort Smith Council of 1865

In September of 1865, the U.S. Commissioner of Indian Affairs met with representatives of thirteen Indian nations in Fort Smith, Arkansas. The purpose of this historic meeting, known as the Fort Smith Council, was to reestablish formal relations between the tribes and the United States government in the aftermath of the Civil War. While many of the tribes had signed formal treaties with the Confederacy at the outbreak of the war, they had also internally split into factions along Union or Confederate lines. Indian delegates from the following nations were present for the council meeting: Caddo, Cherokee, Chickasaw, Choctaw, Comanche, Creek, Osage, Quapaw, Seminole, Seneca, Shawnee, Wichita, and Wyandotte.

The U.S. representatives, led by Dennis N. Cooley, the U.S. Commissioner of Indian Affairs, consisted of Elijah Sells, head of the Southern Superintendency, Thomas Wister, Brigadier General W.S. Hamey, and Colonel Ely S. Parker, a Seneca Indian and aide-de-camp to General Ulysses S. Grant. Appointed by President Andrew Johnson "for the purpose of making treaties of peace and amity with the southwestern Indians," the goal of the commission was summarized in a telegram sent by Secretary of the Interior to Commissioner Cooley. It read, "The President is willing to grant them peace, but wants land for other Indians and a civil government for the whole Territory."

The position of the United States in regard to the tribes in Indian Territory was revealed in March of 1865 with the introduction of the Harlan Bill in the Senate. Sponsored by Senator James Harlan of Iowa, this legislation proposed a territorial organization for Indian Territory, which would destroy the tribal land ownership established in the removal treaties prior to the Civil War. In effect, territorial government would open the lands of the region to white settlers.

When the council meeting convened on September 8 in Fort Smith, only the loyal factions of the tribes were present (the first secessionists did not arrive until the fifth day of the council). However, Cooley proceeded to address them as though he were talking to Confederate Indians, telling them they had forfeited their annuities and rights to land in Indian Territory, but that the President was willing to make new treaties with them. Those new treaties must contain the following stipulations:

1. Each tribe must enter into a treaty for permanent peace and amity with themselves, each nation and tribe, and with the United States.
2. Those settled in the Indian territory must bind themselves, when called upon by the government, to aid in compelling the Indians of the plains to maintain peaceful relations with each other, with the Indians in the territory, and with the United States.
3. The institution of slavery, which has existed among several of the tribes, must be forthwith abolished, and measures taken for the unconditional emancipation of all persons held in bondage, and for their incorporation into the tribes on an equal footing with the original members, or suitably provided for.
4. A stipulation in the treaties that slavery, or involuntary servitude, shall never exist in the tribe or nation, except in punishment of crime.
5. A portion of the lands hitherto owned and occupied by you must be set apart for the friendly tribes in Kansas and elsewhere, on such terms as may be agreed upon by the parties and
approved by the government, or such as may be
fixed by the government.

6. It is the policy of the government, unless other arrangements be made, that all the
nations and tribes in the Indian territory be formed into one consolidated government after
the plan proposed by the Senate of the United
States, in a bill for organizing the Indian
territory.

7. No white person, except officers, agents and employes of the government, or of
any internal improvement authorized by the
government, will be permitted to reside in the
territory, unless formally incorporated with
some tribes, according to the usages of the
band.

The Indian delegates at Fort Smith were
taken aback at Cooley’s address. When
summoned to the council, they had not been told
its business, but supposed it would be to restore
harmony among the various tribes. None of the
delegates were empowered to make treaties for
their respective nations. Their responses were
similar to that of Smith Christie on behalf of the
Cherokee Nation: “we have not the proper
authority to make a treaty,...We had notice from
our principal chief to attend a grand council at
Fort Smith, but had no information as to its
object; consequently we are here without
instructions.”

The Indians argued that they had not
willingly abandoned their allegiance to the
United States, but had done so only under
pressure. As the Choctaws and Chickasaws
explained to the commission, “the United
States, upon the commencement of hostilities,
had withdrawn all her troops from our territory
and borders, thus failing to protect us as
stipulated in her treaties with us....The
Confederate States having established its
supremacy by force of arms upon our border, we
felt that we were shut up to an alliance with the
south, as the only means by which we could
secure our independence, maintain our national
existence, and secure the lives of our citizens.”

Cooley and his fellow commissioners
were not easily swayed by such arguments. Nor
would they compromise when several of the
delegates voiced strong opposition to some of
the treaty stipulations, especially incorporating
blacks into their nations and to the idea of a
territorial government. The commission also
refused to recognize John Ross as Principal
Chief of the Cherokee Nation.

Commissioner Cooley did not achieve
the signing of formal treaties at the Fort Smith
council. Instead, an agreement of amity
between the tribes and the United States was
completed. The Indians acknowledged that they
were under the exclusive jurisdiction of the
United States, and canceled and repudiated the
treaties they had made with the Confederacy.
The United States in turn promised peace,
friendship and renewed protection of the tribes.
The council concluded on September 21, to
meet again at the call of the Secretary of the
Interior. Formal treaties with most of the tribes
were not completed until 1866 in Washington,
D.C.

Ultimately, the Fort Smith Council
provided the foundation for the 1866 treaties
which significantly altered conditions in Indian
Territory and paved the way for Oklahoma
statehood.
It's a pleasure to be here in Fort Smith and again renew my acquaintances with all of my friends in Fort Smith and to be welcomed again by the outstanding mayor of any community that I've ever run into in the United States. I'm going to talk about the Fort Smith Council, and how the focus of the Civil War and the focus of Reconstruction as interpreted and exercised in Indian Territory is much more difficult and a much harder war and a much harder peace than that involved in other parts of the United States.

When we look at the Civil War and reconstruction far too often attention is focused on as far east as you can go from the Tidewater of Virginia, and then decreasing attention as you move westward, ever westward. I always like to say in the Civil War, as you look at it in Virginia, you see lots of antebellum houses and, except in the Shenandoah Valley, lots of antebellum barns and mills. When you go to the American heartland, you see few if any antebellum mills and barns, far fewer antebellum houses. You cross the Mississippi River and move on west, into western Missouri, eastern Kansas, western Arkansas and Indian Territory, you found a much harder war and you do not find any antebellum houses, let alone any antebellum mills or barns. Out here, it was war to the night and war to the hilt, with all that entailed. To make matters worse, in the Five Civilized Nations, in three of the five, you have actually a civil war existing among the Native Americans. So you have all the ingredients for a terrible fratricidal conflict.

And it is also always tied to what is going on everywhere else. You cannot look at the Civil War or Reconstruction as just a local issue. They're all tied together. For instance, as I will go to a brief overview of events that will bring the representatives of the United States to meet here between the 8th and the 21st of September, eighteen hundred and sixty five, to relate, really to start off dictating to the Five Civilized Nations and other Indian tribes of Kansas and the Indian Territory, their relationships as they would be reestablished with the United States government. As will be developed in other talks today and I will mention briefly, the federal government will have a view of all Native Americans as the same. They view them all as Indians. They view them with little difference in culture or background or of their relationship to the Confederacy and the Union during the war. Of course with the firing on Fort Sumter it will precipitate the secession of four more Southern states and the withdrawal, at least from its capital at Jeff City, of the governor of Missouri and a minority of the legislature. So the area here will be forced into the center of operations.

At the time of the firing on Fort Sumter, eighty percent of the United States Army is deployed in the West and as you would expect, at United States garrisons both in the Indian Territory, eastern Kansas and at Fort Smith. With the Arkansas secession convention meeting, there is a decision, Texas having already left the Union, that the United States is going to withdraw their troops from Fort Smith, Fort Washita and Fort Arbuckle. Of course according to the treaties that the United States government has entered into with the Five
Civilized Nations, the United States is obligated to provide them security, to provide them protection, to provide them annuities in response to their moving west. Now of course if you're withdrawing the army from Fort Smith and the other posts, you’re withdrawing one of the elements of what the United States government is obligated to provide to the Five Civilized Nations, that is protection and security. Their annuities will also shortly disappear by federal law, even if they had not negotiated or took elements of agreements with the Confederacy, would have disappeared by federal law on the fifth day of July, eighteen hundred and sixty two. So we have the United States troops being withdrawn from Fort Smith under Sam Sturgis and moving on west. As the Confederates from Texas moved in, General Emory will pull the United States troops out of the posts of the Indian Territory and they will withdraw northward to Fort Leavenworth, Kansas. So the American military has departed.

Now the Confederate government immediately moves in to negotiate treaties with the Five Civilized Nations and the Indians of the plains of the West. They are going to move into what was at first a vacuum, but with the advance of the Texan force from the Red River, they occupy Fort Arbuckle and Fort Washita by Texas forces and then comes the occupation of Fort Smith by Arkansas forces. There is not the vacuum that was. Now the Confederates choose as a representative to visit the Nations and the tribes, they will choose an Arkansan lawyer, a large man, well over 300 pounds, a man who speaks Latin. He knew Greek. Lawyer, poet. He is sympathetic with the Native Americans. He is the one that had castigated, brought to the attention of the federal government, the attack by Major Van Dorn on the camp of the Wichita out there, Camp Cobb. So he goes out and he will proceed to negotiate agreements of apathy and friendship with the Five Civilized Nations, beginning first with the Creek, and then the Chickasaw and the Choctaw and the Seminole and finally the Cherokee in early October, eighteen hundred and sixty one. He also progressed on out in the plains, the negotiation of treaties with the various plains tribes to the west of the Five Civilized Nations and the Neosho range.

So he has returned with the treaties. Under these, the Confederate government is bound to give to the Five Civilized Nations the same protection, the same friendship and will assume the payment of annuities to the Native Americans that have been offered up by the United States in certain of these treaties, as will be pointed out at the Fort Smith Council, particularly in the Creeks. The first one to sign, the Creeks have long had two factions. There is the one generally of full-bloods. There is the faction led by the McIntoshes of mixed-bloods. As the Creeks will point out at the Fort Smith Council, in the days immediately before Pike's visit, many of the leaders of the full-bloods will be urged to go out West to a buffalo hunt and thus they will say when they meet in the Creek Nation at the Creek Agency, a number of the leaders who would have opposed the treaty with the Confederacy negotiated by Pike are out West. It will be signed by the McIntoshes and their associates. So there is a split almost immediately in the Creek Nation. So we will have early the outbreak of intertribal civil war in the Indian Territory. Actually, you have generally, except in certain areas of the South, well defined boundaries between those supporting the Union and those the Confederacy, but particularly in the Seminole, Creek and Cherokee nations they will be neighbor against neighbor.

The first of the leading Confederates to appear on the scene will be, of course, the former Indian agent to the Creeks and to the Choctaws and the Chickasaws, Douglas Cooper.
Now Douglas Cooper has had long time ties with Jefferson Davis. He had been a captain under Jefferson Davis in the First Mississippi Rifles during the Mexican-American War. He had served long as agent to the Chickasaws and the Choctaws and he will immediately move to enforce the treaty with a regiment of his Choctaws and Chickasaws along with Texans. And they will move against the leader of the old Creeks, Opothleyahola. There will be this first battle at Red Fork on the 19th of November. There will follow the battles in which Cherokee will be involved, particularly at Bird Creek. Colonel Drew with a number of his Cherokee will temporarily pull back from their support of the Confederate town commanded by Colonel Cooper. Now the Confederates will return to Fort Smith and this time return with a really formidable force of Arkansans and Texans and numbers of other Indian units, and at Chustenahlah on the 26th day of December again defeat the Creeks led by Opothleyahola and the Seminoles led by Alligator and force them to withdraw northward, pursuing them through blizzard-like conditions into Kansas and to Walnut Creek. So temporarily the Confederates are in control.

Now the Civil War moves in cycles. The Union, if you were Jimmy the Greek, as I liked to say before he got discredited, in late June 1861 you would give your odds of the Confederacy still being in existence by the first day of December, eighteen hundred and sixty-two at a thousand to one. Everywhere from the Tidewater to New Mexico, the Confederates are in retreat. As elsewhere, the federals returned to the Cherokee Nation. They will return under the command of William Weer and he will move down. Already up in Kansas the men who have fled with Opothleyahola are organizing a regiment to fight for the Union. Weer will move southward into the Cherokee Nation as far as Tahlequah. There will be large scale burnings.

At John Ross’ house in the Indian Territory, Weer will be arrested for being drunk. They will withdraw but with them will go a large number of Cherokee and soon in the Union cause there will be three regiments of native guards that will be opposed to their blood brothers, of Cherokee, Creek and Seminole particularly, that will be serving in the Confederate forces. So you have a refugee train from the Indian Territory.

But in the winter of 1862, following Antietam and Perryville, the tide again turns against the Confederacy in the Far West and the Union forces will return, winning the battle of Fort Wayne. By the early spring of 1863, Union forces will advance to Fort Gibson and establish a frontier generally along the Arkansas River. The battle of Honey Springs will take place on the tide of Union victory ranging from Gettysburg in the east to Honey Springs in the west in which the Confederates lose everywhere. Soon after Union forces will occupy Fort Smith and for the rest of the war, it will be a war of the most terrible kind in western Arkansas and in Indian Territory. Raid and counter raid, houses, property, cattle slaughtered. For instance to illustrate how even the military mind will obscure what is happening in the Cherokee Nation, there is the report by the Union officers at Fort Gibson that Confederates under Stand Watie will cross the Arkansas River, drive in the cavalry, raid the area, but no mention of the 1,500 horses and mules that are slaughtered. This gives you an idea of what kind of war and the type of desolation that is visited on the Indian Territory in raid and counter raid.

For the “Trivial Pursuit” people, everybody thinks, almost all history books will lead you to believe, that the Civil War ceased in Wilbur McClain’s parlor on that Sunday afternoon on the 9th day of April when Robert E. Lee surrendered the infantry, not the cavalry, for you “Trivial Pursuit” people, the infantry and the artillery units of the Army of Northern
Virginia. But that did not apply to any other Confederate forces. The last armed Confederate forces on land, I say on land because we're going to have some other "Trivial Pursuit" people come up and say the Confederate flag is still flying a sea, will occur when Stand Watie, a brigadier general in Confederate service at Doaksville, Choctaw Nation, will surrender his forces to Lieutenant Colonel Mathews, representing Francis J. Herron of the United States Army. At that time, no part, not the Shenandoah Valley, not that 240 mile strip across Georgia or across Carolina, twenty miles in width, 240 miles to the sea, is more devastated than the lands to the west of Arkansas, Indian Territory. On the Red River are over 4,500 Cherokee who had followed Watie, their homes destroyed, their crops burned. North of the Arkansas River, the situation is little better among their cohorts who had followed the Union. So we have the war's organized fighting over.

The federal government, with the end of the organized fighting, now decides to organize a group and send them out to Fort Smith to hold the Fort Smith Council. During the war, of course, the government had taken certain steps to address the alliances of the Five Civilized Nations and certain of the plains Indians with the Confederacy. On the 5th of July the Congress of '62 had passed a law saying that the federal government would not pay any more annuities, and what's more important, their lands are forfeited. In the spring of 1865, Senator James Harlan of Iowa has introduced legislation to amalgamate all the tribes and nations and organize them into a territory. That would be much like the Dawes Act of years later, of breaking up the tribal organization and the lands held by them.

The group is chosen. It will be headed by Dennis Cooley, the Commissioner of Indian Affairs. The Bureau of Indian Affairs, as it had been since 1849, was lodged in what was called the Department of Everything, the Department of Interior. Other members named to his commission will be Elijah Sells, Superintendent of Indian Affairs for the Southern Superintendency. A man well known to the Seminoles and not favorably, William Harney. William Harney had not won any great battles in the Civil War, principally known now because the highest mountain in the Black Hills is named for him. An officer of the dragoons, had declined to fight in a war in which fellow American is fighting fellow American and had gone and sat out the war principally in Europe, though he is a member of the commission. A member of the commission who should represent the Native Americans would be Ely Parker, high chief of the Seneca, a man well educated, lawyer, beautiful penmanship. He had been in that parlor of Wilbur McClain's on the 9th day of April. He was Grant's military secretary and, yes, Grant roughed out the terms that Robert E. Lee initialed, but the fine copy, the copy of record, was made by Ely Parker. Ely Parker, when the Grant Administration is inaugurated on the 4th of March, 1869, will be Commissioner of Indian Affairs, but after a year and a half he was resigned because he was unable to carry out a number of reforms. So he will be, if you might have it, the representative for the Native Americans that meet at the Fort Smith Council. General Francis J. Herron is named to it. After all, Colonel Mathews represented him at Doaksville, but Herron will not attend. Thomas Wister of Pennsylvanias will be a member and Mr. Evans, the commissioner of public lands, will not attend. Charles Mix, an important member. Charles Mix represents the continuity of the council. He is the secretary. He's a long time chief clerk at the Bureau of Indian Affairs. These are the personalities on the government side that will meet at the Fort Smith Council.
The Native Americans both for the Five Civilized Nations and eight of the plains or eastern Indians that were settled in the Neosho superintendency, such as the Shawnee, will be represented. Some arrive late. For some reason the most important players, the representatives of the Choctaw, Chickasaw and Cherokee who have made sizeable contributions to the South, are not there when the meeting opens on the 8th. In fact, the Choctaw representative who comes has to admit that only 160 Choctaw in the whole war had shown the inclination to show with the Union. So the Choctaw and the Chickasaw had little division in the tribal councils, being almost unanimously in support of the Confederacy. The Cherokee, they estimate two-thirds and one-third.

So they meet at Fort Smith probably in the barracks. That is the building that became Judge Parker’s court. On day one, it’s opened with a prayer by the principal chief of the Cherokee, Downing. Cooley then addresses them. Now we must remember that many of the leaders of the Five Civilized Nations and a few of the other groups assembled were well educated, but Cooley speaks to them in the traditional way of the white man when talking to Native Americans who have never seen a white man before. He uses “children” in speaking of them, the president’s children. I would think a rather demeaning way. So he opens it with his words of “wisdom,” informing them of the ratification of the law passed in 1862 suspending the payment of annuities and upholding the confiscation of their lands. The Native Americans will take the position that we didn’t come here to talk about a treaty of peace and we are not empowered, particularly the representatives of the Five Civilized Nations who had been signing treaties with the United States for years, since 1785, and with white men representing other nations long before that, that they were not empowered as representatives to sign any treaty. Undoubtedly, many of them remembered back to the removal treaties and the problems that caused.

On day two, I don’t like to read but I will read what he offers them. Number one: each tribe must enter into a treaty for permanent peace and amity with themselves, each nation and tribe, and with the United States. Two, those settled in the Indian Territory must bind themselves, when called upon by the government, to aid in compelling the Indians of the plains to maintain peaceful relations with each other, with the Indians in the territory and with the United States. Three, the institution of slavery, which has existed among several of the tribes, must be forwith abolished, and measures taken for the unconditional emancipation of all persons held in bondage, and for their incorporation into the tribes on equal footing with the original members, or suitably provided for. Four, a stipulation in the treaties that slavery, or involuntary servitude, shall never exist in the tribe or nation, except as a punishment for crime. Five, a portion of the lands hitherto owned and occupied by you must be set apart for the friendly tribes in Kansas--Senator Lane is wanting them out of Kansas--and elsewhere, on such terms as may be agreed upon by the parties and approved by the government, or such as may be fixed by the government. Six, it is the policy of the government, unless other arrangements be made, that all the nations and tribes in the Indian Territory--this is Senator Harlan--be formed into one consolidated government after the plan proposed by the Senate of the United States, in a bill for organizing the Indian Territory. Seven, no white person, except officers, agents and employees of the government, or of any internal improvement authorized by the government, will be permitted to reside in the territory, unless formally incorporated with some tribes, according to the usages of the nation.
That's read to them. At first they thought they were just going to talk. But here's a treaty. They ask for an adjournment to go talk. The representatives confer with members of their tribes. John Ross is in the area by now, of course, as is Elias Boudinot, but they are not invited as we know, as you will hear tonight. John Ross will, on the fifth day of the meeting, be the principal subject of what they're talking about, that the United States will not welcome him as the chief of the Cherokee since he has impugned his reputation by urging and supporting the alliance with the Confederacy. Elias will show up only when the representatives of the Choctaw, Cherokee and Chickasaw arrive from Red River on the sixth day of sessions.

So they withdraw, return and they arrange for peace. They state their cases. The Cherokee spokesmen will recite their history of support for the Union, the combat record of the two regiments of Native Guards and their long list of battles, their losses of one-third of their 2,200 men in fighting for the Union. The Creeks will recite the sending of pro-Union leaders on a buffalo hunt while the McIntoshes signed the treaty, the flight of Opothleyahola, and the three battles, their contribution to the Union cause, as will the Seminole. Others will, particularly the plains nations, will point out that only a few representatives were there when Pike met with them and negotiated their treaties.

It is now apparent to Mr. Cooley that an impasse is rapidly developing. Now General Parker informs the meeting that he must leave for Colorado Territory to negotiate and try to end the war that has been raging in western Kansas and eastern Colorado Territory following the Sand Creek massacre. The Native Americans will ask that he stay. Cooley agrees and General Parker will remain through the 21st and General Harney will leave the meeting and assume Parker's duties in the west. Now the arrival of the Confederates. Many of the Indians, particularly the Five Civilized Nations, thought that they had been assembled there to negotiate a reapproachment with their brothers who had opted for the South and they're finding that the rules of the game have been changed. It's to be a treaty with these seven articles in it, not just an intertribal agreement for the reapproachment of the two factions. Cooley now sees he's reached an impasse. Cooley will now inform those in attendance that they're going to sign, the specific items are going to be set aside. The Cherokee, Creek, Choctaw, Chickasaw have taken exception and say a number of these they can go along with, but there are certain ones they cannot, of course. Elias Boudinot is all alone. He's the only one who supports the organization of a territorial government. All the rest are opposed to that. So the treaty that is brought out and presented will be one restoring peace and amity, not discussing any definite terms such as land to the west of the Cherokee, Seminole, Creek and other nations. Nothing about railroads. So the specific items that the federal government wishes to negotiate will be set aside for negotiations with the individual tribes and nations and these will occur in 1866.

So, in sum, the Fort Smith Council attempts to normalize relations, restore peace, bring certain concessions, reorganize, and take steps to eliminating tribal governments. It restores peace between the United States and the nations and the tribes but does not settle any substantive matters. The substantive matters which the United States government is very interested in will be settled in individual negotiations with the various groups. Thus by presenting generally a united front at the Fort Smith Council the Native Americans have deferred until the following year the substantive matters that will be decided in the 1866 treaties. Thank you.
Tribal Perspectives

Transcript of Panel Discussion

Jim Spears (moderator): I have met some of the panel members. I have not met all of them, and I will go through the sheets that I have been given on introductions. The first one I have is Charley Jones. Charley is the secretary of the Choctaw tribal council. If you will identify yourselves when I introduce you so that we’ll all know who you are. Thank you. We have Randle Durant, who is the speaker of the house of the tribal council of the Choctaw Nation. It says here that he’s been a tribal councilman for the past twelve years. Everette Waller a council member of the Osage Nation. LaDonna Brown, Chickasaw Nation, a library assistant. Ted Underwood, a band chief of the Seminole Nation. And Lewis Johnson, the director and assistant curator of the Seminole Nation Museum in Wewoka, and Alan Cook with the historic preservation office with the Muscogee Nation.

I’ve noticed in reading the transcript of the 1865 council that most of the Cherokees didn’t make it across the river and you’ll notice they didn’t make it across the river today either. [laughter] The Cherokee are not represented unfortunately. But as Mr. Bearss told us the war and its effects in this area has been totally and inadequately told and maybe today in some of our discussions we can rectify that. My family experience was that the war was so bad that while my great-great-grandfather was in the 16th Arkansas at Corinth and later at the siege at Port Hudson, his family lived here in the rural Washington/Madison county area and had to flee to the state of Texas because of the raids and the terrible guerrilla warfare that was going on. He was paroled from Port Hudson and made his way back to northwest Arkansas the best he could and found his family gone and everything destroyed, and on a mule went to the state of Texas and found his family and brought them back. That’s not an unusual story. It happened many, many times over. It happened quite a lot. It was a terrible, terrible time that we are just now, maybe, overcoming in our economy and progress of this area.

With that having been said, I am going to go in order as I have these papers here and ask for comments from the different people about the 1865 council and subsequent treaties that were made with the individual nations and the effect of the Civil War in the Indian Territory. Alan Cook, I’ll ask you for remarks.

Cook: Are you sure you don’t want to reshuffle those pages?

Spears: I’ll reshuffle them but I’ve already dealt your card. [laughter]

Cook: It’s kind of an interesting occasion, I guess. The Fort Smith Council is not an occasion that brings forth positive memories or even memories in the oral traditions of the Muscogee people. The American Civil War, and a bit of a note on that, we tend to refer to this conflict as the Civil War. For the Muscogee people it was always something from the outside in which there were lives that were affected, but it was a war that was basically from the outside.

In this extraordinary mission for a Native American historian to look at the impact and
consequences of this war within the epic history of the people, I’m not sure what the significance is. The very obvious impact is that half the Muscogee Nation was lost in the reconstruction treaty of 1866. The divisions in the nation were augmented and the repolarization of factions continued through the perceived dissolution of the tribe into contemporary times. Whether that division would have been maintained without the involvement of the American Civil War, that’s a good question.

I agree with this interpretation that the war obviously is inadequately told. Documents that form the basis of research and interpretation of the war have for the most part excluded Native American perspectives on it. Muscogee oral tradition targeted much of U.S. federal Indian policy for eroding Native American institutions, the historical message with that oral tradition being a part of the institution that has suffered. So the internal information is inadequate. When you look at oral traditions, when you look at accounts, and descriptions of period incidents, of issues and their importance that exists within the Muscogee oral tradition today, you have very little addressed to the American Civil War. I’m not sure what that suggests, other than that it is not something that often captures the imagination of the Muscogee people historically.

The immediate consequence was the loss of property. One of the ironies of the aftermath of the reconstruction period in Muscogee history is that you had a faction of the nation that was following a kinship with what we tagged the Southern aristocracy. A faction of the Muscogee people signed a treaty alliance with the Confederacy. The McIntoshes, the mixed-bloods of that element, the so-called Lower Creeks, received that term in the Southeast. Their social order had changed. The process that had begun in the South was continued here. An economy that, as far as the elites were concerned, replicated the southern plantation economy built a natural alliance with the Confederacy and they were the principal party in signing this alliance.

The so-called Upper Creeks, the element that in the southeast inhabited the Coosa and Tallapoosa river valleys, maintained their town systems more intact after removal. Their view of this gathering war was that they had no part in this. It was something that was the white man’s war. We should remain neutral at all costs. The history is not well documented but the outline is there, and we know that the first three major battles of the Civil War in Indian Territory involved Muscogee people. This neutral group led by Opothleyahola felt that the Confederate force under Douglas Cooper that attacked twice at Round Mountain, the second battle, the name escapes me. Somebody can help me with that probably, but I think the view was that the attacking force would disintegrate and there is documentation that that happened. The Cherokees that comprised a portion of Cooper’s forces basically left the ranks of that attacking force.

I come to the example of the way the Native American participation in the war is evaluated, that the Native Americans had a stake in this in some ways equivalent to the non-Indians in that you committed to the war, you stayed with it. I think that there’s an obvious lack of understanding of the agenda of the Native Americans involved in this war. I think when you have an element of Cherokee full-bloods that are attacking people who like themselves have certain perceptions and certain interests in life, but you’re attacking them and they’re much like you. What is the point? So you do have disintegrating elements in Cooper’s forces. Opothleyahola tells them that eventually this force will go away.

As we know at the third battle at a place called Chustenahlah, Cherokee Nation, the element that essentially wins the battle is a Confederate force of Texas and Arkansas cavalry from Van Buren, not Cooper’s forces. The battle is lost not because of the efficiency, strategy or tactics but
in the loss of ammunition that was expended in the first two battles. That battle essentially brings the neutral Creeks who eventually become Union Creeks on opposite lines with the Confederate forces. Their intent in those refugee camps in Kansas, on the Neosho, is to reoccupy their land only and to do that they seek enrollment in the Union Army, which does happen. My reading of the documents indicates very poor Caucasian leadership and their own internal strength in fighting units is never gone. They’re attempted to be brought into a Caucasian-American fighting force and with varying degrees of success. But the motivation is there on the part of those neutral or loyal Creeks. It becomes to occupy their homeland again. They lost everything that they had in this life in this flight to Kansas. In the continuation of the war, all of the Muscogee Nation is lost. Everything in it is burned.

The aftermath of the war is that the loyal element, or the neutral element, then becomes the group that signs the treaty of 1866. The southern element, the predominantly mixed-blood element, then is not a part of the initial consultations in this treaty process. After the treaty is agreed to and signed, the former Confederate supporters attempt to modify this very harsh reconstruction treaty. I think history in some ways has been very unfair to those basically full-blood elements that did sign the treaty accepting the harsh measures there. I think that the intent of that basically full-blood negotiating team was to maintain the land, and there is contradiction. They surrendered a portion of their western lands but that was not the center of their population area. The second intent was to maintain, well, maybe their primary, to maintain self government. And they were successful in this part of the treaty. The other issues are severe and then from the outside, from the American perspective, it is looked at as if they are unwise in their negotiations. But those two things were vital, self government and control of land without external involvement. And those full-bloods in the negotiations felt like they achieved those things.

Again the irony is that eventually through the 1867 constitution that comes out of this 1866 treaty, the mission-educated mixed-bloods become leaders of the Muscogee Nation. What’s very interesting is the role of the Office of Indian Affairs in at once suppressing what they perceived to be the conservative, traditional element within the Muscogee Nation and at the same time establishing and empowering the government by these progressives. Now historians tend to make a fatal flaw here, and I’m of the opinion, and you may be able to tell, that very bad history is written about the Muscogee people thus far based on ethnocentric views and the lack of records. But historians tend to contribute to the Muscogee people a gift that they should have, the gift of foresight. Now historians will be kind to people like the McIntoshes and other mixed-bloods because of a willingness to look into the future and see themselves as part of this larger mix. In the case of the conservatives or the traditionalists they tend to think that they don’t know what’s best for them. But as historians we know that we are more influenced by what is our immediate past than our past. Traditionalists will tell you that everything that U.S. Indian policy had directed to them thus far was not in their interest. Everything they had directed, as far as changes in social systems, economic systems, religious systems had failed, had caused social decay. What they were saying is that if you leave us alone, leave us on the land, let our own institutions continue, then we will be alright. What the progressives were saying is that we already paid. We cut a deal in Washington with the best of your negotiators. We can control our own destiny.

With hindsight we have the capacity to look at this record and we see that in this whole American Civil War period the intent is to dissolve the nation. Progressives play a part in this in that
they will compromise. They have a confidence in their own abilities and they feel like they can cut a deal and they can walk this very precarious route in maintaining the land and maintaining their own sovereignty. That was proven to be incorrect and the master plan was there and it was eventually executed. Full-bloods, in what historians describe as their own simplicity or their own ignorance, were saying we will not compromise. And this is one of the impacts of the war, the polarization again of the nation.

I guess one last comment because I know I’m running on here. One of the flaws in trying to understand the Native Americans by the American Civil War is that you cannot understand any of these groups by their record in war. It was alluded to in the last address that division within the Muscogee Nation and the Cherokee Nation go back decades to the Southeast. This is true. I think that it has been one of the avenues explored by historians, probably inadequately, most assuredly inadequately, but I think that there obviously was division in the Muscogee Nation and a very complicated series of issues relating to this, but the Muscogee Nation after removal until the American Civil War had reestablished itself. A unity, an economic progress was in place. Through portions of the nation there were very different approaches to life, some more imitative of the Euro-American forms. In the more conservative elements, they were committed to traditional social institutions, cultural, religious institutions, but they were successful remarkably in putting together a government and while there was this twoness to the order, there was still success. The American Civil War, not so much in the battles because there were indications in the battles’ aftermath of a willingness to work together again, but again the intent to execute U.S. policy, to dissolve the nations, with the involvement of the United States Office of Indian Affairs from Washington down to the agent, succeeded in bringing this division again into play, and the division very much colors the remainder of the so-called constitutional period of the Muscogee Nation.

Again it remains to be seen how much we can illuminate the war and its aftermath. I think it’s a very poor job of history generally brought to bear on this period. Part of it is part of the system. It’s our method. Part of it is not having the Indian voice themselves, understanding what real issues are here. I look at a conference like this as not providing answers to you, but hopefully bringing forth questions and new approaches. I think that it will be a very important point in time here in that there are very few Muscogee or Native American historians. We don’t find comfort in the discipline because of the informational resources that come from the exterior, from soldiers, and from missionaries and traders, travelers. And they’re always from the outside and this is what we’re given as history, and we’re saying that does not make sense. You don’t have representative accounts from the inside, so now there must be some kind of daring, creative approaches to history in that we look at what Native American peoples are today. For lack of records, we look at what they are today and we can at least conjecture as to what these records really are. The ethnocentrism there is undoubted, but to make sense of this is a real challenge and I think that you only have real illumination when Native Americans take on this discipline, relying on the methods that exist, knowing them for what they are, and pursuing the challenging issue of dealing in the surviving oral traditions.

Spears: Alan, I think that some of the others up here would like for you to have gone later as well. [laughter] That’s a very wonderful comment. Questions from the audience or the panel for Alan?
**Audience Question:** Alan, you were talking about how there is very little information about Native Americans. Do you know, or where can one find possibly, any letters people wrote during the war, back to family or, like our center we have hundreds of letters from soldiers and families. But you struck a point with me when you said that there were no letters like that from Native Americans during that wartime. Are you familiar with anything?

**Cook:** We really don’t know what’s out there. It’s part of our responsibility with the Muscogee Nation. We’re looking to develop sources and not least among them are those oral traditions. We’re trying to draw on what’s left of them. We hear of records out there, and we’re aware of some, of diaries that would encompass that area and so on, but those are not necessarily what we’re targeting. Those would be great. It’s understanding the oral traditions that remain.

Now when we talk about the mixed-blood element, and sometimes we write too much about that because what documents are there have been established by those groups and to one degree when I talked about a plantation economy on the Arkansas, you’re talking about a very few families, you’re talking about almost an exaggerated look at the nation. The mixed-bloods and the divergence or the changing from a collective approach, a collective mentality, to an individualistic one began in the Southeast. The McIntoshes probably could have stayed. McIntosh as we know signed a treaty which allowed him land in Georgia. That treaty was proven fraudulent, was modified. The Treaty of Washington basically established the same thing except it was legal. In one sense it was legal, but that’s kind of an exaggerated element. That leadership of the Lower Creeks removed themselves from, I think, the concern with the benefit of their own in the Southeast. The 1,400 or so that remove in 1827 left thousands behind that were regular people basically, who subsequently moved across the Chattahoochee and into the lower Creek country and remained there. But they were left basically leaderless and you have that decay of the Muscogee councils and all of those interior institutions. So there was decay at that point. Here you have a continuation of that. You have a separation again. But you have a leadership that’s more devoted to self interest, I think, than to their own people. Now that group did produce records. What we don’t have is the collected stories from within.

Now as far as records, there are very few oral collections. You’re aware of an attempt in the 1930s called the Indian-Pioneer Collection, the Indian-Pioneer Papers, to collect oral accounts. There are some references to the American Civil War there. As you would also know, that collection was executed very badly. These were not trained people. They didn’t ask the right questions. They didn’t know how to talk to Native Americans. They didn’t know how to solicit information. So in one sense it’s a very bad collection, but because it exists and it’s only one of the very few, it’s very valuable. But as far as the records beyond that, I don’t know. I really don’t know.

My discipline is history and I look to find answers to some of these questions. If you’re sincere in this and you’re saying that the records are inadequate, then you’re left to find alternatives and right now, because Native Americans have not generally brought their attention to some of these issues, like the American Civil War, you’re left with kind of a void of information. It’s an experiment. Where do we go? I look at this looking at what remains, the traditional cultures today and how they maintain their information, their ideas, basically their total culture. And you look at what the record says about them and you see the contradictions. That’s part of the difficulty of history anyway. That’s why you don’t have historians, in the American sense, among most Native American people, because you hear in school systems what the documents say and on the other hand
you’re hearing all these voices from your father and your grandfather and information is contradictory. How do you make sense of those stories within the oral tradition?

Oral tradition is the one thing that’s vital to Native American history across the board, yet we don’t know how to tackle it, how to try to utilize it. And Debo did it in her works. She used the Indian-Pioneer histories but she took it in a way, to some degree, at face value. Based on the information, she used it selectively. She did a good job of it. I have no problems with the way it was included, in some ways into The Road to Disappearance and she was rare in her time in doing that and she integrates it so well that it looks as if she has talked to these people. That didn’t happen. I think historians looking to write representative histories on Native Americans must talk to the people themselves. The example would be anthropology. The requirement for some kind of field work with this elusive theme of oral tradition in it. I have no doubt of this, that you have primary sources. It depends on the context, the information that’s related, who’s doing it, the way that they will state certain things. I think you can rely that you’re talking about a primary source. There will always be secondary sources and lesser sources within this same thing. This thing that has been kind of juggled together called oral tradition, I think if it is collected and studied, that is the key to writing better accounts. Historians tell a story. The truth is a very elusive thing especially with Native Americans’ different intents.

Spears: Anyone else? Yes, mam’m.

Audience Question: You mentioned that the Creek men at Neosho, the refugees, joined the Union Army in the hope that they would be able to return home. In studying them I’ve always wondered why they stick it out so long and continually they don’t get home until the Union Army lets them down. And yet, they stick out the war right to the end. A Creek historian once suggested to me that perhaps there was some left over, residual cultural or warrior ethic that young men used this as a means to prove themselves. Do you see any of that remaining in Creek culture by the 1860s?

Cook: I think that the problem with any generation of younger men is you probably have a little bit of that and it’s still demonstrated today in Muscogee ceremony. I don’t think it’s a factor here. I think it’s probably too easy an explanation. Historians are not exempt of the American myth. The American myth is the context in which historians describe and explain Native Americans. The warrior tradition is alluded to too much, I think. That element camped on the Neosho had no choice. They lost everything, all ammunition, all arms. That group in that third battle, the Arkansas-Texas cavalry runs right through their defenses and they are without ammunition in that charge. I mean they fire shots and it’s gone. Combat becomes hand to hand then and you see within the Confederate records, the Confederates are decorated for hand to hand combat. They’re well armed. There’s no need for that. So it’s the other side that initiates this. Now after that first charge and all the defenses are breached, the Muscogee soldiers then retreat two miles and attempt to make a stand with no ammunition, few if any weapons, and there’s no hope in this, but the attempt is to make room for an escape for those that are non-soldiers.

There’s heroism there but there is also reality that you’re in Kansas and you have nothing to eat and you have a severe winter that began harshly in December and lasts through March. They escaped into a blizzard, deep into a blizzard. And Debo’s records that she uses dramatically there,
is that the Muscogee people arrive on the Kansas prairie naked, literally naked. They lost everything, an orderly retreat, with cows, horses, supplies to last them through the war. They have nothing. So what is their recourse but to attempt to enlist. They want to be on their land. They live in two camps on the Neosho and they survive basically through the winter with no provisions except for rancid pork fat condemned at Fort Leavenworth that’s dumped on them and the sour flour. That’s what they live on, and they ask for one thing and that is just arms and supplies to retake their homeland. If they’re in their homeland, they’re ok. But they didn’t have a lot of choice in that case.

Spears: Ok, let’s move on. Lewis Johnson, Director and Assistant Curator for the Seminole Nation Museum.

Johnson: In our writings it said keep it brief, under seven minutes, so I’ll do that. I think Ted here also can say a few things. Over most of the proceedings 130 years ago, very few of them ever started before one o’clock and I just want to know why we started so early. [laughter] So definitely there was some good talk this morning, some more historical references acquired and a few points brought out this morning that I found interesting. No doubt there was some things done during the Civil War to Native American people that have affected our people for years, as the gentleman from the Creek Nation said, to contemporary times.

I think the facts that a lot of people leave out, even in today’s talk, is the religious faction prior to the Civil War, Presbyterians and Baptists, missionaries among both Seminoles and Creeks prior to the Civil War; then of course, their relationship with the Seminoles afterwards. I think we can see a lot of atrocities to the native people throughout history, during the Civil War. But probably something I would call a comfort zone, probably initially accelerated acculturation more than anything and that was of course the adaptation of Christian churches into native belief. There are a lot of Christian people among the Five Civilized Tribes today. I think most people today see in the Five Civilized Tribes, with a few exceptions, as the Seminole as the less acculturated of the five and I think the government and the participants at the Fort Smith Council realized this, with the exception of the some among the Creek band who are still traditional today in their religion and their practices. I think Seminoles throughout history were seen as that.

When you think about it, the last movement of the Seminoles to the Indian Territory was 1858 with Billy Bowlegs coming here and then the Civil War starts three years later. The Seminole Nation had just received or attained land of their own in 1856, so there was still such a development stage within the nation, the organization of moving from the Southeast to this part of the country. That the Civil War when it came about, it just devastated, of course, the Seminole Nation. I think we can actually see different things within our nation today, especially in the religious factions, the separation of South and North, going back to Chupco and John Jumper being the two designing chiefs at one point, one for the North and one for the South.

I look forward to listening to the rest of the conference and maybe be enlightened about this particular period of history. I just recently moved back from Florida about three years ago and only started working in museum work about that period of time. I’m going to allow Ted to say a few words at this time. He’s a band chief of our tribe. I don’t know if you know the band system, but in the Seminole Nation we have twelve native bands. Actually at the Fort Smith peace council in
their provisions that they wanted to apply to the tribes, one of them was of course to adopt the freed
blacks or the emancipated blacks as equals within the nation and I think, of the five tribes, we still
have what they call freedmen in our tribe and now I guess we’re starting to see some difficult times
in that particular political realm, as far as judgments for our money and stuff, blood money, and
things of that nature, as far as that’s concerned. But I would like to let Ted do a little bit of talking
at this time.

Underwood: The title for this session is “Tribal Perspectives” and what I would like to do is maybe
give you a little more of a broader perspective of the Seminole Nation. Briefly, I just want to share
with you some of the higher points of our history beginning in Florida. Whenever we fought with
the United States government, we also were some of the first people who actually gave freedom or
allowed the African to live in an environment where he was free to choose his own family. He was
free to plant and harvest his own crops and given a place to do that. So you see the issue of the Civil
War really started a long time ago. We were a part of that from the very beginning. We fought with
the United States because of it. I think that the first and second wars that we fought with the United
States government were over the Africans.

Of course after several years of fighting with the United States government we were
eventually removed to Oklahoma where we began the process of reestablishing tribal government.
This in itself is very difficult as we came into a land that was strange to us. The environment was
different. We just had a whole totally new environment to work with and very little, but we began
the process. And once we reached the point where we had begun to stand on our own and be able
to provide and take care of our tribal members, then comes the Civil War. As our people looked at
it, it was the white man’s war and we tried very hard to stay neutral and stay out of this war that we
felt did not involve us. Although there were again Africans that lived amongst our people, they were
not in chains. They were not treated as the southern plantation people treated those Africans.

So we were involved in the Civil War, not by our choosing, but because we did have a treaty
with the United States. Because some of our people entered into treaties with the Confederates. It
was by force, not so much by choice, because the United States government backed out of their
treaty with us and they said they were going to provide protection and annuities. Then the United
States government was the one that pulled out of Indian country and they left us in the southern part
of the states where we were approached by the Confederates. We were accepted, some of us, by the
Confederates. As you know, as you’ve heard this morning, that some of our people decided to stay
loyal to the Union and in doing so, what we had was a split nation. So the Seminole War that began
with the United States government now became a civil war within the Seminole Nation. So our
people being divided at that point became very difficult.

I think there were several references to Opothleyahola who attempted to lead thousands of
Indians from all tribes out of the Confederate state into Kansas. In doing that we had to skirmish
and we had to fight our way all the way there and once we reached there we had nothing, absolutely
nothing. Then those who fought with the Confederates were left there to do the best that they could.
So when 1865 comes along at the end of the Civil War, then we’re summoned to Fort Smith to
address the issues of the Civil War. And when we came, as Mr. Bearss pointed out this morning,
we did not come to make a treaty. We had come to listen, to see what the issues were and to
comment and our people objected. Our Seminole leaders at that time objected to article three or the
third demand, if you will, that the United States government chose to impose upon us, which was
dealing with the African people. They were going to force us to accept the freedmen as citizens with
full equal rights as tribal members and today in our council in the Seminole Nation, we still have
four seats in which these freedmen, as we call them, have the power to come and to vote on every
issue that deals with the Seminole Nation. This continues today.

I want to acknowledge our leaders at that time in 1865 for their courage, for their wisdom
and for all the things, the strength that they had to go through all of this and also to address the
problems that we’re facing today. It was history back then. Tomorrow today is going to be history.
We still deal with these issues. It’s not all history. We’re still struggling today for recognition as
a sovereign nation. And also our leaders at that time objected to article six which proposed one
unified government. At that time our leaders opposed it. They said we don’t have the authority to
come here and do that. We’ve got to go back to our people. Our people are the ones that decide
these things. We represent them. But today we are basically, we have been since statehood, under
one government in the state of Oklahoma. We have struggled for recognition with the state Supreme
Court several times, on several issues dealing with sovereignty. So again today I want to remind
you, that though its history then, we’re still going through that. We still have those struggles today.

The reconstruction of our nation began in 1865. In 1866 we signed a treaty which basically
was the same outline. We basically agreed to, with the hammer hanging over our heads, these
proposals that the United States government had in 1865. So with that, we went back to our nations
to begin reconstruction. We went back and we had to reestablish government. We had to reestablish
law and order. We had to reestablish our schools. We had to reestablish and go back and plant our
fields, and build our cabins, and begin to take care of our people again. So reconstruction for the
Seminole Nation actually continues today. It was more difficult then in that period of time but it
continues today. In 1906 the United States Congress had passed the 1906 act which basically
stripped the tribal governments and the Seminole Nation of its tribal authorities. We have struggled
against that legislation to the current day. Statehood came in. Land was allotted, and again we’ve
gone from one struggle to the next, from prior to 1832 to the current day. So in 1865 the conference
in Fort Smith was very important and it plays a big role in our history and we are influenced by it
today, and it still has its effects. So I just wanted to just briefly let you know that on a larger
perspective. I am not a historian. I am a band chief. I also work with the Seminole Nation and my
feelings with tribal history is because of personal gratification, because I would like to know what
my people went through. I would like to know a lot of things about history because it’s very
important and I’m sure Mr. Bearss can be specific and detailed with you, where a lot of things I only
can assume looking at the surrounding circumstances on a lot of the things that took place. But with
that I just wanted to share that with you.

Spears: Ted, I would disagree with you on one point: you are an historian. I would like to get a
little bit more information from you, Ted, on the blacks with the Seminoles. You mentioned that
one of the wars was fought with the United States over the blacks. What was the source of this?
Was this runaway slaves as they came into the Seminole area in Florida?

Underwood: Exactly. The slaves, in their efforts to escape the conditions that were imposed on
them by plantation owners, they came into Indian country back in Florida and I’m sure into the
Creek Nation, looking for a place to live. We accepted these people in, and what we did is we allowed them the opportunity to, I guess it was like sharecropping. We gave them a place where they could stay, a part of the land where they could develop that land themselves and when it came to harvest in the autumn time, well then they would share a portion of those crops with the Seminole tribe. And eventually as time went by there were relations, interactions, and intermarriages. Whenever the United States government and the plantation owners began to come into Seminole country to retrieve these runaway slaves, well they weren’t too picky when they came in. They took more than just runaway slaves. They took children that were the offspring of the Africans and our Seminole people and when they did that, they were actually taking our children. So that became a major complaint. So then the Seminoles began to defend its boundary line and every time these people would come in, then there was confrontation.

**Spears:** The Seminoles never held people as slaves?

**Underwood:** Well, I can’t say that they didn’t hold them as slaves. There was certainly servitude there, but in bondage, in chains and not allowing them to select their own families, their own relationships, no, the Seminoles did not.

**Audience Question:** I have a question for you, Ted. When they forced you out of Florida, were you allowed to take your African-Americans with you or did you have to leave them?

**Underwood:** They came to Oklahoma.

**Spears:** As did those with the other tribes.

**Johnson:** I wanted to comment on one thing. Has anyone in this assembly ever read the Confederate treaty with any of the Five Civilized Tribes? In the Confederate treaty with the Seminoles, Albert Pike in his proceedings went as far as to promise the Seminoles that they would have the ability to go back into the Florida territory if they would side with the Confederacy. Even went as far to say that if they would side with the Confederacy that the slaves that they lost, his term, slaves, they would be compensated for them. So actually the Confederate treaty with our tribe, the Seminoles, was actually a more inviting treaty than the treaty with the United States government in some areas. So John Jumper, who was mainly the leader at that time of the southern faction of Seminoles, probably leaned to that because of that. And of course Albert Pike was a very convincing person, being as vocal as he was, a very influential man. I would advise some of you maybe to read some of these Confederate treaties with these tribes. I think that they actually sounded pretty inviting, didn’t they?

**Spears:** Well, I think that is the case with most, not all, of the Confederate treaties. They were much more favorable. The unfortunate thing for the Indian nations is that they lost the war. But it was a competition. They were bidding. If you sign with us, we’ll give you this.

**Audience Question:** [The question is difficult to hear on the tape recording but it pertained to the
twelve Seminole bands and their existence today.]

Johnson: The Seminoles are one of the only Native American tribes that formed after Europeans came to this continent. Some of our people, the majority of historians say, were just drained off the Muscogee Creeks. There were indigenous Florida Indians that led into what became Seminoles or what the Muscogee people called Seminoles. There are twelve bands that go back to the tribal towns that were in the East and are still today represented in our tribal council, twelve distinct tribal bands. Ted and I are from different bands, and there's ten more Indian bands and two freedmen bands in our government today.

Underwood: I'd like to add too that there are also two freedmen bands, twelve tribal bands and two freedmen bands. The band system is how we exercise our system of government today. The band system actually came from the clan system that was in place before tribal government was set up. One was born into a clan. It's not a selective process. You are what your mother is. The same way with the bands today. I'm in my band today because my mother and grandmother were. That's basically how the band system works.

Spears: Any more questions? Ok. Let's move on to the Chickasaw Nation. Ladonna Brown is the library assistant from that nation. We'll hear from her at this time.

Brown: In the late 1830s, the Chickasaws left Mississippi, parts of Tennessee, Kentucky Alabama, and Georgia and they were removed over to the Indian Territory on the western edge of the Choctaw Nation. In 1855 they established their government which was patterned after the U.S. government and then established a new life for themselves back in 1855. Right about when everything was coming together for them, about 1861, the war broke out. When the war broke out, it completely disrupted their lives. The schools closed down. Only a shadowy form of the government functioned. The courts ceased to operate. The legislators met irregularly. There was a lot of chaos and confusion.

When the Chickasaws realized that the U.S. government had pulled out and left them totally alone and on their own, after Albert Pike came and brought the treaty and signed with the tribal members, they formed a Choctaw-Chickasaw regiment. There were skirmishes all the way from the Red River to Kansas. The Chickasaw Nation was right in the middle of the fighting. The Chickasaw mixed bloods had a lot in common with the Confederates and their cause. When the Confederates came to sign a treaty, they immediately formed regiments. One was the 1st Chickasaw Infantry Regiment. Another was the Chickasaw Battalion of Mounted Volunteers and the third one was a battalion from Chickasaw County.

So when the council met in 1865, the Chickasaws and the Choctaws didn't show up until later. When they showed up later they found out that the treaty presented to them was not what was expected, so they kind of had to explain their position to the U.S. government, exactly why they had to go with the Confederacy. They presented their reasons. At the end of the council in 1865 when everything was said and done, the Chickasaws and Choctaws still hadn't signed a treaty. It wasn't until April 28 of 1866 that they went to Washington with their proposed amendments to the treaty. There were fifteen articles added to the seven articles mentioned and that was the treaty in
Washington and they signed it and that's what they ended up with.

Spears: Thank you. Ok, the next person in order here is Everette Waller, who is a council member of the Osage Nation.

Waller: Thank you very much. I'd like to stand and talk to you folks a minute. It's an honor to be here, not only just to be with you people but to be with my other tribes here. I'd like to start off by saying first off my name is Everette Macon Waller. I'm from the Osage Nation. I'm also a member of my band back home. I'm a member of the Native American Church. I'm from the Black Dog Big Man Society. I was sent here by the president, George Tallchief, of the Osage Nation. The crisis that faces our Indian people took him to Washington and he'll be there for another week, so he sends his best regards. And now I'd like to go into what I'd like to talk about. This 130 year anniversary does have different meanings to the Osages. The Civil War of which we're all speaking of was not a political event to us. Our bands and clans rode with both sides, not really on the issue of the North and the South. The Osages' was a war culture. That culture demanded that if your band chief says you're going here, you go. So that separation put us kind of on both sides there. My stories are told of what the families saw and they're not really of a political side.

You were told this morning about the carnage. Well my Osages have a story about that. We have fought with war honors all of our lives. Just before the Civil War, the Osage Nation was fighting six war fronts and holding all six. We even went into the battle as brothers, as we call them. When we got to that point we sent those warriors out. They decided who they went with. The ones that rode with the North went with the White Hair group, and other ones rode with the South. These band chiefs took their men out. These were our finest warriors we had, because since we were going to send them somewhere else, you never send them your second best. You sent the best people you had to go. Each one of them had received war honors of a culture. That culture started when he was six years old. It led you until your first war battle. One chief which I am from won his war honors at eleven. He had reached that plateau at that age. When they went out to this war that they thought they were going to, they weren't ready for what they found. You've got to remember we had met the Spaniards and beat their hands on the Missouri. That's how we became this war tribe, because we got the metal, we got the guns and we got the horses. And that brought us right out from the Ohio Valley down through Missouri to where we're sitting today.

What my family's stories tell us about is that the Osages' war culture had many things which you were to do to reach an honor. To meet God you had to follow this order completely. They weren't ready for everybody to line up on each side and kill indiscriminately and just blow each other apart because that wasn't part of our system. If you done your enemy that way you not only defeated him, you defeated his soul. Our people tell about that was one of the major things that they noticed. It never was on the government side of which way do you think about this progress. You got to remember it was a war society, so they decided any battle is good. If there was a lull in the action, that was what they went and done. When this happened to them it recognized one thing for them, and that was their society was dying. They knew with this influence coming this close to them, it was over for all their world. One of these folks was telling about when you lost this battle or these wars that were waged on you, you lost everything. Well, he was definitely correct. That's the first thing the Osages thought about, is if we get in on the wrong side or we get in on the short
end of the stick here, not only will our people suffer but our traditions that have come through a millennium will suffer. Once they noticed that, then they went ahead and stayed with their band chiefs and clan chiefs.

You’ve been told about the Neosho group. Well, I’m in a unique position. Some of my folks went up there and the others stayed here. This is on our fifth buffalo trail. They’re handing out maps outside that shows you the Osage reservation where we’re standing. We lost 900 million acres in the 1800s. In this predicament right here our chief come in and he told them he didn’t know he was coming to sign something. He even told them that I represent all my people, but yet I’m going to go back to them and talk to them. They knew that what they had just witnessed and what they saw was a future that was going to be a tough one. When they mentioned about the rotted meat and the situation up in Kansas, there’s another part to that. When the meat ran out, they called the president for help. This chief had backed everything on this man. My people went with him because they thought he was sound, mind and body. They thought that he had thought enough of the future that maybe we better go up there, and they did hit the winter and they did hit it with just what they had on.

Well not only that, after the bad food, they got sent something. They already paid for train loads of real meat that was getting fed to the government. They sent us train loads of blankets that had been infested with smallpox. That was our second go round with that. It had literally wiped us off the face of the earth. Not only had it taken one of the greatest war tribes down, it had taken everybody down. It was indiscriminate. They used to stop the train at Neosho and tell them in the summer time, it’s a snowfield out there. And the train would stop and allow the passengers to look out and it was solid white for acres and acres in July. These people were amazed. They were going, what was this? That was all those Indians laying there who had died and bleached because of the sun. Their horses, their animals, all peoples. The other group that stayed down there in Arkansas knew this was coming. My people actually stated that we really didn’t want to go through with this because we knew that once we signed that we lost this.

At this point there is a break in the tape recording. We apologize to Mr. Waller for the loss of this portion of his presentation. When the recording resumes, Mr. Randle Durant, speaker of the house of the tribal council of the Choctaw Nation, is speaking.

Durant: Four years ago, the state of Oklahoma gave Skullyville Cemetery back to the Choctaw Nation. The tribal council put a chain link fence around it, painted it up, had a beautiful archway built out of steel. It’ll be there a hundred years. We have a walk from there every two years now to remind our people of what they went through. Then we have a yearly walk from in which four or five thousand people take part in that every year. We are 94,000 members, the third largest tribe in the United States. The first tribe in the United States to ever contract a total government program and run it ourselves. We go under self governance this year. And we want what the Mayor of Fort Smith wants for his people, jobs and opportunities for a good life.

The treaties that have been made with the different tribes have always been for education and health, and our present council and the chief stand for that. We are happy that there are 712 Choctaws in college today. Health is our foremost problem. I met yesterday with the Director of HERSA, Health and Health Services from Washington D.C., the Director. We toured him through
our hospital. Our hospital is the oldest hospital built in the United States for Indian people, sixty years old. And we asked him permission to build our own hospital out of our own money. We have twelve councilmen, chief, assistant chief. We have a tribal court, three judges for smaller offenses and then we have a court of federal offenses with three prominent lawyers heading that. We have our own tribal police force. And we exist in the ten and a half counties in southeast Oklahoma where it comes up to Fort Smith here. Right on the south border here we have a bingo hall, building a truck stop there.

And we’ve learned through history that you can’t have a Wounded Knee and fight and burn buildings and protest. We just go to court. [laughter] It took us thirteen years to win the Arkansas River bed, from Fort Smith here 95 miles up the stream. That belongs to the Choctaws and Chickasaws and Cherokees. Right now we’re getting ready to fight with the State of Oklahoma for Sardis Lake. We never did relinquish our water rights. These are things that are very important to our people. We just need a chance to do things for ourselves, for our self esteem and it’s good to band with the other tribes and meet with them. I’m also a member of the inter-tribal council of the Five Civilized Tribes. We went to Washington about four months ago. We met with the appropriation committee. I met with the heads of different departments in the Senate and the Congress. I’ve been to Washington numerous times, know my way around it. About four months ago we won in the Supreme Court to exempt us from paying taxes.

And just like these gentlemen here said, it hasn’t changed much today from 1865. A few weeks ago Wednesday, three hundred petroleum corporation members met in Oklahoma City with 150 service station owners against the tribes. So the Five Tribes called a meeting and each one of us has programmed a few hundred thousand dollars in our council to lobby against them. They put out brochures against the tribes. “We can’t exterminate them but we want to terminate them.” Thank God we have good people in the Congress and the Senate that still recognize some of the treaty rights. They’ve only broken 100 of the Choctaws, but we are still existing and still trying to do things for our people. It’s good to have a meeting like this to let the people really know the true story of what goes on.

We’re a very proud tribe and we’ve always fought for the United States except in the Civil War. The War of 1812, General Jackson named a Choctaw general, Pushmataha. He led 2,000 braves that turned the tide in the War of 1812. He died in Washington, buried in the congressional cemetery. A week ago Sunday the Choctaws dedicated a war memorial, cost us $125,000 to build it. I was one of the speakers there. We had a great hero in World War I. He captured 220 Germans single handedly. He was greater than Sergeant York, but he never got much credit. I served in World War II and the Korean War, eleven years. I have thirteen medals, one of the highest decorated Indians in the Choctaw Nation today. I was promoted to chief petty officer. I was age twenty-one. We had codetalkers. Every tribe has contributed to America to make it strong. We contributed many, many things. We pay taxes just like everybody else. But things haven’t changed. You still have to fight for everything you get.

About two years ago the chief sent Councilman Jones to France. He lost a brother in World War II and they gave us a plot of ground in honor of the Choctaw Nation. At the same time the chief sent me to Dublin, Ireland to meet with the president of Ireland, and receive an award from them. The lord mayor of Dublin made a big plaque and put it in his office in honor of the Choctaw Nation. In the potato famine of 1847 the Choctaws took up a collection to send to Ireland, $70, just twenty
miles from here at Skullyville. The president of Ireland flew to Oklahoma here four months ago, to Durant in honor of the Choctaws. Charley has written up a book and made tapes to teach in southeast Oklahoma in all the schools of the Choctaw language to preserve our cultural heritage. There’s many things we’re trying to do to keep our tribe alive and to give them a better life.

Now for the impact of the Civil War on the Choctaw Nation. We couldn’t call it the days of reconstruction. We call it the days of destruction. We weren’t allowed to have anything after 1907. They did have slaves. The Choctaws had three or four thousand slaves. Colonel Jones had about 1,200. He had farms all along the Red River. But the Choctaws treated them good. They had schools for them, tried to give them an education. Two slaves are buried in Boggy Depot near Atoka. They are the ones that composed and sang “Swing Lo Sweet Chariot.” There’s a lot of history that Indian tribes have contributed to the United States. Their loyalty should never ever be doubted. And yet they were mistreated. People died on the Trail of Tears by the thousands. The Choctaws are probably one of the most advanced tribes because they never wore feathers. When they came over the Trail of Tears they did away with the bands.

I wrote a book on the Durant Choctaws. Traced my lineage back to 1760. I’m the third family of my father. He was born three months before this treaty was written. He was born in April of 1865. He died in 1931. He was a full-blood Choctaw. So I know a lot about history and suffering, and the things that you go through. I went to school with Charley here. I lived in an orphanage after he passed away. The Civil War really divided all the Indian tribes. They all suffered, but not as much as the Five Civilized Tribes and the bands in Kansas that were close by. Judge Parker was also a friend to the Choctaws. Some of my relatives were the first U.S. marshals. I have their badges and their shotguns and I put them in our museum about eighty miles from here. And I own the bow of Chief Pushmahata from 1812 and it’s in that museum. Fort Smith here and Skullyville are a part of history. Judge Parker took his vacations in Durant, Oklahoma. He became a friend of my grandfather and great-uncle. My great-uncle gave him a half acre. He built a home for his wife there, had her moved there at his passing. He was afraid of repercussions against her for some of his acts. But we had to have a man like Judge Parker to keep law and order.

The Civil War did have a tremendous effect on all tribes here. Our highest aim is to keep our people alive and let them know what a great history they have. And Charley here, he goes to universities, high schools, gives talks, does it free, takes his artifacts, shares what great pride the Choctaws and all the tribes do have. We try to work with the State of Oklahoma. We try to work with the federal government. And we realize that we exist only at the will of Congress, so we know that when someone speaks up against the tribes, we quietly get together and campaign against them. We had one man that was a congressman who fought the tribes so we went to the city and passed out literature to all the Five Civilized Tribes. I didn’t tell them not to vote for him. I just told them what he was doing. He’s not there today. And they need to get together more. That’s why Custer lost because the bands got together. Indians at times just don’t get together. But the Five Civilized Tribes have learned a big lesson, that we need to work together. That’s why we’re here today.

So in closing even with all the faults and all the things that’s happened, we still live in the greatest nation there is. We do have people that still try to honor the treaties and let the Indians still live their lives and have their own government. Big cuts came down about ten days ago. The Bureau of Indian Affairs was cut forty-five percent and the other programs were cut fifteen to twenty percent. Two days ago 2,000 Indians went to Washington to protest this. Now this is what we’ve
been going through and what they’ve just told you. You have to fight to stay alive and that’s a
shame. You ought to be able to exist and coexist in equality and in a good life. But all the Indian
tribes have had to fight to stay alive and that’s a shame. We have a great tribe and through our
leaders we want to keep it that way, we’ll work with others and we’ll work with you and be part of
this great nation. There’s no other nation under the sun, and I’ve visited over thirty-seven different
foreign countries, and there’s nothing like this nation even with their shortcomings to the tribes.
Thank you very much.

**Spears:** One thing Mr. Durant said that is really a topic here is about Judge Parker and he was a
great defender of the rights of the Indian nations and that’s something that’s overlooked in the
writings about the gallows and the deputies and all of the desperadoes, some of which got a
suspended sentence. His real object was to protect and defend the rights of the Indian nations over
whom he had criminal jurisdiction. Ok. Mr. Charley Jones, Secretary of the Choctaw Tribal
Council.

**Jones:** As he said, I’m secretary of the Choctaw Tribal Council and I mostly take notes and come
to learn. And I’ve learned quite a bit from our keynote speaker and from the panel and our problems
are nearly the same. I told our speaker Randle, I said if you speak before I do, why you take all the
time you want because I’m not very windy. [laughter] I would like to say that the Choctaw warriors
never raised a tomahawk against the United States government except in this one war, the Civil War.
We couldn’t fight the Civil War people. They were our southern neighbors. The women taught our
women how to sew, cook and the men taught how to farm. Like the speaker from Chickasaw said,
the U.S. Army abandoned the Indians of Indian Territory and the Southern Confederacy said we will
promise you everything that the Union has promised you. And I think the speaker hit it this
morning, some of it.

One of the things the United States government did promise the Choctaw and other tribes I
imagine was that when they made the treaty, one thing was always in this treaty. It said we’re here
and we’re going to send you to Indian Territory. Of course even the missionaries told us maybe we
ought to go to Indian Territory. One thing in the treaty stipulations was always as long as the sun
shines, as long as the moon shines, as long as the river flows, and as long as the grass grows, this
shall be forever Indian land. And this is what the Confederacy promised us too. Like Randle said
after the Choctaws came up here to Indian Territory they began finding minerals, all around
McAlester, natural gas and crude oil. They began to find a lot of valuable things. Andrew Jackson
got his negotiators together and said maybe we better look at that Choctaw treaty. So they got in a
back room, smoking room, and they kind of changed that treaty in fine print. And this is what the
second treaty said: as long as the sun shines, as long as the moon shines, as long as the river flows,
as long as the grass grows, this shall be forever Indian land, or ninety days, whichever comes first.
[laughter] Thank you.

**Spears:** We’ll throw it open to questions to anyone on the panel or from anyone on the panel to
anyone else on the panel. Yes sir?

**Audience Question:** I’ve been wondering over the years as I’ve been reading Oklahoma history in
particular, why would tribes that had been forcibly removed from the South side with the South when maybe Southern leaders at that particular point, late 1820s, early 1830s, wanted to confiscate tribal lands in the Southeast and move to Oklahoma. Why side with the South during the Civil War? Is it the enemy of my enemy is my friend, or is it the issue of slavery driving a closer association? If you could speak on that, I’d appreciate it.

**Johnson:** I’m sure with some of the tribes because slavery was the issue that they would of course want to continue to keep whatever slaves they had. With the Seminoles, I think, something I tried to expand on but didn’t really get into when I was talking, a lot of the agents that were from the tribes before the Civil War that worked for the federal government became Confederate sympathizers and they were the advisors of these tribes. So these tribes that had been in the previous years listening to these agents and working with them hand in hand needless to say when the war started, these agents then became Confederate sympathizers or part of the Confederate contingent. A man known as Joseph Murrow was considered the follower of Masonry in Oklahoma and the Southern Baptist denomination and he was very close at hand with the factions that went to the South.

So I think if you really broke it down, a lot of historians don’t like to get into it, a lot of religious things happened, I believe personally, especially with the Seminoles. John Jumper who was the leader of the southern faction of the Seminoles and sided with the Confederacy was First Presbyterian. Prior to the Civil War he switched over to being Southern Baptist. He was very, very close to Joseph Murrow who actually handed out all the rations for the southern people during the Civil War. So wherever the food is being handed a lot of times people will go. As was already stated, the Union had abandoned the Indian Territory and as far as many of the tribes were informed at that time, the Confederacy was invited. Had they won the war perhaps if they would kept their treaties, it would have been a better deal for the tribes. But I’ve always thought that too, why do southern tribes side with the southern faction?

**Cook:** I think you have to look very carefully at who signed the treaties and each tribe will vary, but you have to look at the composite of those separate nations. One of the papers presented here will address one of the tribes, the Choctaw. I’m anxious to hear that. In the case of the Muscogee, I tried to describe a little bit earlier two peoples that had evolved with geographical separateness in the Southeast and then with the geographic proximity to the English, the Lower Creeks were more modified in terms of the mixture of the blood. It’s a very curious thing when you have this dual lineage. Then you have two heritages. Its interesting that William McIntosh when he effects this Treaty of Indian Springs, in 1820, he does this in collusion with George Troup, the governor of Georgia. Troup is his literal cousin. Then again you’re talking about probably a small element, but increasing all the time, of mixed-blood elements in the Muscogee and they adapt the Southern lifestyle in many ways. Slavery is there and it’s in the fashion of the Southern tradition.

So that when the removal happens and the Muscogee people of the McIntosh element settle on the Arkansas and the Verdigris and they establish the plantation system and they send their produce of the land down the river to the markets, you have a continuation. What’s very interesting is the study of the perspectives, the mindsets of two different peoples. Increasingly the so-called Lower Creeks on the Arkansas began in the Southeast to accept this American system. In the
Muscogee people, McIntosh and that element were literal cousins to the evolving Southern aristocracy and they sign the treaties and they commit a portion of their people under their leadership to this treaty. One very curious thing to look at here is what a treaty means and I don’t think we understand that enough. The people under Opothleyahola and the other conservative, traditional leaders, and this is still true today, understand a treaty to be a covenant. You don’t break it. In the Euro-American system obviously you can abrogate a treaty, change it. You didn’t have that among traditionalists. The Southern supporters, they’re not bound to any treaty. They will look for the best deal and the southern treaty apparently offered that. I think that it is very interesting to look at how representative the treaty signers are with regard to the population that they represent. In looking at the records you have a sway back and forth. You have Confederate Native Americans who become Union later during the course of this war. There are not clear directions here because you have Confederate leaders with a stake in this. It’s not clear how much the general population that were initially supporting the Confederacy saw that stake.

Spears: Anyone more questions or comments from anyone? I want to say that I have been honored to be a part of this and appreciate very much the opportunity to meet and hear from each of you. Thank you all very much.
The three decades before the Civil War saw Arkansas’s public officials increasing caught in two driving forces which promised to be exacerbated by the military conflict. One problem had to do with the Indian tribes and the state being on the front line of the U.S. government’s Indian policy. This issue was further complicated by a lingering dispute with the Choctaw Nation which began in the 1820s over a common boundary, and spilled over with the Cherokee civil war which erupted two decades later in the 1840s. Both issues were still alive in 1860, and in the early weeks before the war between the states Arkansas’s public officials were concerned about the state’s western border, and more concerned in fact than about the larger issues of states’ rights and slavery expansion.

Such concern stemmed from the fact that the Arkansas press had presented its readers with a steady birage of anti-Indian rhetoric from the earliest days in the territory. The Arkansas Gazette first raised the issue in 1820, claiming that there were already too many Indians in the area and suggesting that the region was becoming another Botany Bay. The Gazette editor was responding in part to a mounting dispute between territorial governor James Miller and the United States War Department over Arkansas’s western boundary. As a result of the Treaty of Doak’s Stand, signed on October 18, 1820, federal officials had agreed to give the Choctaw Nation some 40,000 square miles inside the original boundary of Arkansas Territory, land, the governor insisted, already occupied by Anglo settlers. Miller’s protest, along with that of territorial delegate James Woodson Bates led Secretary of War John Calhoun to reopen negotiations with the Choctaws to redraw the boundary. A new survey was done, run by federal surveyor James Conway, but Choctaw representatives insisted that the line was drawn inaccurately and filed suit against the state in federal court. More will be said on that later.

During the decade of the 1830s, the newspapers continued to warn of the potential Indian menace. One such warning prompted a citizen of the territory to write, “we know that Arkansas is always willing and more than able to drive the Indians beyond the Rocky Mountains should necessity require.” The Texas revolution further kindled worries of Indian attack. In a letter reprinted in the Gazette, General Edmund Gaines warned that “hostile armies” were concentrating on the western borders of the state and the state was in jeopardy. Gaines’ concern apparently stemmed from fear that the Mexican army would stir up the Indians to attack English settlements, but apparently such fear was unfounded because no such attack occurred. A month after Gaines’ warning, newly elected governor James Conway, still acutely aware of the boundary dispute with the Choctaw Nation, which he had surveyed, warned in his inaugural address that the Indians had revenge “lurking in their bosoms” and being “savage monsters” must be deterred. He followed that address with a call for ten companies of volunteers, eight infantry and two cavalry, to assemble at Fort Gibson for training. By the end of October some 700 were
being taught the intricacies of marching and maneuvering but again no hostile action occurred.

In March of 1837, the governor called for an additional two thousand troops as a precaution. He said “what could not the genius of an Osceola or a Tecumseh accomplish among the hordes of our west.” He argued that they could lay the state desolate from the West all the way to the Mississippi River if something was not done to stop them. A few days later, citizens of the state had another reason to complain. Federal commissioners after weeks of deliberation chose the site for a new fort, which they named Fort Coffee, several miles west of Fort Smith. In an almost immediate reaction, residents of the state’s western counties prepared a petition opposing the site because the location was “entirely without the limits of our state.” Civilian and military leaders alike discounted the possibility of Indians attacking any Arkansas town, but Arkansans continued to press for relocation of the fort inside Arkansas. The state’s congressional delegation was drawn into the discussion and after months of negotiation, Fort Coffee was abandoned and a new Fort Smith was commissioned just east of the original site but fully within the state.

Another concern facing Arkansas leaders was the fallout from the Cherokee civil war which broke out during the 1840s. The war sparked new fears among Arkansans about attacks from hostile Indians. Following the assassination of Major Ridge, John Ridge and Elias Boudinot all in the same day and the wounding of Stand Watie, several members of the Treaty party took refuge in Arkansas in an effort to avoid a similar fate. The entire Cherokee Nation erupted in a period of lawlessness that continued for more than five years and that conflict regularly spilled over into Arkansas. The border had long seen violence by outlaw gangs, but now conditions became even worse. Citizens of Washington County, Arkansas petitioned Governor Archibald Yell to have the Indians removed from their county but they had little success in their petition. The matter was not resolved until 1846 when federal agents persuaded both sides of the warring Cherokee parties to sign a peace treaty, but the peace was tenuous at best and the tribe broke down into two competing societies. Random acts of violence continued and Arkansans kept a wary eye on these developments as the eve of the Civil War approached. In the 1850s, the Choctaw boundary issue arose again when the U.S. Supreme Court ruled against the state of Arkansas and the Choctaw Nation demanded that the line be resurveyed. After months of discussion and negotiation the Choctaw tribe finally accepted a cash settlement rather than insist on the line being resurveyed, but in any event state officials were continuing to be concerned about their relationship with the Indian tribes on their western border.

The second formative influence shaping Arkansas’s public officials reaction to the Civil War in Indian Territory had to do with discontent within the state Democratic Party. Since territorial days, Arkansas politics had been dominated by a small clique within the party. This group, known as “The Family” by its critics, held almost all the congressional and statewide offices during the 1830s and 1840s. Such domination did not please some members of the party but they could do little to oust the inside clique. In the decade before the Civil War broke out non-Family politicians gradually gained control or at least neutralized the Family’s power, and a full break came in the 1860 elections when an independent Democrat, Henry Massey Rector, defeated the leader of the Family faction, Robert Ward Johnson, in the race for governor. Rector had campaigned on states’ rights and the freedom of the southern
states to forge their own destiny, but he was also deeply committed to slavery. However, he took no position on the secession debate and even downplayed the issue in the campaign, but his attitude changed considerably after he won the election. In his inaugural address, he called upon the assembly to consider holding a secession convention and he urged them to do it immediately in order to take into account the developments happening in South Carolina and Georgia. He also wrote Principal Chief John Ross of the Cherokee Nation, urging him to lead the Cherokee to join with the rapidly forming Confederate States of America and form an alliance. Ross responded that the Cherokee were bound to the United States by treaty and could not join any other power, but in his typical diplomatic style, the old chief also expressed friendship for his southern homeland and said he hoped it could resolve its differences with the North in a peaceful fashion.

Governor Rector’s prodding of the General Assembly finally paid off when the assembly called for an election to be held in February 1861 that would decide the question for or against secession. In the election, citizens gave their approval to hold a secession convention and it was scheduled to meet in March in Little Rock. Voters agreed to gather and to elect delegates and the meeting opened on March 4. In that meeting pro-Union sentiment dominated as was symbolized by election of Washington County attorney David Walker, an outspoken opponent to secession, to be elected president of the convention. In perhaps a symbolic although contradictory move, Elias C. Boudinot, son of Elias Boudinot killed in 1839, a member of the Cherokee family, was elected secretary of the convention. Boudinot had been born in Georgia in 1835 and was hardly three years old when the tribe was moved to Indian Territory but when his father was murdered along with the two Ridge family members, his step-mother moved the family to Vermont. He remained in the East until the mid-1850s, when he returned to Arkansas, studied law and was admitted to the bar in 1856 in Washington County. A short time later he became editor of a Fayetteville newspaper, The Arkansian, and he also became actively involved in politics and was appointed a member of the Democratic Party Central Committee in 1860. He was only twenty-five years old at the time. That same year he moved to Little Rock to edit The True Democrat, a newspaper loyal to the Family faction of the Democratic Party. That such a young man and a relative newcomer to the state should rise to such political prominence was more than recognition of his considerable skill. The secession issue had not yet been decided but pro-secessionist and Unionists alike saw the advantage of having a close relationship with Arkansas’s Cherokee neighbors. The potential dangers of Indian Territory perhaps offset concern over the possibility of limits on slavery and states’ rights.

In any event, delegates twice voted “no” on the secession resolution and adjourned on March 21 with the state still being a part of the Union. Despite this action, Governor Rector ignored the convention’s decision and behaved as though Arkansas in fact had seceded, something he had really been doing since January. In addition to contacting Chief Ross as previously mentioned, in April he appointed a former newspaperman, editor Solon Borland, to the rank of colonel in the state militia and sent him along with five companies of state troops to demand the surrender of Fort Smith. The two federal cavalry companies garrisoned at Fort Smith evacuated before Borland arrived and the Arkansans took possession of Fort Smith without incident. The governor’s action clearly indicated that he placed priority on defending the state above all else. In late April when
President Abraham Lincoln requested that Arkansas provide troops for the federal army to reopen Fort Sumter. Rector refused. He also turned down a request from the Confederate Secretary of War over a regiment of troops to be used in Virginia. Rather than cooperate with either side, he actively competed in fact with the Confederate attempts to raise troops in the state, and was frequently at cross purposes with the Confederacy with respect to troop assignments. He also tried to persuade the state militia not to transfer to Confederate service and not to accept assignment outside the state under any circumstance. His purpose in doing so, so he said, was to be sure the state's western border was defended.

The Indian issue had not gone unnoticed by the Confederate officials in Montgomery. They too were concerned about the loyalties of the Indian nations, not to mention their desperate need for fighting men. In March while the Arkansas secession convention was still deliberating the matter, the Confederate Secretary of State contacted Albert Pike, also a New Engander transplanted to Arkansas, and appointed him Commissioner to the Indian Territory. Pike was authorized to make treaties with the several tribes to secure their allegiance to the Confederacy if possible, and if not an alliance, at least get the nations to agree to neutrality. Pike had a long record of friendly relations with several of the tribes, having taught among them and represented the Choctaw Nation in their boundary dispute with the state of Arkansas. After receiving his appointment, Pike went first to the Cherokee Nation and tried to persuade Chief Ross to sign an alliance, but as he had with Governor Rector, Ross politely but firmly told Pike that the Cherokee were neutral and Pike could not persuade him to change his mind.

While the Cherokee official policy may have been to remain neutral the same was not true for a number of the Cherokee tribesmen. This division in the tribe was noted by Abraham De Myers, postmaster at Fort Smith and publisher of *The Twenty-Fifth Parallel* newspaper in Fort Smith. In a letter he wrote to the Confederate Secretary of War, Myers reported that he had recently been visited by H.L. Polk, whom he described as a prominent Cherokee who had called on Myers for help in equipping a company of mounted men. Myers wrote "I have promised him all the aid in my power and have taken the liberty of addressing you to know if we may not expect arms and munitions of war from the Southern Confederacy. I do this in advance of the secession of our state, but I know that we will be in the Southern Confederacy long before this letter reaches you." Myers referred Walker to his old friends Robert Johnson and William Sebastian, former members of the U.S. Senate, and asked Walker to contact them should he need more information about the matter. He ended this letter on a prophetic note, saying "this will no doubt be the battleground for the Indian country. Around us is the object of hordes of Jayhawkers from Kansas." He added that the Creeks, Choctaw and Chickasaw would cheerfully take up arms in defense of the South and their rights. However, he doubted the Cherokee, "being not so certain that Mr. Ross, the principal chief of the nation, and his party are in favor of the black Republicans."

In the meantime, Pike chose not to push the issue of tribal division within the Cherokee and traveled instead to visit the Choctaw, Chickasaw and Creek and Seminole nations. He was successful in getting those tribes to sign treaties pledging support to the Confederacy. He also visited the Wichita Agency in the western part of the territory and negotiated a similar agreement with the Indians in that region. But even with these agreements Pike realized his mission was less than a success.
without a treaty with the Cherokee. Fortunately circumstances worked to his advantage in this area as well. Hearing of Pike’s success with the other tribes and mindful of the mounting division within his own nation, John Ross changed his mind about neutrality and sent word for Pike to return to the chief’s residence at Park Hill. Pike came and the Cherokee also signed a treaty of “perpetual offense and defensive support of the Confederacy.” Such treaty split the Cherokee Nation into two camps, Ross later siding with the Union cause. Prior to that time, Stand Watie, a leader of the original treaty party, raised two regiments of Cherokee warriors to support the Confederacy and moved to join with Confederate General Ben McCulloch at Fort Smith.

Pike’s success allowed Arkansas’s political leaders to focus their attention on preparing defense within the state. Ironically, with the Indian issue seemingly resolved the Democratic Party returned to its intramural squabbling that had characterized it in the 1860 gubernatorial campaign. The Family regained control of the secession convention which had reconvened in May after Fort Sumter and members of the Family used their influence to create a special military board with authority to execute military strategy and bypass the governor of rule and responsibility in this area. Rector, although he was a member of the board, as governor was strongly resentful of the convention’s action saying “the military tribunal would undermine his authority as commander of the state militia.” He chose again to ignore the convention’s activity and put out an urgent call on his own for militia volunteers to help protect the state.

He was still waiting for the troops to assemble under this call when Confederate General Ben McCulloch, appointed by the Confederacy on May 17 to raise an army west of the Mississippi River, arrived in Little Rock. McCulloch informed Rector that the governor’s call for volunteers interfered with his own orders to recruit soldiers and the two became involved in a verbal sparring match. Rector was obsessed with the need to protect the state and he realized that he would not have control over deployment of militia units if they became a part of the Confederacy. He was deeply concerned that Arkansas recruits would be moved outside the state’s borders and leave the civilian population unprotected and at the mercy, if not of the Indians, at least of the lawless element that preyed on the frontier. McCulloch noted that he was only following his orders. As a former Mexican War officer and a Texas Ranger, McCulloch enjoyed considerable popularity in the Southwest. News of his appointment was well received in Arkansas, not only because of his reputation but also because it signaled a commitment that the Confederacy was willing to make to the region west of the Mississippi River. The editor of the Van Buren Press wrote that McCulloch’s assignment “has given confidence to our people and alyed any fears that we might have with regard to the protection of this border.” Rector recognized the validity of such comments and grudgingly agreed to accept McCulloch’s leadership. The later then proceeded to Fort Smith where he assembled an army of militia units from Arkansas, Louisiana, Texas and Indian Territory, along with a limited number of Confederate volunteers. Lacking funds to feed, clothe, and equip the Arkansas militia, Rector had no choice but to accept McCulloch’s decisions.

In August, barely two months after arriving on the scene, McCulloch moved his army north into Missouri to engage Union forces at Wilson’s Creek. His actions in that battle led to his demotion and General Earl Van Dorn taking charge of the Confederate forces west of the Mississippi. After his failure at Pea
Ridge, Van Dorn then moved what was left of the Confederate army east of the Mississippi River and Arkansas was forced to rely on its own resources for the balance of the war. However, by that time, the long discussed Indian menace had dissipated. Arkansas public officials could take comfort in knowing that while the Confederacy may not defend the state at this time they at least knew they would not be threatened by Indian Territory. Thank you so very much.
For many of the inhabitants of Indian Territory, the years before 1861 represented a peaceful interlude between two cataclysmic upheavals—forced removal over the Trail of Tears and the death and destruction of the Civil War. In describing this twenty-year period Angie Debo, Oklahoma’s foremost historian, in my opinion, wrote, "Except for the buffeted Seminoles the Civilized Tribes soon conquered their wild frontier and prospered." Former Cherokee Chief Wilma Mankiller, following the lead of my mentor A.M. Gibson, referred to this era as a golden age in the history of the Five Civilized Tribes.¹

Certainly the migrating Eastern Indians cleared fields, built homes, erected grist and saw mills, and established schools. They drafted constitutions, published newspapers, and reestablished tribal existence. These were major strides in rebuilding their lives and governments in Indian Territory. But if we focus only on their progress, we miss major currents that help us understand why the War between the States became a war among the Indians of the Five Civilized Tribes.

Despite the tangible signs of progress, in some of the tribes animosities spawned by removal left deep-seated resentments. The Cherokee Nation experienced a blood-bath in the years following removal. The carnage stopped only when federal officials threatened to partition the nation, physically separating the warring factions. The resulting Treaty of 1846 may have been sealed by a handshake between Chief John Ross and his arch-rival Stand Watie, but that event, played out in the presence of President James K. Polk, marked the beginning of a truce, not friendship. For the next fifteen years, old grudges were nourished, not forgotten.²

Removal had also left deep scars in the Creek Nation. Although most of their bloodshed had occurred east of the Mississippi, the opposing factions avoided confrontation in Indian Territory by settling in different regions. The McIntosh Creeks, who had favored removal, chose the Arkansas River Valley, while the followers of Opothleyaholo, who opposed relocation, moved into the valley of the Canadian River. Sixty miles separated the opposing factions in their new nation. As with the Cherokees, traditionally minded full-bloods and more progressively inclined mixed-bloods remained antagonistic despite the passage of time.³ Factionalism within the other Civilized Tribes, while not as pervasive, persisted into the post-removal, pre-Civil War era.

Americans have always placed great value on education. We regard it not only as a means of self-improvement but also as an agent of enlightenment. Through education, man may outgrow his ignorant prejudices and embrace a more understanding attitude. With the exception of the Seminoles, the Civilized Tribes immediately established schools throughout their nations and as soon as possible financed boarding schools. These institutions offered rigorous curricula to prepare students for professional careers or further schooling.⁴ Unfortunately, the money and effort spent for education may have exacerbated the differences between the factions in Indian Territory. That’s the surprising conclusion of the late William G. McLoughlin in After the Trail of Tears.⁵
The 1841 Cherokee Public Education Act sought to establish schools for children throughout the nation. Since there were few qualified Cherokee-speaking teachers, many of the schools were staffed by whites who spoke no Cherokee. Children of full-blood families found it frustrating and humiliating to go to schools where they couldn't understand the teacher and were ridiculed by their mixed-blood classmates. Consequently, it was predominately the sons and daughters of mixed-bloods who attended school, although over two-thirds of the Cherokees were full-bloods.6

When the Male and Female Seminaries were established in 1851, competency in English was one of the criteria for admission. Few full-blood students attended, and those who did quickly became discouraged in attempting to compete with their mixed-blood classmates who spoke English in their homes. Samuel Worcester, long-time missionary to the Cherokees, reported that students who didn't speak English "suffer reproach and contempt as Indians." He concluded, "There is a danger that this growing contempt on one side and jealousy on the other, will provide a great obstacle to progress, if not the ruin of the people."7 Had Worcester, who died in 1859, lived a few more years, he would have seen his prediction fulfilled.

The Christian faith practiced by many members of the Five Civilized Tribes and advocated by missionaries who worked among them should have been a force for reconciliation. Unfortunately, many ignored its emphasis on non-violence and toleration. For about five years after removal, the Creeks banned the practice of Christianity and barred missionaries from their nation. They eventually relented and like the other Civilized Tribes admitted white missionaries. These men and women have been given credit for their good works and assistance to "the Indians along the pathway of civilization," but we need to look beneath the surface to detect tension and resentment produced by the missionaries' efforts to replace traditional beliefs with the tenets of Christianity.8

Wilma Mankiller, in her autobiography, stressed, "The impact of the mixed-bloods and the influence of Christian missionaries became increasingly evident," by the early nineteenth century. Reflecting the full-blood position, she expressed resentment about the "patronizing concern" of many of the white missionaries whom she considered "sanctimonious do-gooders . . . [who] did not have the slightest clue about the workings of the Native American culture and belief system."9

Actually, relatively few Cherokees joined organized Christian churches, and some who did apparently selected denominations which shared their outlooks. In the 1850s, many of the mixed-bloods were affiliated with the Southern Methodists, while most of the full-bloods who joined a church were Northern Baptists. Each denomination had between 1,000 and 1,300 members. Although slavery didn't become a divisive issue affecting the churches of Indian Territory until the 1850s, religion never served as "a tie that binds," at least in the Cherokee Nation.10 From their separate churches, opposing factions sought reinforcement, not compromise.

The concept of a pre-Civil War golden age also suggests a period free from rapacious, white land hunger. Advocates of removal had argued that in the West the Indians would have time to acclimate to the dominant culture without the recurring demand for land cessions. Even before the ink had dried on the removal treaty, I suspect federal agents regretted the promise that "the Cherokee nation . . . shall, at no time in the future without its consent, be included within the territorial limits or jurisdiction of any State or Territory."11
After the Civil War, cattle interests worked in conjunction with the Indians to prevent the opening of Indian Territory, but before the conflict, cattlemen constituted one of the first challenges to Indian sovereignty. By the 1840s large herds were being driven along the old Texas Road to markets in Missouri, and after the California gold rush, beef followed the Forty-niners. The cattlemen moved through Indian Territory at a leisurely pace to allow their herds time to fatten on the grass of the various nations.

Indian demands for compensation were ignored by the whites who considered tribal land to be open prairie. In October of 1853 the Cherokee Council voted to prohibit use of their land for cattle drives and sought federal support in implementing the order. George Manypenny, Commissioner of Indian Affairs, refused to enforce the measure and declared that the Indian Trade and Intercourse Act was never meant "to prevent the passage by travelers through their country." Can you imagine a state not supporting its citizens against outside cattlemen who demanded the right of free passage across private property? Sovereignty for Indians had no more reality in Indian Territory than it had in Georgia, Alabama, or Mississippi.

Cattle drives across Indian Territory were a minor threat compared to the pressure that railroad promoters would eventually exert to obtain right-of-ways through the land of the Civilized Tribes. In 1853, an Ohio promoter announced his intention of establishing a depot in the Cherokee Nation. Tribal officials refused to approve the deal, and the government didn't pressure them immediately, but several years later Cherokee agent George Butler supported a more grandiose scheme to build a line through Indian Territory to New Mexico. Federal officials at the highest level supported plans to extend rail service through the land of the Civilized Tribes, but physical, financial, and sectional difficulties frustrated their efforts for the moment.13

These frustrations provided little comfort for the residents of Indian Territory who realized land-hungry whites would never be satisfied with a mere railroad right-of-way through their land. Despite promises that removal would give them security in a homeland free from the pressure of westward expansion, the Indians weren't reassured.14 In 1845, an editorial in the Cherokee Advocate predicted that the annexation of Texas would increase pressure on Indian Territory. The writer asked,

What will be the next step? Why a Commissioner will be sent down to negotiate a treaty, with a pocket full of money and his mouth full of lies.--Some chiefs he will bribe, some he will flatter, some he will frighten and some he will make drunk; and the result will be that in five years something that will be called a treaty will be made with somebody called the Cherokee, Creek and Choctaw nations,--just as fair a treaty and with just as fair a representation of those tribes as was the J.F. Schermerhorn's so-called treaty of December, 1835 [Treaty of New Echota], with the so-called representatives of the Cherokees.15

The editorial wasn't based on paranoia; Stephen Douglas, then a Democratic representative from Illinois, had already urged Congress to take the "next step." In 1844 he proposed turning the northern portion of Indian Territory into a Territory of Nebraska. After the Mexican War, the House Committee on Indian Affairs approved a bill to consolidate all the tribes between the Platte and Red Rivers into a single administrative unit headed by a federally
appointed official. Although the bill didn't mention allotment, the recently uprooted members of the Five Civilized Tribes had reason to believe that history was about to repeat itself. Whites would push them off their land, and Indian Territory would enter the Union as a state.

Neither Douglas's nor the committee's proposal bore immediate fruit. In 1854, however, the region north of the Civilized Tribes was opened by the terms of another bill introduced by Senator Douglas called the Kansas-Nebraska Act. At the same time, Senator Robert Johnson of Arkansas proposed consolidating the Five Civilized Tribes. The Arkansas lawmaker introduced a bill that would have ultimately ended tribal government and created a State of Neosho. Chief John Ross warned his people that Johnson's measure would "affect their condition and interest through future time" and urged them to take "utmost care and vigilance" to prevent their rights from being "compromised or impaired." 16

The controversy over slavery caused Congress to reject Johnson's plan, but it was clear the majority of Americans on both sides of the Mason-Dixon line wanted the remainder of Indian Territory opened to settlement. In his first annual message, doughfaced, Democratic President James Buchanan told Americans that "at no distant day Indian Territory will be incorporated in the Union." During the campaign for the Republican nomination for the Presidency in 1860, New York Senator William Seward demanded that Indian Territory be vacated by the Indians. 17

The residents of Indian Territory must have welcomed 1860 with foreboding—not only because of the sectional crisis that threatened to dissolve the Union, but also because of the growing demand for their land. As the United States began to disintegrate, slavery was only one of several issues that menaced Indian Territory. There, a people in danger of losing their national identity were drawn into someone else's war in part because of their own grudges and animosities.

In most, if not all of the Civilized Tribes, differences between mixed and full-bloods threatened tribal solidarity. Not as pronounced among the Choctaws and Chickasaws, the rift didn't lead to intratribal conflict. Among the other tribes, however, old differences sparked a civil war within the tribes in the midst of the Civil War between the North and South. 18

I'm not certain that the Cherokees' difficulties are better documented, but I know them better and will focus on that tribe. In Indian Territory the issue of slavery didn't produce the visceral reaction experienced by Northern and Southern whites. Morris Wardell observed that slavery attracted little attention among the Cherokees until the 1850s. Specifically, he suggested that the Kansas-Nebraska Act forced the Indians to confront the slavery issue. 19

Initially at least, it was whites in the Cherokee Nation who took stands for or against slavery and its expansion. Northern missionaries in Indian Territory approached the divisive issue with caution despite the opposition of their parent organizations. When the Board of the Northern Baptists in Boston demanded the expulsion of slave-holding members in Indian Territory, missionary to the Cherokees Evan Jones delayed at first and eventually ordered the dismissal of five members of his congregation to prevent the loss of Board funding. With the support of the Southern federal agent, the pro-slavery majority in the Cherokee Council retaliated by ordering the expulsion of all missionaries who opposed slavery. Although John Ross vetoed the legislation, the issue now moved to center stage. 20

Earlier most full-bloods had tolerated
slavery even though they owned few blacks. As Southern whites and mixed-bloods became more outspoken in their defense of slavery, the full-bloods gradually became more antagonistic toward the institution. Older members of both factions must have experienced a feeling of deja vu, for as Morris Wardell suggested, "the two parties thus created were not exactly identical with the . . . Ridge and Ross parties . . . The pro-slavery party . . . may be called the Stand Watie party." Those who opposed slavery or favored neutrality supported Ross. While the division was "not exactly identical" with the split over removal, it was certainly close enough for government work.

In the Cherokee Nation, Baptist missionaries Evan Jones and his son John seem to have played a major role in the revitalization of the ancient, Keetoowah Society. I hesitate to make any bold claims because of the murky nature of the organization and the Joneses' role in it, but it seems likely that they had a hand in its organization in the late 1850s. After the Civil War, Albert Pike, who had served as a commissioner from the Confederacy to the Five Civilized Tribes, claimed that "the Pin organization [another name for the Keetoowah Society] . . . [had been] established by Evan Jones, a missionary and at the service of Mr. John Ross, for the purpose ofabolitionizing the Cherokees and putting out of the way all who sympathized with the southern State." Pike reported that the purpose of the Keetoowah Society was to deprive the mixed-bloods of political power. I suspect that Pike was right, but the full-bloods weren't simply the pawns of a white, abolitionist missionary with a cause; they had their own agenda. The mixed-bloods and intermarried whites considered the Keetoowahs a threat and responded by establishing chapters of the Knights of the Golden Circle. The pro-slavery KGC was renamed "Knaves of the Godless Communion" by members of the Keetoowah Society. These rival organizations deepened the division within the tribe and were exploited by whites on both sides when the nation went to war.

The Civil War didn't mark the end of a golden era of the Five Civilized Tribes, for the 1840s and 1850s were decades of constant threat to Indian sovereignty and deepening difference within the tribes. Threatened by the North and the South, divided by old grudges and continuing strife, the Civilized Tribes plunged into a bloodbath that would be as costly in terms of life and property as their forced removal. Historians have long debated whether the Civil War was inevitable. I won't address that issue, but I'm convinced that once the war began, it was inevitable that the Five Civilized Tribes would be drawn into the maelstrom. Neither the North nor the South would tolerate their neutrality, and some members of the rival factions within the nations seemed almost jubilant over the opportunity to settle old scores.

Notes


7. S.A. Worcester to S.B. Treat, June 5, 1854, quoted in Ibid., 92-94.


15. *Cherokee Advocate*, 20 February 1845, 3.


The Indian nations faced a critical decision in the early weeks of 1861: shall they align themselves with the southern states in the developing sectional conflict, or shall they continue to place their trust in the Washington government? After twenty years of pioneering in the new land the Indians had built new homes and farms, re-established their tribal governments, written laws and, generally, built new lives. Even bitter internal divisions going back to the removals had subsided, and life in Indian Territory had quieted. Finally their decisions in 1861 were not entirely left to them to make. They had really no vital interest in the conflict, but finally could not remain aloof.

The Five Nations were not unaware of the developing conflict, and individual Indian leaders early chose sides. Both leaders and the common people were divided, but generally everyone was apprehensive. The Cherokees had "Bleeding Kansas" immediately to the north of them. All five of the nations had delegations in Washington, at the center stage of the sectional quarrel. Their tribal newspapers, and newspapers from the outside, described the growing crisis. Many Indians were bilingual. Their government agents were predominantly Southern Democrats from the Buchanan years. The missionaries in the Indian country added their persuasions. To name a few of the most active ones among them: Elias Rector, the cousin of the governor of Arkansas, who was a secessionist; Evan and John Jones, Baptists among the Cherokees, who were suspected of supporting abolitionism. The Joneses actually had driven slaveholders out of their congregation. Slavery was an issue, but the slaveholders among the nations were a distinct minority. As the Civil War began there were somewhere between 6,000 and 7,000 slaves in the Indian Territory. Some Cherokees had formed the Keetoowah Society, supposedly to maintain Cherokee customs, but it was widely believed controlled by the Baptist Joneses, and to be anti-slavery. More important was a persistent apprehension that a swarm of armed Kansas abolitionists would descend upon Indian Territory to steal their slaves, like they stole the Indians' horses and cows. It was rumored widely that the notorious Jayhawker Jim Lane was recruiting in Kansas troops to use on Indian Territory.

Other pressures influenced the Indians to go with the Confederacy. There was a deep resentment against the Washington government's failure to provide protection from neighboring states, and from white persons' high handed intrusions into Indian Territory. The Cherokees fumed about the invasion of the neutral lands in Kansas by intruders, but Washington, while admitting to treaty obligations, appeared only to protect the intruders. There were bills before Congress during the 1850s which would organize Indian Territory into a federal territory, and ostensibly open the land to settlers. During the election campaign of 1860, William H. Seward said, "the Indian Territory, south of Kansas must be vacated by the Indians," presumably to make way for land hungry settlers. The Indians were understandably wary; there was a feeling of insecurity in the tenure of their land. The Cherokees protested the swarm of whiskey peddlers and assorted unsavory persons that
infested Fort Smith and other settlements on the edge of the Cherokee lands, and spilled over into the Cherokee Nation.

More serious was the federal government's persistent arrears in deliveries of the annuity moneys due the Indian nations under their treaties. In the early days of 1861 the annual payment did not come in at all. A steamboat carrying a partial payment in January, 1861, was held up at St. Louis because it was believed that Arkansas would secede and seize the money. In February, even as the first conferences met among the Indians to discuss a course of action in the secession crisis, several of their top chiefs were off in Washington to press the government to live up to its treaty obligations. Washington seemed utterly unconcerned, if not just downright unwilling to comply with treaty promises. The Indian nations levied no taxes; they operated on those moneys, which paid for education, newspapers, blacksmiths, and their governments.

During the first weeks of 1861 most residents of the Indian nations seemed unconcerned with secession. Stand Watie was involved with his steam sawmill, his new house, and three new stores. John Ross worried about Kansas intruders and the annuities. But Indian Territory had three slave states immediately to the east and south, and a free state to the north. As Confederate planners saw it, Indian Territory could serve as a buffer to defend Arkansas and Texas from abolitionist inroads from Kansas, which it was believed was just a matter of time. Its strategic location also could provide the South with a land bridge into the West. On January 5 the Chickasaw council called upon the Five Nations to act with the Chickasaws to form a union for their future security. The Creeks responded with an invitation to each nation to send their representatives to meet on February 17 at North Fork Town. John Ross chided Governor Harris of the Chickasaws for his "impetuous action." The Chickasaws declared that the government had deserted them, and ignored their treaty rights. Ross insisted that the "Indians had no direct and proper concern" in the sectional controversy, and should refrain from measures that might be misconstrued in Washington and bring federal retaliation. On March 11 Chickasaw and Choctaw delegates met at Boggy Depot to "consult for their common safety, in the event of a dissolution of the Union."

The Confederate States moved with commendable speed to convince the Indian nations to ally with the South. Texas made the first move. The Texas convention which adopted the state's ordinance of secession also appointed commissioners to visit the Indian nations "to invite their co-operation" in forming a southern confederacy. At the end of February the Texas commissioners crossed the Red River to press their mission. After interviews with Governor Cyrus Harris and other distinguished Chickasaws, the Texans appeared at the March 11 meeting of the Chickasaws and Choctaws at Boggy Depot. Commissioner Harrison, head of the delegation, addressed the Indian delegates, but the Indians were not particularly moved. After long experience with treaty making the Indians were suspicious of agents coming to them with treaties. They had learned that they always lost.

On February 8, however, the Choctaw council resolved that "in the event of the dissolution of the American Union, we shall follow our natural affections--which bind us--to the destiny of the Southern States--on whom, we are confident, we can rely."

Delegates from three nations met again on the Creek council ground on February 15, but with two nations absent, took no action. Several of the chiefs were still off in Washington, and Ross and a few of the others still hoped to remain aloof. The Texas commissioners then proceeded to the
Creek agency, where they met several prominent Creeks, and induced Chief Motey Kinnard to call a convention of the Five Nations for April 8 at North Fork Town. The Texans next visited the Cherokee Nation and called on their principal men, “conversing with them freely.” They hoped to win over John Ross, for if the Cherokees could be persuaded they were sure that the smaller tribes would fall in line. The conference with Ross ended “without any good result.” Chief Ross was courteous, but he was not cordial. He spoke mainly of peace and of trusting in the validity of the Cherokees’ treaties with the United States. The commissioners believed that the “intelligence of the Nation” was not with Ross. The Texas delegation returned again to the more congenial Creeks, and surfaced at the conference scheduled for April 8. Being well received, the Texans departed convinced that “the Creeks are Southern and sound to a man.”

The Confederate Congress also took note of the strategic position of the Indian Territory. On February 22 the Congress directed the committee on Indian affairs to consider sending agents to the “Southern Indians.” Ten days later the Congress authorized President Davis to send an agent to negotiate treaties with the Indian tribes west of Arkansas. Davis promptly appointed Albert Pike a special commissioner. On March 15 the Congress created a Bureau of Indian Affairs, and Davis appointed David Hubbard the Confederacy’s first commissioner of Indian affairs. Hubbard received instructions to “repair immediately to the Indian country.”

Hubbard soon wrote to Chief Ross. It was abundantly clear that Ross was the key figure in the Indian Territory. Most Cherokee money was invested in southern states’ securities, Hubbard warned Ross, and these moneys would be forfeited unless the Cherokees joined with the South. The Confederate States, he told Ross, “desired to protect the Indians against the designs of the common enemy.” The Lincoln Administration on the other hand regarded Indian Territory as ready for the harvest. Ross, however, was not moved. Treaty obligations were as valid now as before, he replied. The Cherokees must keep themselves disentangled, he reasoned, and give no grounds for interference from Washington. By earlier treaties, he added, the Cherokees had agreed not to ally with any other nation.

Chief Ross sensed that the Cherokees would be drawn into the sectional war, regardless, and the Indians would be hurt no matter which side they chose. The war, he believed, would bring the destruction of his people and their way of life. Several Arkansas border settlements, including Fayetteville and Boonsboro, and the commander at Fort Smith, early pressed Ross to clarify his position. Events in the adjacent Cherokee and Creek lands were of concern to Arkansas citizens, they declared. Ross sent replies, but declared the Cherokee Nation’s neutrality to head off any more demands.

In May, Confederate military forces began to form, adding a new dimension. On May 11 Secretary of War Walker named General Ben McCulloch to form a military force which should guard the South’s rear from that expected abolitionist invasion from Kansas. Two days later the Confederate government formed the Military District of Indian Territory, McCulloch commanding, and Secretary Walker authorized Douglas Cooper to raise a mounted regiment among the Choctaws and Chickasaws. Cooper was known to the Choctaws, having been their agent for four years. The new regiment should protect the Choctaws and Chickasaws, Walker declared, from the “rapacity of the North.” It would be armed and supplied by the Confederate government. Enlistment of Cooper’s Mounted Rifles was
completed on August 1 at Skullyville. Ben McCulloch in the meantime assumed command of three regiments of Arkansas, Louisiana, and Texas troops already organized. Wary of Confederate intentions, Ross asked McCulloch not to base his troops in the Indian country, and McCulloch, acceding to Ross’s request, kept his regiments camped at Van Buren and near Fort Smith. McCulloch believed that if he took his forces into the Cherokee Nation it would not only damage any negotiations with Ross, but also would throw the Cherokees into the Unionist camp.7

Their growing military power, and the evacuation of Indian Territory by federal troops heightened Confederate confidence. There were then three garrisoned military posts in the Indian Territory: Forts Washita, Arbuckle, and Cobb, Colonel William Emory commanding. Emory’s command of eleven companies was riddled by desertions and by officers resigning their commissions to go with the Confederacy. Union authorities believed these forts to be untenable. A force of 800 Texas men commanded by Colonel William C. Young was poised just below the Red River. Emory proposed taking his command to Fort Smith, but Confederate Arkansas, understandably, did not want those troops. Federal authorities in the West asked that the forts not be evacuated because, it was believed, the departure of federal troops would encourage the prairie tribes to resume their frontier depredations. A courier brought an order from Washington which instructed Emory to abandon the Indian country west of Arkansas, and to take his command to Fort Leavenworth. Emory evacuated Fort Washita April 30 and Young’s Texans occupied the fort on the following day. Emory evacuated Fort Arbuckle May 5, and Captain Sturgis abandoned Fort Smith. The whole federal presence in Indian Territory departed with Emory’s column, leaving the whole border region between the Indian Territory and Arkansas rampant with enthusiasm for the Confederate cause. A federal military presence would have strengthened the hand of the Union men among the Indians. Instead the Union men saw the federals abandon Fort Smith without even firing a shot. Without some support or sign of federal intentions, Union men could not hold out for long.

The Republican administration finally did appoint agents to the Indian tribes. Four ventured into the rebellion in the Fort Smith area. Two soon deserted to the Confederacy and two others failed to make it to their posts. Carrying a letter to the chiefs of the Five Nations, William Coffin found that Fort Smith “was unsafe for any person who was not identified with the rebellion,” and departed for Kansas. John Humphreys learned of the enthusiasm in time to make a wide detour into Kansas. Their failure, and the departure of the final few missionaries left no line of communication between Indian Territory and the North.9

Events moved more rapidly toward a decision when Albert Pike arrived at Fort Smith late in May. Pike was a man of commanding presence and decisive action. He was known to the Indians, and spoke several of their dialects. He had been an editor, a writer, a successful Little Rock lawyer, and slaveholder and cotton planter. Pike met with Ben McCulloch at Fort Smith. The two agreed to line up the Five Nations with the South. Pike then proceeded to Park Hill, Ross’s home, where McCulloch shortly joined him. On June 5 Pike and McCulloch had a friendly, low key talk with Ross. They informed the Cherokee chief that he could not remain neutral, but Ross reiterated the Cherokees had nothing to do with the sectional quarrel, and that he intended to wait a little longer. McCulloch believed that Ross was stalling to wait and see who would win. Pike
believed that he could drive Ross from his position by treating with the leaders of the Cherokee mixed-bloods, who generally were pro-South. Ross did admit to Pike that many Cherokees did not agree with him. He did agree to call the Cherokee Executive Council later in the month.

Pike determined not to press Ross further at that point, but to go on instead to see the more tractable tribes. Ross’s position, Pike understood, was difficult. That faction of the Cherokees that favored secession was a minority, but was the intelligence, the property, and the influence of the Cherokees. The leadership included Stand Watie, Elias Boudinot, and William Penn Adair. Those favoring neutrality were the full-bloods and plain folks, the obscure, the people without influence. Pike promptly traveled to the Creek agency to meet with a band of anti-Ross Cherokees. Pike wrote later that he did not expect to effect an arrangement with Ross, but came to treat with the heads of the pro-Southern party.

At North Fork Town, Pike found Creeks, Chickasaws, and Choctaws waiting for him. The Chickasaw legislature had already declared the Chickasaw Nation’s independence from the United States. On July 10 several Creeks signed a treaty with Pike which committed the Creek Nation to the Confederate cause. The signers were, however, from the McIntosh faction, or Lower Creeks. The Upper Creeks were barely represented, and none signed Pike’s treaty. It had taken considerable persuasion by Pike to get any Uppers to come at all. Their leader was Ophthleyahola, who did not sign. During the talks the Uppers and Lowers stayed well apart. Several signatures were apparent forgeries. Choctaw delegates signed with Pike on July 12. Several signed because it took great courage to refuse. Those who disagreed just stayed away. Eight Chickasaws then stepped forward and agreed to the same treaty.

The decision among the Choctaws really came in May. In May, 1861, Peter Pitchlyn came home from several month’s residence in Washington, convinced that the Choctaws must remain loyal to the Union. Educated, a mixed-blood, well-to-do, accustomed to life in the white man’s world, Peter Pitchlyn expressed opposition to the Southern influence within the Choctaw Nation. Pitchlyn sold Principal Chief George Hudson on maintaining an alliance with the federal government. The Lincoln Administration, he argued would not pay moneys due the Choctaws if that nation joined the Confederacy. Acting on Pitchlyn’s advice Hudson called a special session of the Choctaw Council for mid-June. Prompted by Pitchlyn, Hudson prepared a speech recommending a neutral stance in the sectional conflict. Before he could deliver that speech an armed band of Texans surrounded Pitchlyn’s house, and threatened him with dire consequences if he persisted in his Unionist sympathies. Robert M. Jones, wealthiest man in the Choctaw Nation, slaveowner, cotton planter, owner of steamboats, spoke to the council just before Chief Hudson should speak. Jones declared that anyone who opposed secession ought to be hanged. As the meeting progressed, white men from Texas and Arkansas crowded in and pressed the Indians for a Confederate alliance. George Hudson thereupon threw away his speech and declared that the United States had refused to pay moneys due the Choctaws, and had abandoned its military posts. So therefore, the Choctaws ought to ally with the South. Thoroughly intimidated by the belligerent crowd of Southern sympathizers present, the Choctaw Council declared the nation’s independence, and appointed delegates to meet with Pike and ally the Choctaws with the Confederacy.

Pike conceded a large degree of
independence and self government to the Indian Nations. In fact, Pike offered about everything that the Indians had demanded of the federal government for fifty years. They received guarantees of protection, and recognition of the titles to their lands. The Confederate government assumed responsibility for the annuities and other moneys previously paid them by the federal government. The Creek, Choctaw, and Chickasaw Nations were allied with the South. As allies they were committed to raise troops, which the Confederate government would arm, equip, and pay. Pike’s liberal treaties effectively disarmed the opposition, which had held back out of fear of losing those moneys if the Indian nations joined the Confederacy.

After talking with Chief John Jumper and other Seminoles at North Fork Town, Pike traveled to the Seminole council house. With considerable assistance from Superintendent Elias Rector and Agent Samuel Rutherford, Pike persuaded Jumper and several others to sign his treaty. A full-blood Seminole, tall and strong, but well-to-do, and aspiring to the tastes and cultural level of the mixed-bloods among the Five Nations, Jumper led the treaty party. The Seminoles were as divided as the Creeks, and Billy Bowlegs and two others present refused to sign. Pike simply signed with the pro-Southern men and ignored the reluctant. Forged signatures appeared among the signers names. Some of those Seminoles later joined Opothleyahola’s Creeks in their flight to Kansas.

Pike now turned west to meet with the chiefs of several prairie tribes. His main objective was the Kiowas and the Comanches. These western tribes must be persuaded not to raid the rear of the Five Nations while those Confederate allies confronted Union forces to the north and east. All of the prairie tribes were too small to be helpful in fighting the war, but they ought not to harass the western frontier. Pike brought with him a whole wagon train of gifts, which had cost thousands of dollars, but which should entice these Indians to come in and talk treaties. There were calicos, gingham, store pants, brilliantly colored shirts, and much more. However, after years of experience with federal agents and treaty makers, the Indians had come to expect those wagon loads of gifts. Pike was not a little chagrined to see these Indians ride up, eat, grab their gifts, and gallop away. Individual warriors riding up simply demanded their gifts.12

Albert Pike was a skillful negotiator, nonetheless. He had a greater understanding of the Indians than most men that were sent to deal with them. A big imposing man, with a large head topped with long flowing white hair, a face “round as a pansy,” he was indeed, as one observer described him, “a majestic mountain.” He did line up an amazing array of Indians for the Confederacy. A less energetic negotiator would have failed. Pike’s usual stratagem was to deal with those chiefs that would agree to sign, and just ignore the protesters. He convinced the prairie tribes to raid the “Jayhawkers” should those people threaten from the North. He also inserted language in his treaties suitable for the occasion. The prairie tribes pledged themselves to hold the Confederate states “by the hand, and to have but one heart with them always.” Also, they would enjoy their rights “as long as grass will grow and waters run.” Endearing words like these did not appear in Pike’s treaties with the more enlightened Five Nations. Individual Indians were dubious. Generally government agents offering treaties were suspect.

For all of his skill Albert Pike could not persuade Opothleyahola (also spelled Hopotheithly). Opothleyahola with a delegation of Upper Creeks was present at the western meeting. Chief Ross persuaded the old man to
go and to stand firmly for a neutral stance. Dressed in a red shirt, deerskin leggings, and a long blanket, the old Creek listened to the proceedings, though he knew no English. He could not be cajoled; he was suspicious, and he could be difficult. When Pike asked whether he agreed with his offer, Opothleyahola rose, spoke briefly in his native language and, followed by the other Upper Creek delegates, he stalked out. He offered a reason: “domestic problems.” That could only mean the McIntosh faction of the Creeks, which he distrusted.13

While Pike was still in the West, the military situation turned sharply favorable to the Confederacy. News from the East told of a battle in Virginia, and of a Unionist rout, at a place called Manassas. Manassas was unfamiliar and seemed far away to residents of the Indian Territory. But Ben McCulloch had taken some troops north to meet a Unionist threat in Missouri. There was a battle at Wilson’s Creek, and the Unionists were routed again. Now, Wilson’s Creek was close to home! At the news a noisy celebration swept all along the Arkansas border settlements. McCulloch’s victorious troops, returning, were greeted with a barbecue, parades and dancing. No one dared any longer to admit to harboring Unionist, or neutralist, sentiments.

The significance of Wilson’s Creek was not lost at Park Hill. On June 27 Chief Ross met with the Cherokee Executive Council. The councillors were all Ross men; all but one were relatives, and he was related by marriage. Once more Ross received approval for his neutralist course. But the open and growing discontent out there with his position could not any longer be ignored. Nor could the swelling rebel military presence at the Arkansas line be ignored. When the council met again on August 1 it determined to call a mass meeting at Tahlequah for August 20 to decide the future course of the Cherokees. The news from Wilson’s Creek broke at Park Hill just before the Tahlequah meeting assembled. Furthermore Ross had been informed that Watie was recruiting a regiment for reasons not then clear. McCulloch had written Watie on July 12 authorizing him to raise a force “to operate in the Neutral Lands north of the Cherokees, and to cover the northern border” against a Unionist invasion. He did not say it, but Ross may have wondered whether the Watie-Boudinot faction among the Cherokees would use these armed men to dislodge him. Anyway, Confederate military forces would be camped ominously close to Park Hill.

Four thousand adult male Cherokees crowded the public square at the Tahlequah assembly, August 22. It was an orderly crowd, and many men spoke. An overwhelming majority spoke favorably of the South. The following morning Ross spoke from the speaker’s platform facing the square. He told the assembled Cherokees that the United States had not asked the Cherokees for an alliance, but that the Confederates had. Also, since all of the major Indian tribes had joined the South neutrality could no longer be maintained. He asked that the Cherokees ally with the Confederacy. He had decided to follow popular sentiment, he declared. Chief Ross never apologized for his early neutral stance.14

At this point Ross had little choice. His hope for the federal government to re-assert its authority had not been realized. Federal troops had evacuated the territory without firing a shot, handing the Indian Territory to the South. Noisy demonstrations erupted after Ross’s declaration. Jubilant Cherokees assured each other that the northern border was now safe from Jayhawker’s raids. A band of enthusiastic fellows rushed to raise a Confederate flag over the Cherokee Council House, but Ross persuaded them not to do so because it would be offensive to his Quaker wife. Ross dispatched
five couriers to find Albert Pike and to bring him back to Park Hill.15

When Pike returned from the western conference late in September he set up a conspicuous camp intentionally in full view of the Rose Cottage. At that place Pike signed treaties with the Osages, Shawnees, Senecas, and other small tribes, which he had persuaded to meet him there. Treaty making was spread out purposely over a full week. Finally on October 4 Ross also yielded, and on October 7 he signed a treaty with Pike.

Brief ceremonies followed the signing on the speaker’s platform on the public square. After a short speech to the Cherokee assembly in English, Ross gave a Cherokee flag to Albert Pike. Ross then walked across the platform and shook hands with his old rival for control of the Cherokees, Stand Watie, Pike next handed a Confederate flag to the new Cherokee regiment being formed. Ross and Watie pledged unity and harmony, sending a thrill through the audience. Surely Ross knew that Albert Pike had signed with “dissident factions” on other occasions.

On October 9 Chief Ross again spoke to the Cherokee National Council. “It seemed the prudent thing to do,” he told the Council. “At first neutrality seemed a wise policy,” he went on, but now “the interests of the Cherokees would be better served by an alliance with the South.” Ross scored a personal victory of sorts; he left Watie completely out of the treaty talks with Pike. Pike could have signed with Watie, and recognized Watie as the Cherokee chief with Confederate support. Pike had raised a flag with red stars, one for each Indian tribe or nation he had signed, and he had signed them all! Only Opothleyahola and a few others still held out, and they were in full flight or in hiding. Fearful of vengeance, Opothleyahola fled to his farm, a stream of refugees trailing on behind him.

Many ordinary folks in Indian Territory wanted nothing to do with their leaders Confederate line up. They sensed war. During the next four years dozens tried their best to run and hide, singly or in bands. Some fled southward into the Choctaw lands, to the Red River, even into Texas. Others stole off to the West, to the very edge of Indian frontier settlements, hoping to be unseen and to escape from the war, but the war found them even out there. Some fled with Opothleyahola to Kansas in October. For all of their subsequent hardship, the Indians influenced the course of the war but slightly. At the war’s end they were hailed to appear at a Fort Smith council, where they were confronted with demands from Washington’s agents that they must admit that for joining the Confederacy they were liable to forfeit their rights by previous treaties. They were less well off after Fort Smith than they were in 1861.

Notes


8. Trickett, 402-403, 315.


When the War Between the States erupted at Fort Sumter, few Southerners in the Trans-Mississippi West were ready to march into the field. Yes, unrest and dissatisfaction with United States policies had driven the South into a fever pitch of secession, but that was politics, not war. With secession, military posts in the Indian Territory were quickly abandoned by Union troops. Fort Washita, Fort Arbuckle, and Fort Cobb were stripped of all their military stores which were carried north to Union Kansas. Other military posts in the Trans-Mississippi, such as Fort Smith and Little Rock Depot, met similar fates, draining the area of the Trans-Mississippi of military supplies.

When the call to arms came, men of the Trans-Mississippi West answered with exuberance. They came equipped with whatever they could scrounge—accoutrements, livestock, uniforms, wagons, and weapons—with promises of clothing, weapons and pay to follow from the newly formed Confederate government. Advertisements of “call to arms” for volunteers seen in newspapers throughout the Trans-Mississippi made promises of supplies and arms, such as

I have authority from Col. A.H. Jones C.S.A. to raise a company of Infantry for service in Missouri for the term of twelve months. Arms and a complete outfit under Confederate regulations will be furnished as soon as the company is organized and reported. Daniel W. Jones.¹

However, the Confederate quartermasters in the Trans-Mississippi did not have a stockpile of uniforms and arms nor were there armories or many clothiers and milliners in the region. Out of necessity, depots established at Washington, Arkansas, Jefferson, Texas and Tyler, Texas, began compiling the necessities of war. Materials were purchased from Mexico, England, France and even the United States (through third parties or on “the black market”). Soon the “call to arms” advertisements changed. “The government prefers to raise companies for the [duration of the] war and furnishes with arms only those that enlist for that time. Companies furnishing their own arms can be received for twelve months.”² For the most part companies were raised by towns or counties and boasted their pride either by name or by dress. Thus units were called “Camden Knights,” “Polk County Invincibles,” “Morehouse Guards,” or the “Red River Dragoons.” And James Fremantle observed in 1863, “the Texas Cavalry company dress consist[ed] of Jack boots with huge spurs, ragged black or brown trousers, flannel shirts, and black felt hats ornamented with the Lone Star of Texas.” (emphasis added)³

Even when the Confederate desire for military uniformity in dress was presented, it was often overlooked in favor of more pressing needs such as firearms and food. This was an ever present consideration throughout the war in the Trans-Mississippi. Colonel Demorse of the 29th Texas had this to say about uniforms in 1862: “I had heard a great deal about Georgia cloth manufacture and Columbus has two mills, but none of the products that I could find or hear
of were half as good as our homemade jeans.”

The money he was to spend on uniforms he paid to his men as a clothing stipend. Others complained that the quartermaster department was unable to supply them with uniforms or anything else.

We have never drawn any clothing, shoes, salt or anything else from the Quartermaster department. What little clothing the men had they had collected for themselves.¹

The “uniforms” of the cavalry were, as circumstances of their procurement might suggest, as promiscuous in color and assortment as they were insecure in fabrication. Footwear was of all shapes and types—moccasins, high cut boots, short top boots, and low quarter-shoes called pumps. Socks...were of all colors. Coats were both single- and double-breasted and varied in color and design.⁵

Aside from a few well worn butternut colored uniforms belonging to some veterans of Company “E,” all the men looked strangely alike—mud colored or grey home spun jeans; red and white checked or brown wool shirts muddy borgans, wide low porkpie hats or an occasional stetson.⁷

Of the five thousand one thousand are without arms many have not clothing, without shoes and what any one in their right senses would say was in deplorable condition looking like Siberian exiles than soldiers. I have been in an almost nude condition.⁸

The quartermaster department in the Trans-Mississippi worked as hard as possible to secure supplies for the fighting man— but the importance of operations in the Trans-Mississippi was insignificant to the high command when compared to the crisis at Richmond or Vicksburg. Consequently, the men in the Trans-Mississippi were placed on the bottom of the priority list. Quartermasters in the Trans-Mississippi were left with the unenviable task of securing arms and clothes by any means at hand. As the effects of the blockade became evident, the Trans-Mississippi depots became manufacturing centers, as did the penitentiary at Huntsville, Texas.

"It is expected that the machinery sent to Tyler, Texas, when put in operations, will turn out 20,000 yards woolen jeans. These mechanics cannot be obtained from civil life, and I suggest that inquiry be made throughout the army for them.⁹ This correspondence from the Chief of the Clothing Bureau in the Trans-Mississippi Quartermaster Department indicates that even when the equipment to manufacture cloth for uniforms was present, capable manpower was not always readily available. The following advertisements in local newspapers testify to the desperate task facing the quartermaster.

Wanted: jeans, linseys, white domestics, cottonades, yarn socks. For clothing for the soldiers. I will pay liberal prices for the above mentioned articles in any quantities, delivered at Washington [Arkansas] Geo.
Cotton Cards for sale. Cards for sale at Government clothing rooms. Linsey, Jeans and Socks taken in exchange at fair prices. Apply to Maj. J.D. Thomas Q.M.C.S.A.

The Quartermasters also relied heavily on home manufacturing of goods. "[I have] every reason to believe that the army can be supplied from home products with 108,000 hats, 40,000 jackets, 40,000 pairs of trousers, 100,000 shirts and drawers, 120,000 pairs of shoes, 3,000 tents and cooking utensils to meet pressing demands. To accomplish this, however it will be necessary to keep me amply supplied with funds (I have a very small amount at present)." Funding in the Trans-Mississippi was predominately done through the issuance of Confederate bonds backed with cotton instead of gold. As the war progressed--or regressed for those living and fighting in the Trans-Mississippi--the cotton bonds held less and less value. Unable to secure quantities of clothing from the government, the Confederate soldiers in the field were left for the most part to fend for themselves.

If not from the government, where were supplies to come from? As witnessed by the following, the soldiers turned to their families and their hometowns for help.

I wrote to you sometime since for some clothing. If you have not sent them please forward them immediately.

Pa, I wish you would send an overcoat oil cloth.

I don't know weather [sic] you ever got my letter or not so I will emminate [sic] again first and foremost I want a heavy comfort lined quilt or blanket or something equally [sic] as warm. A heavy suit of clothes, jeans pants lined, pair of double boots, army overcoat with cape. Heavy woolen shirt one heavy cotton shirt, and anything else you may think I need.

Mrs. Cline came in today to see me and has offered to help me about dyeing my cloth and help me to get it sown [sic] I will soon have some jeans for you and Perry and Claude.

I shall go back so as to get some clothes for you but there is no chance to get only to spin them but Charlotte and I can do it in two or three weeks.

Through letters, newspaper advertisements, and from the government itself pleas went out to the citizenship.

All clothing designed by the citizens of Hempstead for Capt. Williamson's company, the "Southern Defenders," are requested to be delivered at the store of D. & V. Block by the 10th of November. The clothing needed for each member is one coat, two pairs of pants, two pairs of socks, two pairs of drawers. It is to be hoped the citizens of Old Hempstead will respond to the call, as the members of this company are
sadly in need of the above articles. Geo. M. Williamson 2nd Lieut. 18

Our poor Osages are almost necked [sic] for want of clothing. 19

I hereby detail Captain W.S. Haven and Sergeant Stuckey, to go to the State of Arkansas to procure winter clothing and such other articles of bedding as can be had, having lost nearly all on the retreat from Corinth—we are left nearly destitute. James H. Fletcher Lt. Col Comdg 20th Ark Reg’t of Infantry, Holly Springs. 20

We fear that our people at home are not so earnest in their efforts as at first. We fear they depend too much now upon the effort of the government to supply what is needful—forgetting that the government depends alone upon the people. Unless great exertions are made, and made now, our brave defenders will be upon the wet and frozen ground without covering, and be forced to defend our homes exposed to the bleak and piercing winds of winter ragged and barefoot. 21

In some areas of the Trans-Mississippi, the conditions surrounding the fighting-man’s home were intolerable for their families. Missouri, Arkansas and particularly Indian Territory were plagued with vendettas, feuds, and the treachery of bushwhacking. Those families that could remove themselves to the safety of relatives did so early in the war. Those that were steadfast either from necessity or from perseverance often felt the wrath of vengeful armies, bushwackers, or vendetta driven citizens.

Caught in the seat of war, no matter how much the people from home wanted to help supply their fighting men, they were struggling to supply themselves.

I have spun every day since you left and still all are bare for clothing except Jack and Ninny. 22

In the Indian Territory, where robbery and murder, looting and burning were practiced by both armies on the citizens and their homes, J.S. Murrow, a Baptist missionary wrote, “The western portions of this Indian Territory are all ruined and laid waste all improvements are burned, stock all driven off or killed, and entire western settlements are deserted.” 23

Conditions at home were often as bad as—or worse than—those in the field. “The rich folks or rather the ones that were rich before the war look as poor, as poor folks generally can look; and what shall I say then of the poor, I can not begin to describe their intense poverty.” 24

The men in the field often turned to more creative ways of supply their needs. George Washington Grayson wrote

Our soldiers were poorly clad and most of the time my company presented a motley appearance....So when we caught a prisoner we generally stripped him clean of his wearing apparel as we desired, they always being better than our own, and placed upon him instead such of our own duds as
he could wear. Our government had issued to our men certain wool hats...of the plain sheep’s wool without any coloring.... Now these hats, while not comely of shape and general appearance, had the further disadvantage of losing after a short service even the little shape and semblance of figure that had been given them by the manufacturers.25

After the surrender they took all our arms and ammunition and stripped us of the necessary clothing.26

For many soldiers however, the thought of wearing Federal blue was unsettling so for want of going cold, they would try to “boil the blue out” of the cloth. But as the war continued objections to wearing the blue became less and less and the Southern army of the Trans-Mississippi took on a decidedly blue tint. “I would yet mention that because the people cannot tell us from rebels is simply for this reason: as many of the bushwhacking rebs as can get the Federal uniform wear them, if they kill one of our men or take one prisoner they strip them of all their clothing.”27 And another wrote

A detachment of this division just arrived from Park Hill, Cherokee Nation, reports that seven of our Indians [3rd Indian Home Guard] known as Pins, were killed at that place a few days ago by a party of rebels wearing the federal uniform.... This is not the only instance during the past year of small detachments of our troops having been entrapped by the enemy who were dressed in the federal uniform.28

Confederates in blue became more and more prominent.

Distinguishing one army from the other was not often easy at first glance. “The Old man was quite a pleasant man and not a little bit pleased to see so many feds or regular blue coats as we are often called in this place.”29 “We heard the other day of southern men in Federal disguise coming down the Grand River.”30 Whether they were in disguise or just happy to have clothing is uncertain. But what is certain is that supplies were few and far between unless they came from the North.

Confederates targeted the Northern supply trains for two reasons: one of strategy--cutting supplies to the enemy--and the other of need--supplying their own army.

On the morning of July 5th I learned that there was a train of 10 wagons loaded with U.S. Sutler goods on the way to Jacksport via Sulfur Rock and then some 10 or 12 miles from Batesville. I immediately dispatched 50 men to capture them which they succeeded in doing....On July 6 I received information of another similar train of wagons on the same road. They were in like manner captured....These captures put us in possession of a considerable quantity of goods much needed by our army.31

Chaplain George Primrose of the 4th Missouri Cavalry wrote, “I send you the following daring
exploit of Capt. J.W. Jacobs, of Burbridge’s Regiment, who, on last Wednesday evening captured a train of the enemy in ten miles of Little Rock, burning the wagons and bringing off 22 prisoners and 60 mules and harness, also a large lot of clothing. In yet another report it is learned, “The men that were along say we captured between 300 and 400 wagons loaded with supplies and commissary stores there were only 127 brought out, and the clothing divided among the men, all got a tolerable good out fit.”

Confederates wearing Federal uniforms presented many problems for the soldiers of the United States. Witness this caution from Union general Rosecrans to Confederate general Price of the hazards his men faced if captured wearing Federal uniforms.

Lt. Graves C.S.A. with forty enlisted men, bearers of flag of truce, arrived here on the 20th, escorting prisoners captured by you. The escort to this flag [of truce] was clothed in our uniform. I have always adopted as a rule, necessary for my own protection, that soldiers of your army captured in our uniform, should be treated as spies. The necessity of this rule must be obvious to you. I cannot object to you wearing captured clothing, provided its color is changed so it cannot deceive me. I have not interfered with Lt. Graves, for he was protected by the flag he carried. I am not unmindful, General, of your humanity and courtesy toward Federal prisoners in times past, but I consider it my duty to express my regrets that you permitted this practice, which exposes your men to the rigorous punishment demanded by military prudence as a protection from surprise.

The “rigorous punishment” alluded to in General Rosecrans letter is evidenced in Col. John Phillips report.

A number of prisoners taken in this fight were dressed in our uniform, and in obedience to existing orders from departmental headquarters, and the usages of war, they were executed instanter.

The examples cited here are but few of the many accounts of uniforms, or the lack thereof, of Confederate soldiers in the Trans-Mississippi West. The Trans-Mississippi Confederates were a hardy group of warriors who from the very outset of war were strapped with the burden of providing arms and supplies for themselves. This is not to say that the Confederate quartermasters were unable to supply the men with goods. The men in the field did receive shipments of food, harness, tentage, ammunition, some arms, and even infrequent shipments of clothes. However, these shipments were far from adequate, leaving some companies completely unarmed going into battle with full knowledge that their arms would come from fallen comrades in their front. When faced with situations like this, it is understandable that uniforms were low priority. The Confederate soldiers in the Trans-Mississippi, if not for their military discipline and formations, would have more closely resembled a mob of angry citizens.
Notes

2. Ibid., June 8, 1862.
4. The (Clarksville, Texas) Standard, October 18, 1862.
8. James M. Bell to Caroline Bell, September 2, 1863, in Edward Everett Dale and Gaston Litton, Cherokee Cavaliers: Forty Years of Cherokee History as told in the Correspondence of the Ridge-Watie-Boudinot Family (Norman: University of Oklahoma Press, 1939), 137.
10. The Washington (Arkansas) Telegraph, October 1, 1862.
11. Ibid., November 25, 1863.
12. Haynes report, OR.
15. Private J. Edwards to J.T. Edwards, October 17, 1861, private collection.
16. Susan Washburn to Woodward Washburn, September 27, 1862, Archives and Manuscripts Division, Oklahoma Historical Society, Oklahoma City (hereafter cited as AMD OHS).
17. Sarah C. Watie to Stand Watie, May 20, 1863, in Dale and Litton, Cherokee Cavaliers, 125.
19. L.P. Chouteau to James M. Bell, September 1, 1864, in Dale and Litton, Cherokee Cavaliers, 185.
20. The (Little Rock) Arkansas State Gazette, November 7, 1862.
21. Ibid., October 18, 1862.
22. Sarah C. Watie to Stand Watie, December 12, 1863, in Dale and Litton, Cherokee Cavaliers, 146.
23. J.S. Murrow to “Bro Hornaday,” January 11, 1862, Grant Foreman Collection, Box 24, Volume 97, Gilcrease Institute, Tulsa, Oklahoma (hereafter cited as GI).
24. Christian Isley to Eliza Isley, October 19, 1864, Special Collections, Wichita State University, Wichita, Kansas (hereafter cited as WSU).
27. Christian Isley to Eliza Isley, December 5, 1863, WSU.
29. Christian Isley to Eliza Isley, December 5, 1863, WSU.
30. Hannah Hicks, diary, November 16, 1862, GI.


33. T.S. Bell to Mrs. M.M. Bell, September 30, 1864, AMD OHS.


Thank you Dr. Bane. It’s a pleasure to be here. One of the first things I’m going to do is reach in my pocket, take out a timepiece, put it right in front of me, try to keep track of things. And in the conclusion portion of my presentation I have a few sources I’d like to share with you in identifying some of the sources I’ve used.

Each unit of the National Park Service is established with enabling legislation. And the enabling legislation for Fort Scott National Historic Site, to paraphrase it, says, Fort Scott will commemorate the role that it played in the opening of the West, the Civil War, and the civil strife in the state of Kansas that preceded the Civil War. Now that’s just a political or a politician’s way of describing Bleeding Kansas. And that is the legislative mandate which I’m charged with as the historian there. These are the three topics that I’m responsible for researching.

Now when we think of the role or the participation of the American Indian in the Civil War, I would suggest that it is largely unknown and ignored. And for the most part we think of--not the audience, audience excepted of course, I’m talking about general public now--we think of an adversarial relationship. The first thing that comes to mind if one thinks about American Indians in the Civil War are the Confederate Indians: Brigadier General Albert Pike, Stand Watie’s Cherokees, John Drew’s Cherokees. And then of course there is the Sioux uprising in Minnesota in 1862, the Sand Creek Massacre in 1864, and of course there were Navajo and Apache engagements in Arizona and New Mexico. But when we think about American Indians as allies, serving in the United States Army, that usually comes as a surprise. Where were they? Who were they? Where were they from?

Well, I would suggest to you that almost every Northern state had American Indians serving in volunteer units in the United States Army. For instance, from the Pine Tree State of Maine, from the Penobscot Indian tribe, they were in the 1st, the 7th, the 9th, the 15th, the 17th and the 24th infantry regiments. From the New York State, the New York regiments, the Iroquois in the 86th, the 98th, the 101st, 132nd infantry regiments and the 2nd heavy artillery regiments. From Michigan, there were American Indians in the Iron Brigade. There was a Chippewa company, the 1st Michigan Sharpshooters, Company K. There were Chippewa Indians from the 9th Minnesota. Now that’s not all of the northern states and I’ve left one in particular out, which is the focus of my presentation this afternoon, but those are, I would suggest, fair examples.

Now, what engagements, major engagements did American Indians participate in as soldiers in the United States Army? Well, Brice’s Crossroads, Fredericksburg, Spotsylvania, Petersburg. They all have one thing in common. They’re all east of the Mississippi River. The largest military units of American Indians in the United States Army during the Civil War, I would offer, were from west of the Mississippi River. They were not a
platoon and they were not a company. They were three regiments of American Indians serving in the United States Army, and they were the 1st, 2nd and 3rd regiments of the Indian Home Guards adopted, if you will, by the state of Kansas. You’ll notice I said adopted by the state of Kansas. They weren’t from the state of Kansas.

In Fort Scott, Kansas we have a garden of stone and its a national cemetery, just like there is one here at Fort Smith, which I walked in during the lunch hour. Got wet, but enjoyed the walk. A number of years ago I was walking in the national cemetery in Fort Scott, Kansas. It was in 1980, shortly after I first reported for duty there. I was walking through the older section of the national cemetery and here were some headstones. And the names were of American Indians. There was Young Chicken. There was Deer in Water. There was Dade. There is Frank. There is Stick Out Belly. That’s all that is on the headstones, with one exception. There is an abbreviation I.H.G. Now the Veterans Administration at the national cemetery at Fort Scott has a little brochure and the local chamber of commerce at Fort Scott have been perpetuating a myth for many years. One of the polite nicknames I have at Fort Scott, I’m called the myth-buster. Anyway, that came about as a result of the movie Ghostbusters. We have a few spirits as well, but the names really created a question in my mind. I’m a blue belly Billy Yank. Born in Massachusetts, moved west of the Mississippi, was raised there and have been with the federal service now 33 ½ years. I’m a blue belly Billy Yank, but I try to be an objective historian. Sometimes that’s hard, but I try. Well, the myth in Fort Scott, Kansas is that these Indians were scouts because that’s what American Indians did for the United States Army. They were scouts. I don’t deny that fact. Yes, there were scouts. American Indians were employed by the United States Army as scouts. But these soldiers were not scouts. These soldiers were enlisted soldiers in the 1st, 2nd and 3rd regiments of the Indian Home Guards. Now it took me a few years. It always takes a few years to get a bureaucracy to change anything and the Veterans Administration is a bureaucracy like anything else. But now in Fort Scott, Kansas they do not describe the Indian soldiers as Indian scouts. So that literature has been changed.

In the summer of 1861, the godfather, the patron saint of the American Indian regiments was the recruiting officer, of all things, for the state of Kansas. He had a nickname. His nickname is the Grim Chieftain. Doesn’t have anything to do with American Indians, and I’ve added another word to that. I suggest he was the Grim Chieftain and the Grim Reaper. His name was James Henry Lane. James Henry Lane was an abolitionist. He was a zealot. If you believed in any shape or form of the southern persuasion, be it slavery or the economic lifestyle, you didn’t deserve to live. You deserved to die. You’d be put to death. James Henry Lane. He came to Kansas as an abolitionist. He remained an abolitionist right up until the day he died at the end of the Civil War when he put a revolver in his mouth and blew his brains out, which he did do. But in the summer of 1861, he was looking for soldiers. And it didn’t matter to James Henry Lane what color the skin of the soldier would be, whether it was red, black or white. He wanted soldiers for Kansas and soldiers to serve in the United States Army. Now it has been mentioned on more than one occasion this morning, that James Henry Lane wanted to lead an expedition and that expedition was to go down into the Indian Territory, which is now Oklahoma, and wreak havoc in the Indian Territory. I would also offer this. James Henry Lane didn’t plan on stopping in the Indian Territory. He wanted to go all the way to the Gulf of Mexico. He wanted to do
So he became the patron saint, the godfather, of the three regiments of American Indian Home Guards.

Now there was opposition. Oh, yes. There was opposition to American Indians serving in the United States Army during the Civil War. Secretary of War Cameron and Edwin McMasters Stanton did not want American Indians serving in the United States Army during the Civil War. It’s a funny thing about Kansas. There are many funny things about Kansas. One of which is it’s 2,000 miles or however many miles from Washington D.C. Now yes, they had the talking wire, but communications, however, were slow. And James Henry Lane was going to recruit soldiers and he promised--we heard descriptions of promises this morning to American Indians--but he promised the American Indians in Kansas, the refugees, which I’ll get to momentarily, that he would lead an army of which they would be part of to liberate their homeland in the Indian Territory, to take them back from whence they came. How did they get to Kansas and when did they get to Kansas? Let me pause for one minute. James Henry Lane did not start recruiting American Indians from the Indian Territory right away. Oh no, uh-uh. The first regiment he wanted to put together were Indians from Kansas to do what? To protect the state of Kansas and they would not be asked to serve outside of the state of Kansas. They would defend the state of Kansas. Does that ring a bell? Well, the American Indian Home Guard regiments acquiesced to serving once they were back in their homeland of the Indian Territory. They weren’t going to serve outside the Indian Territory, which they didn’t.

Anyway, how did thousands of refugees, American Indians, come to be in central Kansas? Well, there was a Moses of the Creeks, my name for the Creek elder, Opothleyaholo, who remained loyal to the United States during the beginning of the Civil War. He was of the Upper Creeks and he led an exodus from the Indian Territory that was comprised of Creeks and Seminoles and any loyal Indian that wanted to follow him. And he was pursued and a number of engagements were described this morning in the early winter of 1861. It’s my understanding that an objective of the Confederates at that time was not necessarily to annihilate Opothleyaholo and his followers. What they wanted to do was prevent them from escaping and prevent them from getting into Kansas. Well, they didn’t succeed in doing that.

In the Anglo-Saxon, Caucasian history of the United States, there’s only one principal Trail of Tears, that of the Five Civilized Tribes being forced to leave the southeastern part of the United States, but I would suggest to you that there were many trails of tears from the Navajo in the Southwest to the Potawatomi of the central United States. And this was a trail of tears because after the last engagement at Chustenahlah on December 26, 1861 when they were leaving Indian Territory, thousands of American Indians, warriors and their families, were destitute. They arrived in central Kansas between the Verdigris River and the Neosho River, in those river valleys, and they settled, and I use that term, and they located a haven near what is now Leroy, Kansas and Walnut Creek, Kansas and Fall River, Kansas, and they were without food, clothing and shelter. It was asked this morning about the Indians responding and joining these regiments. Why did they do that and was the warrior ethic there? Yes, the warrior ethic was there, but there was something much more basic about why they joined the United States Army and it didn’t have a single thing to do with James Henry Lane’s promise to liberate their homeland. It was a matter of survival. They were starving to death and their wives, families and children were starving to death. It has also been suggested this morning
that they were given rancid pork to survive on. Well, I’m not denying that for one minute, but I’m going to suggest to you that the Department of Indian Affairs, yes in Washington D.C., became aware of their plight and over that winter there was a concerted effort while the war was going on from representatives from the Department of Indian Affairs to come out to Kansas and to find some relief in the form of food, supplies and shelter for these Indian refugees. Not only was this a civilian effort but there was an effort by the United States Army. Now neither one of these efforts succeeded very well, ladies and gentlemen, but I would offer that an attempt was made to provide shelter, clothing and food. Opothleyaholo did not live very long. He died that winter and was buried by members of his tribe in a secret place and his burial place today still remains unknown.

The Indian Home Guard regiments. The 1st Regiment of Indian Home Guards, organized and mustered into the United States Army at Leroy, Kansas, May 22, 1862. Eight companies of Creek Indians and two companies of Seminole Indians. Chief Billy Bowlegs was the commanding officer of one of those companies of Seminoles. Now the 2nd Regiment of Indian Home Guards, was organized and mustered into the United States Army between June and July of 1862 at a place called Five Mile Creek. Now if you’re familiar with the history of Kansas at all, there’s a lot of creeks with a lot of denominations put beside them. Five Mile, Ten Mile, 100 Mile Creek and that was usually done by the United States Army, and they identified it as being so many miles from a given military post. You can go from Fort Leavenworth west and cross many creeks and that’s where the creek got the name. Five Mile Creek is approximately ten miles south of Humboldt, Kansas. The 2nd Regiment of Indian Home Guards contained Osages, Delawares and Shawnees. The commanding officer was Colonel John Ritchie, commanding. Commanding officer of the 1st Regiment of Indian Home Guards was Robert Furnas, went on to become governor in Nebraska. The 3rd regiment, strange as this may sound, was organized at a small town called Carthage, Missouri, which is just across the line and not far from Fort Scott, Kansas. And it was organized and joined the United States Army on September 16, 1862, commanding officer Colonel William A. Phillips.

I’d like to pause for just a minute. I said there was opposition to American Indians serving in the United States Army. There was also opposition to African-Americans serving in the United States Army, and that would be the subject of a whole other paper, which I’ve done. But I’m going to focus on this for one minute. Why was there opposition to African Americans serving in the United States Army? Well there were a couple of reasons, but one of which was it was not sure that African Americans would fight. It was not certain that they could be trained to fight in a European concept. What does that have to do with American Indians? I would offer you this, ladies and gentlemen, there was absolutely no question whether American Indians would fight when they were put in conflict or an adversarial situation. They would indeed fight. And that was one of the reasons for the opposition to having Indians in the United States Army. It was not would they fight, but how would they fight? An entirely different concept of waging war and it was considered to be barbaric the way the American Indian waged war. And of course the American Indian was considered to be uncultured as well. Both of those observations are absurd today, but they were very real during the Civil War.

The state of affairs in the Indian Territory has been described as one of desolation and the worst type of civil war. It’s also been suggested, and I agree with the fact,
that the further west you traveled during the Civil War, the less civilized the war became. And when you get out here, ladies and gentlemen, it was the absolute worst kind of civil war. The 1st, 2nd and 3rd regiments of Indian Home Guards compiled a proud combat record. Now were they good soldiers? I would ask you, in whose eyes? Or who is asking that question? Were they good soldiers in the context of regular United States Army officers? No, probably not. But I will offer this, in July of 1863, at a place called Honey Springs or Elk Creek, Indian Territory, regiments of the Indian Home Guards held the center of the line and you don’t hold the center of the line in advance and not be a good soldier. Yes, they were good soldiers and they developed a very proud combat record. Cane Hill, Prairie Grove, Arkansas, December 1862, Elk Creek or Honey Springs, July 17, 1863, I have a computer printout of all the engagements of the 1st, 2nd and 3rd regiments of Indian Home Guards. They had their own line officers. Lieutenants and captains, company commanders, were American Indians. The reason I would suggest that they were indeed lieutenants and captains and commanding officers was a question of communication. They could communicate with their soldiers very well.

The American Indian has an interesting context, and I’d like to close with an observation. Put the Indian in a battle and he will fight and fight to the death, and they did. But do not ask an American Indian to stand guard over five or six thousand pounds of hay or so many pounds of food or rations that don’t have a thing to do with fighting. They didn’t respond in that way at all. That doesn’t mean that they weren’t good soldiers. And someone has asked me about desertion. Did they desert? Well, of course they deserted. But they didn’t think of it as desertion. When their families were hungry, when it was time to go on the fall hunt, and the army was going into winter quarters in the squalor of huts, smoke and roach-infested and they were expected to live in that, they said “No, thank you. My family needs me, and I’ll be back in the spring when its time to wage war again.” Not all, but a good portion of them came back.

I’d like to close with resources, please. And right out here, and I don’t have any stock in this book company, but University of Nebraska, Bison Books. If you’re at all interested in the subject matter, there’s three books you ought to have. They’re not new books, meaning that they’re not written recently. They were written at the turn of the century by Dr. Annie Heloise Abel and they’ve been reprinted by the University of Nebraska Press in paperback. Of the three, the one I would recommend is The American Indian in the Civil War, 1862 to 1865, but you really should have all three. I consider them to be the very best, up until recently, works that have been published. Now beyond that in 1992, The Civil War, the magazine of the Civil War Society, had a special issue on American Indians in the Civil War. In closing if you are interested in the exodus of Opothleyaholo from the Indian Territory, the best that you can probably find is the Kansas Historical Quarterly, Autumn of 1969, which is a superb article that explores the problems of that exodus and how it was handled by the United States Army and the Bureau of Indian Affairs. Very well documented and a very scholarly work. Thank you very much.
We are here to commemorate the 130th anniversary of the Fort Smith Conference, one of the most momentous councils of government officials and tribal leaders in American history. For most American Indians who gathered here in September, 1865, the council was a travesty, marked by punishing Indian nations who had signed, innocently or otherwise, treaties with the Confederate States of America. On the second day of the meeting, Dennis N. Cooley, Commissioner of Indian Affairs, announced that he was sent by Washington to secure, among other things, land in the Indian Territory for the “use of such Indians in Kansas or elsewhere, as the government may desire to colonize therein.” The Delaware were one of those Indian communities who were eventually removed from Kansas. They became known as the “Registered Delaware,” who live today in northeastern Oklahoma. They and their kinfolk, the separate band known as the “Absentee Delaware” of western Oklahoma, are the foci of this paper.

During and immediately after the United States’ greatest national tragedy that cost 618,000 lives, two distinct bands of Delaware Indians finally managed to overcome two and a half centuries of continental drift. Their centuries of experience with the white man—from the days of the Esopus Wars of the 1650s and 1660s to Bleeding Kansas of the 1850s—made them hardened realists who understood the foibles of Washington-directed policies better than most other Indians. As was true of their Wisconsin relatives, the Stockbridge-Munsee Indians, they also understood the full power of the United States, and, as a result, attempted to do whatever it took to survive as a people, including enlisting in the horror of the Civil War.2

The Delaware of Kansas and Indian Territory were largely pro-Union Indians who contributed significantly to the federal war effort in the Trans-Mississippi West. They primarily served as scouts and home guards. Out of a total of 201 eligible Delaware males between 18 and 45 years of age in 1862, 170 had volunteered for service in the Union Army.³ Although some bands of Delaware had in the past fought the United States, uncertain conditions faced by both the Delaware in southwestern Indian Territory and in eastern Kansas led them to enlist in the Union war effort.⁴ To a small, weak, and often removed Indian nation, the strategy of currying favor with the “Great Father” in Washington was the only survival option opened to them. Tribal survival, not anti-slavery or other moral principles, made enlistment a necessity, even though they were joining in with local civilian and military personnel in Kansas who desired the Indians’ removal. The “option” was also made more palatable because the Delaware were often led into battle by their own leadership.

In 1862, Frank Johnson, the Indian agent for the Delaware Agency, claimed that the Delaware’s high enlistment rates were as a direct result of “a patriotism unequaled in the history of the country.” The culturally myopic agent called them “wild and untutored” people, but added that a Delaware “fully appreciates and understands the merits of the war, which are alive to his own interest, the interests of his own tribe, and the country. The Delaware volunteers
are commanded by officers chosen by themselves of the tribe” (emphasis mine). The insecurity of Delaware existence actually increased throughout the Civil War even while they were being praised for their loyalty to the Union and for their “faithful and efficient” military service. The Delaware, also known as the Lenape, Munsee, River, Stockbridge, and Unami Indians, are originally a Middle Atlantic coastal people, who once lived in an area stretching from Delaware Bay in the south to the Mid-Hudson River Valley of New York in the north and from western Long Island in the east to the second branch of the Delaware River in the west. These Indians’ existence was frequently undermined by disease, wars, and colonial, state, and federal policies. Delaware communities were on numerous occasions uprooted and moved further and further west right through the post-Civil War era.

The Delaware were also often recruited by Americans to serve as go-betweens and cultural mediators with other Indians, who were less disposed to deal peacefully with Washington. Moreover, because of their long experience in the fur trade, which dated back to the early seventeenth century, the Delaware were also hired as trappers in the Rocky Mountains by the American Fur Company after the War of 1812. In the 1840s, after the decline of the Rocky Mountain fur trade, they were hired as Indian interpreters as well as guides for the emigrant wagon trains on the overland trail west.

While individual Delaware were busy in these entrepreneurial pursuits, American policymakers were busy removing their communities. Their migrations read as a disorganized road map of the North American heartland: Ohio, Indiana, Missouri, Texas, Indian Territory, Kansas, Wisconsin, Ontario. By the 1820s, American officials had resettled the largest body of Delaware along the James Fork, the major tributary of the White River in the Ozarks of southwestern Missouri. As a result of the swampy nature of this environment and incursions by the Osage who claimed this land as their own, some of the Delaware left the region during the same decade and settled in eastern Texas along the Sabine River, after having received an invitation to do so by the Mexican government. These Delaware became known as the “Absentee Band.” Later, after allying themselves with the United States’ cause in the Second Seminole War and in the Mexican War, they were rewarded for service with lands along the Brazos River in Texas in 1853; however, the Texans soon initiated a movement to expel all Indians from the state. In 1859, at the urging of the Texans, the United States officials removed these Absentee Delaware from their lands in Texas and transplanted them to the “Leased District,” in the Wichita Indian Agency in Indian Territory near present Anadarko, Oklahoma, the site of a contemporary Delaware Indian community. By 1860, nearly five hundred Delaware were living within the Wichita Agency on the north side of the Washita River on Sugar Tree Creek.

The majority of the Delaware in southwestern Missouri, after signing a treaty with the federal government in September, 1829, exchanged their lands for nearly two million acres in eastern Kansas, then part of the Indian Territory, in the environs of Fort Leavenworth, the first military outpost in the immediate region. These Kansas lands were guaranteed “forever” by Washington officials. This permanent commitment, however, was to last only twenty-five years. Until the early 1850s, the Delaware flourished in Kansas largely as a result of the richness of their lands and their excellence as ranchers, breeding excellent horses, cattle, sheep, and hogs. Their populations swelled as a result of Delaware
migrations from Missouri, Wisconsin, and even Ontario.

In the 1850s, the Delaware in Kansas faced a repetition of what had happened to them in New York, Pennsylvania, Ohio, and Indiana. Sectionalism and the resulting mini-civil war known as "Bleeding Kansas" have obscured what happened to these American Indians and their lands in the eastern part of Kansas Territory. By 1854, building lots were laid out on Indian lands near Leavenworth, even before a new Delaware federal treaty was signed and before land companies had obtained legal title to the property. Other towns, specifically Lawrence and Topeka, were soon founded in this manner. By the time of the South's secession in 1860-1861, Leavenworth had a population of five thousand non-Indian people and town officials had ambitious plans to make it the leading city west of St. Louis.

The Delaware were faced with increasing numbers of intruders, squatters, and even horse thieves. Aggressive traders encouraged Delaware indebtedness and plied alcohol into the community. By 1857, over one thousand whites were trespassing on Delaware lands. The following year, Delaware leaders complained to President James Buchanan: "Since the opening of the Territory, thieves (white men) have come in and are constantly stealing our horses, and in many instances have stripped some of our people of almost everything they owned." To make matters worse for the Indians, railroad promoters saw that the most practical freight route through Kansas Territory ran directly through Delaware lands, some of the choicest corn and ranch lands in the region.

The Delaware were unable to withstand these pressures. From 1854 onward, tribal leaders agreed to repeated concessions. Labeled by their political enemies as "government chiefs," these tribal leaders put their names on the four treaties made between 1854 and 1867. To be sure, the Delaware in eastern Kansas were extremely divided during the chaos of the 1850s and 1860s. They came to Kansas from different refugee communities in the Midwest, spoke two dialects of the Delaware language--Munsee and Unami--and practiced different religious traditions--Baptist, Presbyterian, Mormon, Moravian, and the Delaware traditional religion known as the "Big House." Sadly, the Delaware's factionated existence and the growing power of the territory's land and railroad interests combined to make eastern Kansas' tribal lands ripe for the taking.

By the time of the Civil War, Black Beaver [Suck-tum-mah-kway] was the most prominent Delaware Indian, one of the most accomplished Indian scouts in North America. Black Beaver was born in Belleville, Illinois in 1806. From 1824 onward, his name appears frequently in the historical record. In 1834, he served as a guide and interpreter for General Henry Leavenworth as well as an interpreter for Colonel Richard Dodge's councils with the Comanche, Kiowa, and Wichita Indians on the upper Red River. For ten years in the 1830s and 1840s, Black Beaver was an employee of the American Fur Company. In the era of the mountain men, according to General William Randolph Marcy, he "visited nearly every point of interest within the limits of our unsettled territory. He had set his traps and spread his blanket upon the headwaters of the Missouri and Columbia; and his wanderings had led him south of the Colorado and Gila and thence to the shores of the Pacific in Southern California."

When the Rocky Mountain fur trade declined in the 1840s, Black Beaver turned to guiding wagon trains westward. He also guided the expeditions of the naturalist painter John Audubon. During the Mexican War at San Antonio, he raised a company of Delaware and Shawnee Indians, Beaver's Spy Company,
Indian, Texas Mounted Volunteers. As the captain of the company, he served under General William S. Harney’s command during the fighting. After the war, Black Beaver continued to serve the United States Army under contract as a scout.16

Delaware such as Black Beaver served as go-betweens--interpreters, guides, and allies of the United States--in the unstoppable push of a New World colossus to the Pacific slope. By the 1850s, Black Beaver and other Delaware were employed at Forts Arbuckle and Cobb as guides and interpreters by military officials as well as by the various Indian agents. They were employed in “pacifying” the frontier, hunting down Comanches and other Southern Plains raiders from northern Texas. Black Beaver was also used to convince other Indians such as the Caddo and Wichita to sign treaties and take up residence at Indian agencies rather than commit themselves to hopeless conflict against the omnipotent Americans. Such was his role in the early spring of 1861 when the Civil War erupted.17

In need of troops in the East and realizing that Indian Territory was surrounded by secessionist states, federal officials ordered an evacuation of Indian Territory in the spring of 1861. At that time, Black Beaver, well into his 50s, was leading a respected and comfortable life at Fort Washita in the Wichita Agency, after having moved from the Brazos two years earlier. According to the local Indian agent, Black Beaver had the most substantial residence on the reservation, “a pretty good double log house, with two shed rooms in rear, a porch in front and two fireplaces, and a field of forty-one and a half acres inclosed with a good stake-and-rider fence, thirty-six and a half of which have been cultivated.”18 He was gainfully employed at the time as the interpreter for the Wichita, working for Matthew Leeper, the Indian agent. With the Confederate firing on Fort Sumter, things changed swiftly, and Unionists in Indian Territory found themselves worrying about a Confederate invasion from secessionist Arkansas or Texas.

On April 16, the Union quickly abandoned Fort Washita and withdrew north under the command of Colonel William H. Emory. After concentrating his forces at nearby Fort Cobb, Emory then moved his troops against a Confederate advance guard of William W. Averell’s Texas Mounted Rifles. According to Emory, Black Beaver warned him of the approaching Confederate column and “gave me the information by which I was enabled to capture the enemy’s advance guard, the first prisoners captured in the war.” The Delaware scout then guided Emory’s forces and his Confederate prisoners northwest to Kansas. Black Beaver was the only Indian who “would consent to guide the column.” The Union expedition, composed of the combined commands of Forts Arbuckle, Cobb, and Smith, the largest remaining concentration of federal troops in Indian Territory, eventually arrived at Fort Leavenworth on May 31. Despite this dangerous mission and the hardships of this five hundred mile expedition, the column arrived “without the loss of a man, horse, or wagon, although two men deserted on the journey.”19

As a result of Black Beaver’s support of the Union, Confederate officials later seized his cattle, horses, and crops and destroyed his ranch at the Wichita Agency; they also placed a contract on his head, making it impossible for him to return to the agency during the war. Until his death in 1880, Black Beaver attempted without success to secure compensation for his sizable loss, estimated at about $5,000, while in federal service as a scout.20

Soon after the Union abandonment of the Wichita Agency, Confederates moved in. They secured the services of Agent Leeper, an avowed secessionist and Texan who now
became employed by the Confederacy in efforts to induce the Comanche, Tonkawa, Waco, and other Indians to come and settle on the reserve at Fort Washita. As early as the winter of 1861, Robert Toombs, Secretary of State for the Confederacy, had proposed a resolution which was quickly submitted and passed in the Confederate Senate, authorizing President Jefferson Davis to appoint and send a special emissary to the Indian nations of Indian Territory. Albert Pike, the commissioner of Indian affairs in the new Confederate Bureau of Indian Affairs, was sent to negotiate treaties with the tribes west of Arkansas to keep them neutral and acquire their friendship for the Confederacy.

By the end of May, Pike, working with Agent Leeper, suggested that the Confederacy enlist the agency’s remaining Delaware, Kickapoo, and Shawnee Indians in a Confederate mounted battalion of three hundred fifty men; however, Pike and the much-despised Leeper were “playing a losing hand” since all three groups had long-standing grievances against Texans, now Confederates, and lived in mortal terror of their raids. Although the Delaware and Shawnee at the agency signed a treaty of amity with the Confederacy drawn up by Pike and presented to them on August 12, few were going to serve as volunteers in the rebel army and most Delaware collaborated with the Union throughout the war both in Indian Territory and in Kansas.

As early as September, 1861, Black Beaver’s name was evoked by Union officials seeking to win support from Tusaqueh, the Wichita chief, as well as other leaders in the southern part of Indian Territory. Union Indian agent E.H. Carruth invited the Wichita chief and/or his delegates to come to Kansas to meet with him: “Your friend Black Beaver will meet you here and we will drive the bad men who entered your company last spring. The Texans have killed the Wichitas: we will punish the Texans.” Moreover, throughout the war, both Confederate and Union dispatches indicate Black Beaver’s continuing role as a valuable Union scout.

The Delaware troops were also involved in one of the more controversial incidents of the Civil War, the sacking of the Wichita Agency on October 23 and 24, 1862. In Union reports, this episode was glowingly reported as a major Union victory, one that demonstrated Delaware “loyalty, daring and hardihood.” In Confederate reports, the attack was presented as nothing more than a vicious massacre of other Indians and Confederate Indian agency personnel, perpetrated by Indian marauders and deserters from the Union army. To the historian Annie Abel, it was “one of the bloodiest scenes ever enacted on the western plains” carried out by “good-for-nothing or vicious” Indians.

A Union cavalry of one hundred ninety-six men--one hundred Southern Kickapoo, seventy Delaware, and twenty-six Shawnee--left Fort Leavenworth in the first days of October, 1862, on a five-hundred mile expedition to the Wichita Agency. Supplying their own horses and provisions, they had one objective: exact retribution upon Confederate officials and Confederate-allied Indians at the Wichita Indian agency. Although each of these Indians had their own leadership, the overall Union command of the expedition fell to Captain Ben Simon, a Delaware. A Rocky Mountain fur trapper by profession, Simon had long experience as a guide and scout and had even been employed by Brigham Young and the Mormon community while working in the Great Basin. His leadership qualities were apparent since, as early as 1864, he was being referred to in Delaware Indian petitions as a “chief.”

Even before the attack, the Union force had employed scouts and spies who infiltrated
the Wichita Agency. Through the cooperation of Indian friends there, they were able to take the agency back largely by surprise in the late evening of October 23. In the attack, they allegedly killed Agent Leeper and four other Confederate Indian agency personnel; one Delaware was killed and one Shawnee was wounded. They then proceeded to take booty—the rebel flag, $1200 in Confederate money, one hundred ponies, and Confederate correspondence—original documents including Pike’s treaties with the nations of Indian Territory. Simon’s force then burned the agency building.

The next morning, the Union-allied Indians went after the Confederate-allied Tonkawa Indians at the agency. They relentlessly tracked them down and trapped them at noon in a blackjack thicket along the Washita River. Approximately half of the Tonkawa nation, between one hundred twenty-five and one hundred thirty-seven people, were killed, including the Tonkawa chief, Placido, twenty-three warriors, and over a hundred women and children. The better-armed Southern Kickapoo, Delaware, and Shawnee suffered twenty-seven casualties. The official Confederate report of the massacre indicated that the “excuse” for this bloodletting was that the Tonkawa had “sided with whites against the Indians some time ago in Texas.” The Confederate report was an accurate one. The Southern Kickapoo had a deep-seated hatred for these Indians. Tonkawa scouts for the Texans, longtime enemies of the Kickapoo, had reported their movements in 1859 and 1860. Besides the Tonkawa’s refusal to fight Texans, the Southern Kickapoo resented the “insolent behavior of the Wichita, Caddo and Tonkawa toward them” when the Kickapoos refused to sign a treaty of alliance with Pike and the Confederacy in August, 1861. Whether as comrades-in-arms or as witnesses to this massacre, the Delaware and Shawnee, nevertheless, must take some of the blame for this Kickapoo-led atrocity.

One of the more outstanding Delaware of the Civil War era was Captain Falleaf or Fall Leaf [Panipakuwxe or “he who walks when leaves fall”]. A former scout, he was a major force in the Delaware community in Kansas. Unlike Black Beaver and many of the Delaware leaders in Kansas who were Baptists or his friend Ben Simon who was a Mormon, Falleaf clung to the traditional Native American religion, the Delaware Big House. More than any other Delaware in the period, he articulated the complaints about “government chiefs” and about the Delaware’s precarious status. Falleaf was also responsible for raising Company D of the 2nd Kansas Indian Home Guard, a unit of Delaware who served in the Union army in 1862 during the first federal attempt to capture the Indian Territory.

As in Black Beaver’s case, Falleaf’s leadership skills were honed as a guide, interpreter, and trapper. In 1858, Falleaf had been employed as guide for seven companies of soldiers under the command of Colonel Edwin V. Sumner in their military expedition against the Cheyenne. The next year, he once again served as a guide, this time for three companies of soldiers under the command of Major John Sedgwick. A longtime associate of the famous explorer, John C. Fremont, who hired the Delaware for his major topographical surveys of the American West, Falleaf was instructed in the fall of 1861 by the “Great Pathfinder” to raise a company of Indians for the Union army and proceed on a special mission to Springfield, Missouri. The scout recruited fifty-four Delaware Indians and guided them from Sedalia to Springfield—without being spotted by Confederates.

Falleaf’s opposition to Delaware political leadership was manifest throughout the war. He and other Delaware of his faction
petitioned the Interior Department, insisting they “want to live as before.” He claimed that the “halfbreeds are ruining our people by making white man’s law in our nation.” Protesting the allotment and sale of Delaware lands under the treaties of 1860 and 1861, he urged that Washington officials allow his people to hold their “lands in common even if we move.”

Three weeks later, Falleaf’s faction once again petitioned: “We wish to live together as a Nation according to our former customs—we wish to have chiefs of our selection—men who will take care of the poor people—of the women and children and of the interests of the whole tribe.” He insisted: “We want men who can act for themselves—now when the ‘Braves’ ask the Chiefs ‘what did you do this for,’ they answer ‘Government forced us to do so.’”

After the Battle of Pea Ridge in early March, 1862, William Dole, Commissioner of Indian Affairs, recommended that the War Department detail two regiments of volunteers and two thousand loyal Indians from Kansas to go with thousands of impoverished refugee Indians back to their homes in Indian Territory. Within a week, Dole’s recommendation was accepted. Plans for this “Indian Expedition” were now placed in motion. On May 2, 1862, General James G. Blunt was placed in command of the Department of Kansas. Blunt endorsed the plan to use two Indian regiments as guerrillas in the expedition, sped up the organization as well as the departure date for their invasion, and chose Colonel William Weer of the 10th Kansas Infantry as commander.

The enrollment of the ten companies of the first regiment—the First Kansas Indian Home Guards—was rapidly filled with Creek and Seminole; however, the second regiment—Colonel John Ritchie’s Second Kansas Indian Home Guards—was delayed. Ritchie had gone south to recruit Osage, and internal bureaucratic feuding of local Indian office personnel retarded efforts at recruitment. Part of the problem was also that the Second Kansas Indian Home Guard was more heterogeneous in makeup, composed of Delaware, Kickapoo, Osage, Shawnee, Seneca, and members of some of the Five Civilized Tribes.

Falleaf’s Company D, Second Kansas Indian Home Guard, was an eighty-six-man mounted unit which employed their own steeds and which was a component of the Union Indian Brigade. With Falleaf’s help, Ritchie recruited the Indians at Big Creek and Five Mile Creek, Kansas in June, 1862. These enlisted men had interesting names, including Big Buffalo, Big Beaver, Young Bear, Black Horse, Broken Knife, Yellow Leaf, Big Moccasin, Moonshine, Johnny Raccoon, Little Shanghai, Bear Skin, Soldier, Black Stump, Jim Snake, Jim Smoke, Tea Nose, Black Wing, and Whippoorwill. The recruits ranged in age from 17 to 42, with the average being 28.5 years. None were killed or wounded in action, although eleven died of disease. Nine were listed as deserters in the unit’s regimental books.

Besides Falleaf, Delaware officers in the Second Kansas Indian Home Guard included Lieutenant John Moses, a political ally of Falleaf, and Jim Ned, a 45-year old Absentee Delaware who had been a leading scout in the Trans-Mississippi West. According to one description written by General Marcy, Ned was a “remarkable specimen of humanity,” a Delaware “united with a slight admixture of African. He had a Delaware wife and adopted the habits of that tribe, but at the same time he possessed all the social vivacity and garrulity of the negro [sic].” Ned was “exceedingly sensitive upon the subject of the African element in his composition, and resorted to a variety of expedients to conceal it from strangers....” Marcy claimed that he shaved “off his kinky locks” or covered his head “a la Turk.” The explorer also maintained that Ned
had spent much time among the “wild tribes of the Plains,” most notably the Comanches. He added that the Delaware scout was “one of the expert, daring and successful horse thieves among the southwestern tribes.” Black Beaver had a long-standing dislike of Ned which Marcy intimated was based in part on racial prejudice.42

By the time Ned received a commission in Company C of the Second Indian Home Guard, he had earned a reputation as a spy for the Union. In the late summer of 1861, he was undermining the authority of Agent Leeper and encouraging Indians to flee the Confederate-held Wichita Agency. He eventually left. Leeper, referring to him as an “unmitigated scoundrel,” indicated that Ned had “forfeited” his right to live at the agency and the protection which the Confederate States had guaranteed to him. In October, Leeper, as in Black Beaver’s case, ordered the [Confederate] military “to kill Ned should they find him.” In January, 1862, the Confederate Indian agent later explained the origins of his vendetta against Ned. To Leeper, Ned was a troublemaker who incited the Indians of the Wichita Agency, referring to him as an “evil-disposed” person, a tattler, and a tale bearer who instilled in the Indians a “high state of excitement and alarm.”43

The free spirit Delaware scout, a man who dared challenge the turncoat Indian agent, soon found himself persona non grata in Confederate Indian Territory. Leeper actually placed a contract out on Ned’s head. Later, in the war, Ned led expeditions into Indian Territory, quickly striking Confederate positions and stealing cattle, ponies, and mules, until he was ordered to cease his operations by federal officials.44

The First Federal Indian Expedition composed of Delaware and other Unionist Indians moved south at dawn on June 28. On July 3, Colonel Benjamin Weer’s two to three hundred Union troops surprised Colonel James J. Clarkson’s Confederate Missouri forces at Locust Grove. Clarkson and one hundred ten Confederates were captured, one hundred were killed, and sixty ammunition wagons and a large amount of provisions were seized. Moreover, some Confederate Indian soldiers, especially Cherokee, deserted, soon enlisting in Colonel Ritchie’s Second Kansas Indian Home Guards.45

In a two-pronged pursuit against Confederate forces led by the Sixth Kansas Cavalry, Captain H.S. Greene’s Union troops captured Tahlequah, the capital of the Cherokee Nation, on July 16; Colonel Lewis Jewell seized Fort Gibson on July 18. Although Falleaf’s official report is difficult to decipher because of his broken English, his company of Delaware apparently played a key role in the Union’s advance guard on Fort Gibson. Falleaf insisted: “we saw the enemy, the Chocktaw [sic] Indians, the halfbreed, we play Ball with them, 50 we laid on the ground, 60 we took prisoners, even the Chocktaw General, him I took myself alone, he was a big seresh, 100 union men he had killed, I brought him to the [Unionist] Cherokees, they killed him.”46

The Union expedition’s fortunes, however, soon changed. Weakened by internal bickering and poor leadership and exhausted by the heat and running low on salt and other supplies, the federal invasion ground to a halt at Fort Gibson. The result was that by the fall of 1862, the situation in Indian Territory was even more chaotic than before the First Federal Indian Expedition.

After this fiasco, the Second Indian Home Guard participated in Blunt’s Union campaign in Missouri and Arkansas. Attached to the Department of Kansas, they engaged the enemy at Shirley’s Ford, Spring River, Missouri on September 20. The regiment lost between twelve and twenty men and nine men were wounded. During and after the battle, Ritchie was unable to control his own men. For some
unknown reason, the Indians in the Second Kansas Indian Home Guard began fighting with other Union troops in Colonel Weer’s brigade. Later, Ritchie blamed the confusion on a “Bull Run retreat,” caused by a stampede of fifteen hundred women and children who had crowded into camp for protection. Ritchie was strongly reprimanded and “was reported upon for dismissal from service.”

Before his dismissal, Ritchie had given Falleaf a medical furlough to go home. When Falleaf left for Kansas, his men soon followed him. To these Delaware, war party leadership took precedence over any and all Union military regulations. The men were soon classified as deserters. For over a year after, Falleaf, aided by the Delaware Indian agent in Kansas, attempted to straighten out the mess. After being denied re-entry in the Second Kansas Indian Home Guards by General Blunt, many of his same men were later accepted for service in the Sixth and Fourteenth Kansas Cavalry.

Falleaf’s and the Delaware Nation’s involvement in the Civil War waned from late 1863 onward. In fact, he and the Delaware Nation as a whole by that time had more to worry about than fighting Confederates. Despite frequent promises by Sumner, Sedgwick, Fremont, and Ritchie about military bounty lands or other compensation for services, the Delaware, as late as December, 1863, insisted that they had not been paid. In eastern Kansas, Delaware had to contend with various pressures, including threats to their civilian population. At the end of 1863, Falleaf requested “about 200 guns, with powder and lead, so that we may be ready in case any danger arises at any time.”

Life for the Delaware in Kansas deteriorated during the war. Their lands which, prior to the conflict, were subject to the invasion of whites—traders, squatters, land speculators, and railroad officials—were now being affected by fifteen to seventeen thousand tribesmen fleeing Indian Territory, inadequate food supplies, a lack of clothing and shelter, and various epidemics—measles, mumps, diphtheria, pneumonia, and smallpox. The situation was further exacerbated by the actions of the infamous marauder William C. Quantrill. Quantrill, who used isolated Indian settlements for his hide-outs, often commandeered Delaware livestock and other supplies. According to one account, White Turkey, a Delaware scout and trapper, pursued Quantrill after his famous raid on Lawrence in August, 1863, picking off some of the border ruffian’s men and bringing back their scalps.

Writing in September, 1863, John G. Pratt, the Indian agent of the Central Superintendency, described the Delaware’s plight as follows: “The Delawares are affected by the unsettled condition of the country. Many of them are in the army. Their families are consequently left without male assistance. The large children are withdrawn to labor at home.” In the same year, one hundred twenty-four Delaware filed for compensation for property damage totaling $17,588.25—stolen cattle, horses, hogs, and hay—that were allegedly taken by white men.

The Delaware’s continued residence in Kansas became even more unsettled by 1864. By the summer of that year, a full-scale “Indian scare” soon spread through every white community in Kansas. Kiowa and Comanche began raiding Kansas along the Santa Fe Trail, while Cheyenne and Arapaho attacked from the north. These raids, mostly on stagecoaches and horse stations, crippled their operations well into 1865 and sent panic throughout the Sunflower State.

It is little wonder that the young Delaware men in the Sixth Kansas Cavalry, many of whom had earlier served with Captain Falleaf in the Second Kansas Indian Home
Guard during the First Federal Indian Expedition, deserted in droves in the last year of the war. Serving the white man and the strategy of Delaware accommodation just went so far. Protecting one’s home and family took precedence over hunting down the elusive Stand Watie, whose raids intensified by 1864.

The Delaware were also faced with a political establishment in eastern Kansas and Washington intent on removing them from the state as fast as possible. The war had delayed this overall plan. By the end of the conflict, Interior Department officials advocated their immediate removal.57

Long before Washington officials finalized these plans, the Delaware themselves came to the same conclusion, namely that their days in Kansas were numbered and they once again had to uproot themselves in order to survive. By the spring of 1864, different groups of Delaware requested meetings with the “Great Father” in Washington about the possibilities of purchase and resettlement of lands in Indian Territory, the Great Basin, or even in the Rockies.58 Discussions also centered on the possibility of the Delaware moving to the Cherokee Nation in the northeastern part of Indian Territory.59

On July 4, 1866, the Delaware council, led by many of the same families who profited by signing the earlier three treaties, sold all their nation’s remaining property in Kansas. The cozy relationship between “government chiefs,” Kansas politicians and traders, railroad officials—now the Union Pacific Eastern Division and the Missouri River Railroad—and Washington policymakers and bureaucrats sealed the deal. Included in the profiteering were the Delaware’s so-called “friend,” General John C. Fremont, now a railroad magnate, and J.P. Usher, former Commissioner of Indian Affairs. The federal government agreed to pay the Delaware $2.50 an acre on behalf of the railroads. On April 8, 1867, the Delaware and Cherokee consummated an agreement in Washington, D.C. The Cherokee agreed to sell the Delaware a quantity of land east of the line of ninety-six degrees west longitude, equal in aggregate to one hundred sixty acres for every individual Delaware enrolled upon a register made by the Indian agent of those Indians who elected to be removed to “Indian country.” Under the agreement, the Delaware paid $1 per acre for a total of 157,600 acres. They also paid the Cherokee $121,824.28 for the “privilege” of becoming full citizens of the Cherokee Nation with the same rights and immunities as native Cherokee. Nine hundred eighty-five Delaware “registered” on this enrollment list and left Kansas between 1867 and 1869 to live in the Cherokee Nation in Indian Territory.60

Fallleaf and Ben Simon followed some of their Delaware political opponents into what is presently northeastern Oklahoma. Despite being “registered,” Fallleaf clung tightly to his conservative values, dancing on the Big House floor, the “Beautiful White Path” of stars (Milky Way), the high road traveled by spirits. Black Beaver lived his remaining years at Anadarko as an Absentee Delaware, surrounded by Caddo in southwestern Indian Territory. In 1872, Black Beaver was the Absentee Delaware representative in an Indian delegation to Washington. He continued to play the role of the “good Indian.” Visiting the Kiowa-Comanche Agency in 1874, he begged these southern Plains Indians “to stop raiding, to send their children to school, to settle down and do as their friends the Quakers wished them to do.” The former rugged mountain man died in 1880, shortly after he had become a Baptist minister.61

Although not on their terms, the Delaware in the Trans-Mississippi West had finally found a home, or more precisely, two homes hundreds of miles apart in Indian Territory. By playing the “good Indian,” a
familiar strategy to the Delaware and one that was not invented in 1861, they had finally "achieved" some permanence and an end to their "continental drift." Their Civil War warriors—Black Beaver, Jim Ned, Falleaf, and Ben Simon—did not heroically resist the white man by fighting the expansion of the United States as did their neighbors, the Plains Indians, in the 1860s and 1870s; nevertheless, these Delaware scouts were savvy and exceptional individuals. While playing the "white man's Indian," they gained knowledge about the larger world of North America from their extensive travels. They saw American power time and time again from the Second Seminole War to the Mexican War. Each understood that Delaware military resistance was futile. Without question, this was their contribution to Delaware cultural persistence and survival.

Notes


II. Delaware Petition to President James Buchanan, Oct. 26, 1858, OIA, LR, Delaware Agency, M234, MR275, RG75, NA. See also Joseph Killbuck, Frederick Samuel, et al. to James Buchanan, Feb. 12, 1858; Alson C. Davis to Major B.F. Robinson, Dec. 6, 1858; Davis to Jacob Thompson, Dec. 10, 1858, OIA, LR, Delaware Agency, M234, MR275, RG75, NA.


26. OR, Ser. IV, 2:2, pp. 352-357.
29. According to Frank Johnson, the Delaware’s Indian Agent, Ben Simon was a “loyal and true friend of the government,” even though Johnson feared his being “controlled by Mormon influence.” Frank Johnson to William P. Dole, March 7, 1863, OIA, LR, Delaware Agency, M234, MR276, RG75, NA. For more on Simon, see Frank Johnson to Commissioner Dole, March 7, 1863; Ben Simon et al. to the Department of the Interior, Feb. 3, 20, 1864; Simon et al. to Commissioner Dole, May 9, 1864, OIA, LR, Delaware Agency, M234, MR276, NA.
30. See, for example, Moses et al. to Secretary of the Interior, Feb. 3, 1864, OIA, LR, Delaware Agency, M234, MR276, RG75, NA.
32. OR, Ser. IV, 2:2, p. 355.
34. Fall Leaf to Commissioner of Indian Affairs, Dec. 4, 1863; Falleaf et al. to Commissioner of Indian Affairs, Aug. 24, 1863; Falleaf et al. to William P. Dole, Sept. 15, 1863; John Moses et al. to Secretary of the Interior, Feb. 3, 1864; Ben Simon, Captain Fall Leave [sic] et al. to Commissioner Dole, May 9, 1864; Capt. Fall Leaf to Indian Commissioner, May 10, 1864, OIA, LR, Delaware Agency, M234, MR276, RG75, NA. For Falleaf and his family’s conservatism, see Weslager, The Delaware Indians, pp. 417-418, 418 (photograph, 442-443, 449 (photograph).
36. Fall Leaf et al. to Commissioner of Indian Affairs, Aug. 24, 1863.
40. Muster Rolls, Co. D, Second Kansas Indian Home Guards, Records of the AGO, RG94, NA.
41. Moses wrote the Secretary of the Interior: Captain Falleaf “has the confidence of all.” John Moses et al. to Secretary of the Interior, Feb. 3, 1864, OIA, LR, Delaware Agency, M234, MR276, NA. Jim Ned, Compiled Military Service Record, CW, Records of the AGO, RG94, NA.
42. Marcy, Thirty Years of Army Life on the Border, pp. 69-71.
44. Abel, The American Indian in the Civil War, 1862-1865, pp. 273-274 n 785.

46. Fall Leaf [sic] to Commissioner of Indian Affairs, Dec. 4, 1863.


48. Abel, *The American Indian in the Civil War, 1862-1865*, p. 197

49. Fall Leaf [sic] to Commissioner of Indian Affairs, Dec. 4, 1863; Frank Johnson to Commissioner of Indian Affairs, Sept. 20, 1863, OIA, Delaware Agency, M234, MR276, NA; Muster Roll of Co. M, 6th Kansas Cavalry, Records of the AGO, RG94, NA.

50. Fall Leaf to Commissioner of Indian Affairs, Dec. 4, 1863.


56. Muster Rolls, Regimental Books, M Company, 6th Kansas Cavalry, Records of the AGO, RG94, NA.


58. John Connor to William Dole, Feb. 9, April 15, 1864; Captain Sarcoxie, Robert J.E. Journeycake to Dole, May 10, 1864; Captain Falleaf to Indian Commissioner, May 10, 1864; Ben Simon, Captain Fall Leave [sic] to Commissioner Dole, May 9, 1864, OIA, LR, Delaware Agency, M234, MR276, RG75, NA.

59. Every annual report of the Commissioner of Indian Affairs from 1860 to 1865 had recommended the removal of the Delaware and the other Indians from Kansas. For negotiations with the Cherokee, see John Ross et al. to William P. Dole, May 25, 1864; Ross et al. to James Steele, June 8, 184, in Gary E. Moulton, Ed., *The Papers of Chief John Ross* (Norman, Okla.: University of Oklahoma Press, 1985), II, 580, 585-588.


The Battle of Pea Ridge

Doug Keller
Pea Ridge National Military Park

One of the largest and most decisive Civil War battles west of the Mississippi River was fought March 7 and 8, 1862 in northwest Arkansas. When it was over, more than 3,000 soldiers had been killed, wounded or captured and the military initiative in the region had swung dramatically in favor of the Union. It is known as the Battle of Pea Ridge, and it brought great changes to the Civil War in Missouri, Arkansas, and along the Mississippi River.

The Battle of Pea Ridge marked the end of a campaign that began Christmas Day, 1861, with the appointment of Brigadier General Samuel Ryan Curtis to command the Federal Southwestern District of Missouri. Curtis’ immediate objective was to destroy or drive Confederate and pro-Confederate forces out of Missouri. On February 10, he launched his 10,500 man army toward his main opponent, Major General Sterling Price and the 5,000 Missouri State Guardsmen wintering at Springfield.

Price retreated into the Boston Mountains south of Fayetteville, Arkansas and joined forces with Brigadier General Ben McCulloch’s Confederates. There, Major General Earl Van Dorn took command of this combined 16,000 man force and on March 4 headed northward, intending to strike into Missouri and capture St. Louis. But dug in across his path on the bluffs overlooking Little Sugar Creek, was Curtis’ Union Army of the Southwest.

General Van Dorn realized he would suffer too many casualties if he assaulted the Union army head on. “I had ascertained that by making a detour of eight miles I could reach...the rear of the enemy...”, he later wrote. Van Dorn’s plan was to secretly march his force along the Bentonville Detour north of the Federal earthworks on Little Sugar Creek. Van Dorn hoped to reach the Federal rear on Telegraph Road near Elkhorn Tavern. With his army astride Telegraph Road, Van Dorn could cut the Union army’s supply line based in Rolla, Missouri, nearly 200 miles away.

At 8 p.m. on March 6, the Confederates began their night march from Camp Stephens, four miles west of the Union army. The march was halted twice to remove timber barricades placed by Union soldiers to block the road. About 8 a.m. March 7, Generals Van Dorn and Price with 5,000 Missouri State Guardsmen reached Telegraph Road and turned south toward the rear of the Union army.

Many Confederates were exhausted from marching rapidly in bitterly cold temperatures with little to eat. A narrow bridge of rails provided the only way for thousands of infantrymen to cross the icy waters of Little Sugar Creek, causing General McCulloch’s division to fall behind. Major Lawrence S. Ross of the 6th Texas Cavalry recalled: “Every half mile I saw the Infantry...asleep, and overcome with hunger and fatigue,...unable to reach the battlefield.”

McCulloch’s troops fell so far behind that Van Dorn decided to temporarily divide his army. McCulloch was ordered to retrace his steps around the west end of Pea Ridge Mountain, then turn east on Ford Road to rejoin Van Dorn near Elkhorn Tavern. These delays
gave Curtis time to turn the Union army around and prepare to fight.

After sunrise on March 7, General Curtis first received reports of Confederate activity behind him. Curtis assembled his division commanders for a meeting at his headquarters near Pratt’s Store. Some of the officers suggested the army should retreat to Missouri. Others wanted to stand and fight. Curtis did not know how many Confederates were behind him. He suspected that they were only a diversionary force, designed to lure troops away from Little Sugar Creek, scattering the Union army and paving the way for a massive Confederate attack at Little Sugar Creek. Curtis first ordered Colonel Peter J. Osterhaus to lead a mixed force of infantry, cavalry and artillery to locate and attack the Confederates reported to be on the Bentonville Detour. Curtis also ordered Colonel Eugene A. Carr to march his 4th division from Little Sugar Creek to engage the Confederates reported north of Elkhorn Tavern. The bulk of the Union army remained at Little Sugar Creek.

Curtis’s decision to fight broke the gridlock among his officers. It was a decisive move that meant two battles would be fought at the same time: one near Leetown, and one near Elkhorn Tavern. Throughout the day, Curtis used the narrow, winding dirt roads to turn his army completely around to face north instead of south, a tactical achievement never repeated on any Civil War battlefield.

About 11:00 a.m., Colonel Osterhaus’ force marched north through Leetown, a small hamlet populated by local farm families. During the battle, the wounded of both sides were brought to Leetown where buildings served as hospitals. When buildings overflowed with casualties, tents were erected.

The Battle of Leetown began about noon on March 7, one mile north of Leetown. As McCulloch advanced along Ford Road, Osterhaus ordered Colonel Cyrus Bussey’s cavalry and artillery to attack the Confederate column. The Union force of 500 was no match for the 6,000 men in McCulloch’s division. The federal cavalry withdrew to timber on the south side of Samuel Oberson’s cornfield. By this time, Colonel Osterhaus had deployed the main Union force.

While gathering information about the strength and deployment of the Union force, McCulloch was killed by skirmishers from the 36th Illinois Infantry. Brigadier General James McIntosh immediately assumed command of the division. He was killed soon after by a Union volley while personally leading the Second Arkansas Mounted Rifles. The results were chaos and confusion for the Confederates. Confederate movements after the death of these two officers reflected a leaderless, uncoordinated attack that had little chance for success.

Shortly before his death, McCulloch ordered Colonel Louis Hebert to strike the Federals deployed in Oberson’s cornfield. Hebert, unaware of the deaths of McCulloch and McIntosh, launched his assault with four infantry regiments, about 2,000 men, through Morgan’s woods angling southwest to Oberson’s field. Passing the 3rd Louisiana Regiment which he had formerly commanded, Hebert shouted “I will not leave you, my men, this day.” Hebert was captured later that afternoon. The remaining 4,000 men and 18 cannons in McCulloch’s division remained idle a half mile northwest, awaiting orders that would never come.

About 2:00 p.m. Union Colonel Jefferson C. Davis’ Third Division arrived to support Osterhaus. Davis deployed his 1,400 men to the right in Elizabeth Morgan’s woods to resist Hebert’s attack. After bitter fighting, Osterhaus and Davis forced the Confederates to withdraw northward through Morgan’s woods.

The Confederate retreat ended the
fighting at Leetown leaving the smaller Union force in command of the field. McCulloch’s fragmented division left in disarray. Some regiments returned to the supply wagons at Camp Stephens, other units marched east on Bentonville Detour to rejoin Van Dorn at Elkhorn Tavern.

The Union victory at Leetown contributed significantly to the outcome of the battle. It prevented Van Dorn from reuniting his army, wrested the initiative away from the Confederates, killed two Confederate division commanders and shattered the combat effectiveness of half the Confederate army.

While Union forces confronted McCulloch’s division near Leetown, Van Dorn opposed Union Colonel Eugene A. Carr’s 4th division near Elkhorn Tavern. About 8:00 a.m. on March 7, General Van Dorn’s main force reached Telegraph Road, thus controlling the Union supply and retreat line to Missouri.

But the Confederate army was falling apart. McCulloch’s division was still six miles away on the Bentonville Detour. Many Confederates were exhausted from lack of food, and exposure to bitterly cold temperatures on the night march. Facing these setbacks, Van Dorn unexpectedly found stiff Union resistance 3/4 mile north of Elkhorn Tavern. Though badly outnumbered, soldiers from the Union 24th Missouri Infantry marched north from their camp near Elkhorn Tavern to engage the Confederates.

Arriving at Elkhorn Tavern around 10:30 a.m. Colonel Eugene Asa Carr deployed Captain Junius A. Jones’ 1st Iowa Artillery on Telegraph Road north of the tavern, and Colonel Grenville Dodge’s brigade along Huntsville Road to the right. This gave Union forces control of the Telegraph Road/Huntsville Road intersection, allowing them to quickly move left or right and kept open communications with Union Army Headquarters at Pratt’s Store.

Jones’ three cannon were pounded by 21 Confederate cannons 300 yards to the front. Sam Black, a member of the 1st Iowa Battery said: “I believe every man at the guns had made up his mind to die there, for it did not seem possible any of us could get out alive.” Three Union ammunition chests were exploded by Confederate shells, and a fourth was lost when a team of terrified horses stampeded into the bottom of the ravine to the left. Several Iowa gunners were killed and wounded before the battery was relieved by the arrival of Colonel Vandever’s brigade and the 3rd Iowa Artillery at 12:30 p.m.

Caught off guard by determined Union resistance, Van Dorn halted his dash to battle. The Confederates spent the next several hours deploying infantry and artillery, trying to claw their way up the steep forested slopes.

The Confederates were caught in rugged, heavily wooded terrain that made it difficult to move large numbers of troops and artillery. Van Dorn believed if he could hold the Union force in front of him, that McCulloch’s troops would move east along Ford Road and either smash the Union forces near Elkhorn Tavern, or force them to retreat.

About 3:00 p.m., Van Dorn learned that McCulloch’s division was fighting near Leetown, and that McCulloch and McIntosh had been killed. Van Dorn now realized that any victory he could achieve must be won at Elkhorn Tavern. It took another hour for the Confederates to deploy for their attack, and the sun was getting low as the southern battlelines forced their way through the woods.

Union forces fought desperately for a few short minutes against more than twice their number. In a classic illustration of why the Civil War is sometimes called “The Brother’s War”, Union and Confederate Missourians struggled bitterly for control of the ground near Elkhorn Tavern. The Confederates rolled up the
Union line from left to right and pushed the survivors south along Telegraph Road toward Pratt’s Store.

While the fight raged near Elkhorn Tavern, Carr’s other brigade under Colonel Grenville M. Dodge opposed General Sterling Price and the Missouri State Guard one half mile east on the Clemon’s farm.

As part of his late afternoon offensive, Van Dorn ordered Price to maneuver around the Union right flank. Dodge responded by moving to the lane bordering the western edge of Rufus Clemon’s cornfield. Union soldiers used fallen timber and fence rails to form a crude breastwork. Behind this makeshift cover, Dodge’s troops endured a severe artillery bombardment and repulsed several infantry assaults.

About 5:30 p.m. Dodge learned that Union troops behind him at Elkhorn Tavern were retreating. In danger of being captured en masse, the now wounded Dodge calmly marched into the woods to his rear. Dense clouds of gunpowder smoke helped conceal the retreating Federals who joined the remainder of the 4th Division along the south edge of Samuel Ruddick’s cornfield.

The Confederates were almost as exhausted and disorganized by their victory as the Federals were by their defeat. In a race against twilight, the Confederates launched one final assault across Ruddick’s cornfield in a desperate attempt to break the Union line and overrun the Union supply train and headquarters at Pratt’s Store. The Union line held, and darkness ended the fighting. Never again would Confederate forces come so close to a decisive victory west of the Mississippi River.

Although he was defeated, Carr’s defense of the area near Elkhorn Tavern shaped the rest of the battle by spoiling Van Dorn’s plan to deploy his forces in the open ground south of the tavern, and kept the Confederates at bay in the rugged forested area north of the tavern. Like Osterhaus at Leetown, Carr had upset the plans of the larger Confederate force, partially wrested the initiative away from Van Dorn, and bought time for General Curtis to turn the Union army around and carry the fight to Van Dorn.

Elkhorn Tavern bustled with activity the night of March 7. Confederate surgeons established a field hospital inside. When the tavern became full, wounded men were placed on the front porch, then on the ground outside.

In the barn south of the tavern Confederate soldiers discovered a stockpile of food abandoned by Union troops. The famished southerners feasted on canned lobster, oysters, sardines, pickles, cheese, crackers, wine and cigars.

General Van Dorn established army headquarters in front of Elkhorn Tavern. He made feeble attempts to direct the movement of McCulloch’s shattered division, and no attempt at all to prepare to renew the fight the next day. No one thought to distribute ammunition, or even locate the army’s supply train. Meanwhile, Colonel Martin E. Green, who was in charge of the army’s supply train, waited at Camp Stephens, six hours away, for orders to advance.

During the night of March 7, Union and Confederate survivors from Leetown marched east to rejoin their respective armies for another day’s fighting. General Curtis was determined to break Van Dorn’s grip on Telegraph Road. On the morning of March 8, Union artillery pounded the Confederate lines, drove Confederate artillery off the field and forced Confederate infantry deep into the woods. This made it easier for Union infantry to advance across the open ground to breakup and disperse the Confederate rear guard.

Meanwhile, Van Dorn learned that his supply train was still at Camp Stephens. By this
time, the Union artillery bombardment was at its peak, and the Union army was advancing. Although Van Dorn ordered his army to retreat east along Huntsville Road, some units did not get the order or became confused and drifted north along Telegraph Road. Mistakenly believing the Confederates were headed north to Missouri, Union forces pursued them along Telegraph Road, allowing most of the Confederate army to escape. By noon, the attacking Federals had captured all the ground they had lost the previous day, and chased the Confederate rear guard off the battlefield.

The Battle of Pea Ridge was a decisive Union victory that shaped the course of the Civil War. It prevented a Confederate invasion of Missouri. Had Van Dorn occupied Missouri, thousands of Union troops and supplies would have to have been moved to that state. This would have slowed the Union war effort. As it was, Union troops and resources were concentrated for campaigns farther east and south, improving the chances of complete Union victory. No other battle west of the Mississippi produced such far reaching results.

One month after the battle, General Van Dorn transferred his army to Corinth, Mississippi. Pea Ridge was the best chance the Confederacy had to win a decisive victory in this theater. Though other Union and Confederate forces clashed hundreds of times throughout Arkansas, the Confederate hold in the region was permanently broken at Pea Ridge.

Today, the National Park Service preserves the battlefield as a commemorative landscape to the memory of all who fought here. Few modern intrusions spoil the historic scene. Fields, woods, hills and roads look substantially as they did during the Civil War. So pristine is the landscape that battle veterans would instantly recognize where they had fought. In this setting, with a little imagination, a visitor might for one fleeting moment see as one Union soldier did: [the] “banners streaming, with drums beating, and our long line of blue coats advancing upon the double quick, with their deadly bayonets gleaming in the sunlight, and every man and officer yelling at the top of his lungs.”
Following the decisive Union victory at Pea Ridge, Arkansas in March, 1862, the defeated Confederate Army was transferred almost intact to Mississippi, leaving Arkansas practically defenseless. Exploiting this situation, General Samuel R. Curtis marched into northern Arkansas capturing Batesville with the intent of driving on to Little Rock. Under these conditions, Governor Henry M. Rector and the Arkansas Congressional delegation accused the Confederate government of abandoning the state. Governor Rector suggested that the southern states west of the Mississippi might secede from the Confederacy if nothing was done. President Jefferson Davis referred the matter to General Earl Van Dorn who still commanded the forces in Arkansas from his base in Mississippi. After consulting with his superior, General P.G.T. Beauregard, they decided to send an active and energetic officer to the state to organize its defense. The man chosen was Thomas Carmichael Hindman.

A Mexican War veteran, Hindman settled at Helena, Arkansas where he practiced law and served as a congressman before the war. An ardent secessionist, he raised his own regiment once Arkansas joined the Confederacy and soon rose to the rank of Brigadier General, commanding a brigade at the Battle of Shiloh, Tennessee. There, he gained recognition as an effective officer and aggressive fighter after having three horses shot out from under him. General W.J. Hardee reported, “The conduct of General Hindman upon the field was marked by a courage which animated his soldiers and a skill which won their confidence.” Such a man was needed in Arkansas.

Receiving his orders on May 26, 1862, Hindman proceeded to Memphis, Tennessee where he impressed a million dollars in Confederate currency from the banks and took all the firearms he could find. He confiscated more supplies at Helena before going on to Little Rock where he officially took command on May 30, proclaiming he would “drive out the invader or perish.”

What Hindman did in the next several months bordered on the miraculous, but it also made him unpopular. He enforced the conscript act by drafting almost every able-bodied man without exception. He declared martial law, fixed prices, and destroyed cotton which might fall into enemy hands. He angered Confederate officials by halting the flow of troops and raw materials from the Trans-Mississippi to the east. Similarly, he seized supplies headed west to the Indian Nations for his own use. On the positive side, Hindman formed and equipped an army and established factories which served Arkansas’ military efforts throughout the war. Finally, he ended the immediate threat to Little Rock by convincing General Curtis that a strong Confederate force faced him. This was done with propaganda and attacks on the Federal supply line which was long and vulnerable. When a Federal fleet on the White River failed to link up and bring supplies to his weary army, Curtis turned away from the capital city and occupied Helena by early July, 1862.

Meanwhile, another Union threat emerged when Federal troops set out from Baxter Springs, Kansas on June 28 to invade the
Indian Nations. This force included several Kansas regiments along with the men of the First and Second Indian Home Guard who came from the Creek, Seminole, Sac, and Osage tribes. The Indian Expedition faced little opposition except from the heat and the lack of good water and forage. A skirmish at Locust Grove on July 3 with Confederate Indians resulted in a southern retreat in confusion inspiring many Native Americans to join the Union Army. Three hundred Cherokee recruits joined the Second Indian Home Guard, while additional Cherokees formed the Third Indian Home Guard.

Despite this success in recruiting, the Indian Expedition disintegrated when Colonel Frederick Salomon arrested Colonel William Weer on July 19 and ordered the withdrawal of all white troops to Kansas, leaving the Union Indian Brigade to protect the region north of the Arkansas River. When supplies ran dangerously low, the Union Indian Brigade withdrew into Kansas, ending the Indian Expedition of 1862.

While Union threats diminished, Hindman found himself replaced as Department Commander by General Theophilus H. Holmes on July 30. A North Carolinian and West Point graduate, Holmes was in poor health, almost deaf, and senile in appearance. Ineffective at best, Holmes allowed Hindman to continue organizing his army in northwest Arkansas where there was a large population, abundant food crops, and a network of roads leading to Missouri. This activity forced the Union Army to realize the war west of the Mississippi could not be ignored.

The Federal answer to Hindman’s army was the concentration of Union troops in Kansas and Missouri into the Army of the Frontier under the command of General John M. Schofield, a native New Yorker and West Point graduate. This new army contained three divisions with about 10,000 men from Kansas, Missouri, Illinois, Iowa, Indiana, Ohio, Wisconsin, Arkansas, and the Indian Nations. Schofield concentrated his forces at Springfield, Missouri before boldly marching south into Arkansas. While most of the Confederate Army moved south, General Douglas Cooper’s Texas and Indian troops moved westward. Schofield sent General James G. Blunt’s Kansas Division after Cooper’s rebels without hopes of engaging them. At daylight, October 22, Blunt caught up with Cooper west of Maysville, Arkansas at the Old Fort Wayne in Indian Territory. Unaware of the Union pursuit, the Confederate forces were completely surprised and quickly routed with the loss of two cannons and their wagon train. As General Blunt reported, “They are now fleeing in disorder in the direction of Fort Smith.”

Hindman returned from Little Rock to discover the loss of southern Missouri as well as the rich food producing lands of northwest Arkansas. After court martia ling several officers, Hindman reassembled his army at Mazzard Prairie south of Fort Smith. Winter weather seemed to end active campaigning for the year with Schofield moving back to Springfield with two divisions of the army, leaving Blunt’s Kansas Division at Lindsey’s Prairie near Maysville. In late November, Hindman sent General John S. Marmaduke’s cavalry on a reconnaissance in force across the Boston Mountains. The Confederate horsemen reached Cane Hill, Arkansas on November 26 and began gathering forage and food from the mills in the area. Learning of the position of the Confederate cavalry, Blunt moved quickly to attack the southern force.

The Battle of Cane Hill began early on November 28 when advanced elements of the Union Army were attacked by Colonel Jo Shelby’s Brigade and forced to withdraw. General Blunt rallied his men and moved his
entire command forward against the southern position. Outnumbered, the Confederates used the mountainous terrain by falling back from one strong defensive position to another, forcing the Federals to attack or outflank the rebels over rugged terrain. Darkness ended the running battle which covered about twelve miles of ground. Casualties were light on both sides, but Blunt’s Kansas Division prevailed with the Confederate cavalry retreating southward during the night.

While Marmaduke and Blunt clashed at Cane Hill, General Hindman prepared his army of about 11,000 men with 22 cannons for battle. Although he only had enough ammunition for twelve hours of fighting, Hindman decided to strike Blunt’s 5,000 men at their exposed position at Cane Hill. The southern soldiers crossed the Arkansas River at Van Buren on December 2, marching north past Oliver’s store through the Cove Creek valley. The Confederate infantry reached the John-Morrow farm on December 6 and promptly drove Blunt’s pickets from Reed’s Mountain. That evening, Hindman was meeting with his officers in the Morrow House when word arrived that Union reinforcements were at Fayetteville, less than twenty miles away.

While General Blunt refused to fall back from Cane Hill, he learned of the Confederate advance from scouts and telegraphed for help on December 2. With Generals Schofield and Totten in St. Louis, the commanding officer at Springfield was young General Francis J. Herron. An Iowa banker before the war, Herron served as a captain in the 1st Iowa at the Battle of Wilson’s Creek. Surviving that disaster, Herron advanced to the rank of Lieutenant Colonel of the 9th Iowa and showed extraordinary heroism at the Battle of Pea Ridge where he was wounded and captured. His actions earned him a promotion to the rank of Brigadier General at the age of 25. Eventually, he received a Congressional Medal of Honor as well.

When Blunt’s appeal for help arrived, General Herron took immediate action by placing the two divisions under his command on the march. They would have to cover about 112 miles in four days in order to hopefully reach Blunt on time. An unknown member of the 19th Iowa Infantry recorded his march in his diary, stating:

Camp at Crane Creek and Cassville, Missouri, Dec. 3&4, 1862-Orders were received at 10 a.m....to be ready for a march at 12 o’clock. No further instruction being given, we got up a hasty dinner and with empty haversacks and our knapsacks strapped to our backs were ready for anything...Well, we were fully harnessed with a full load and called into line, but for some reason, did not start until 3 p.m. so we were pretty well tired out before we began our march and I was about to give out when dark came and so with two or three others we camped on our own account by a big warm fire.----The 20th Wisconsin were in the lead today, the 19th bringing up the rear....forgetting we had no supper or that we had nothing with us, we pushed on to Crane Creek...after passing one of the most fatiguing days of...marching...and almost entirely given out, arrived in camp at Cassville swearing I would make a pack horse of my back no longer....And our boys
are laying along the roadside every mile between this point and Springfield entirely disheartened, completely exhausted, can go no further. About half of the regiment have concluded to remain here but Colonel McFarland has promised transportation for the knapsacks. Marched the 3rd and 4th-47 miles.

Camp 3 miles southwest of Elk Horn, Arkansas, December 5th, 1862-got along very well having no incumbrance attached to our backs, but it is a forced march, which means forcing a man to the uttermost he can bear not only by way of distance, but by famishing us. Not even allowing us time to cook the sparse rations we are furnished. We crossed the line into Arkansas at 10 minutes before 2 p.m. We have had a long march today and many of my company are so sore and stiff and their feet so severely blistered that they can scarcely walk...our march today, 26 miles.

Camp at Robinson Roads, Benton County, Arkansas, December 6th, 1862-We left our camp at 6 a.m. We take the lead today. At noon we halted...after a rest of half an hour we were ordered on and soon after passed Mud Town...At 4 o’clock we halted at this place, a fine little valley, some fine farms, several nice dwellings, and a nice large meeting house, and everything seemed to present itself to make glad the heart of a soldier-chickens, geese, hogs, and sheep were all around and our boys went in on their muscle...At 6 o’clock we are off again. Arrived at Fayetteville at 12 o’clock [midnight]. Lay down to rest after a march of 29 miles.

The Second and Third Divisions of the Army of the Frontier still had another sixteen miles to go to reach Cane Hill.

Herron’s arrival at Fayetteville placed the Confederate Army between the two Union forces. Hindman’s original plan called for the Confederates to demonstrate in front of Reed’s Mountain while the main force marched north and turned Blunt’s left flank. Such action now would probably find Herron’s Federals falling upon the Confederate rear. Thus new plans were made. The Confederate high command decided to demonstrate from Reed’s Mountain with the main body still marching north, but instead of turning on Blunt, they would hit the footsore Union reinforcements first. After defeating Herron, the southern army would turn on Blunt and destroy him as well.

Colonel James C. Monroe’s and Colonel Charles A. Carroll’s Arkansas Cavalry regiments were assigned the task of keeping Blunt occupied from Reed’s Mountain. Their men were to ride all along the mountain side building campfires to make Blunt think he faced 25,000 or even 30,000 men. At dawn, they would skirmish with Blunt’s Federals and keep them tied down as long as possible. The main body of the Confederate Army would march north before sunup. Missouri infantryman Captain Ethan Pinnell recorded in his diary: “Breakfasted at 2 a.m. on half rations of beef without salt; replenished our camp fires and moved back to Morrow’s from which place the
whole force marched at 4 a.m. on the Fayetteville road—the morning very dark, and wretched cold, we gained the summit of the Boston Range about day break."

Private Dan Thomas of the 34th Arkansas Infantry provided a more pleasant description in a letter to his wife after the battle, stating: "Oh! Sallie was not the 7th of December one of the most beautiful days you ever saw. You have no idea what my thoughts were on that day. We started down Boston mountain just at daylight, clear, cold, and frosty. Sunrise was beautiful to behold, the sun’s rays shined through the tree tops with uncommon refulgence."

Just before dawn, two regiments of Union cavalry, the 1st Arkansas (U.S.) And the Seventh Missouri, on their way from Herron’s army to join Blunt at Cane Hill, stopped to water their horses at a creek about a mile south of the Prairie Grove Church. In the gray dawn, they saw what appeared to be a company of Union cavalry riding up the Cove Creek Road toward them. Unfortunately, the approaching riders were William Quantrill’s Missouri guerrillas dressed in captured Union uniforms under the command of Lieutenant William Gregg who were leading the advance of Marmaduke’s cavalry. The partisans pounced on the unsuspecting Union horsemen, sending them scurrying in all directions. The remaining Confederate cavalry soon joined the fray and chased the routed Federals north.

The Union troopers were hard pressed as they went past the Prairie Grove Church and up the Fayetteville-Cane Hill Road. Skirmishing continued as they splashed across the Illinois River. Finally the Federal cavalry reached the safety of Herron’s advancing infantry near Walnut Grove. Although at least one trooper found out they were not safe when, according to General Herron: "It was with the very greatest difficulty that we got them [the cavalry] checked, and prevented a general stampede of the battery horses; but after some hard talking, and my finally shooting one cowardly whelp off his horse, they halted.”

James M. Watson of the 1st Texas Partisan Rangers wrote to his father afterwards: "The cavalry fight came off in the morning. It was a grand thing. We took 32 wagons all loaded, tents and provisions, 3 pieces of cannon, and 200 prisoners.” Meanwhile, Marmaduke’s horsemen continued to hinder the Union advance near Walnut Grove, allowing the Confederate infantry and artillery to take position on the Prairie Grove ridge. Finally, the southern cavalry fell back to the ridge taking a position on the right flank.

Herron’s Federals advanced to the Illinois River where, according to Herron: “I crossed the creek with one of my staff to reconnoiter...and, after getting a view of the ground and surrounding country, determined at once to attack.” Herron moved two cannons across the river and drew fire from twelve Confederate guns before withdrawing. The Federals found another ford to the north and crossed David Murphy’s Missouri battery with three infantry regiments in support. The Union movements were concealed from the Confederates until Murphy’s battery opened fire at about 10 a.m. A short artillery duel ended with most of the Confederate guns silent. Herron now moved his remaining army across the river at the normal ford and soon had eighteen cannons pounding the ridge.

The artillery bombardment continued for some time while Herron moved his infantry into position, placing the 94th Illinois Infantry on his left flank against the Illinois River. Next was the 19th Iowa Infantry, then the 20th Wisconsin Infantry, the 26th Indiana Infantry, the 37th Illinois Infantry, and the 20th Iowa Infantry on the right flank. As the artillery fire diminished, the 20th Wisconsin and 19th Iowa advanced to
the base of the ridge and prepared to charge.

Lieutenant Colonel Bertram gave the word and with fixed bayonets and a yell, the Wisconsin boys went at a double quick step up the hill. The 19th Iowa started up the hill about ten minutes later to the left of the 20th Wisconsin which headed straight for the guns of Blocher’s Arkansas battery on the ridge. After struggling through a tangle of vines and bushes in the first 50 yards, the Wisconsin men moved another 30 yards to within 20 yards of the rebel guns. Two of the Confederate cannons blazed, sending canister into the ranks, killing Lieutenant Thomas Bintliff of Company I instantly along with other men. Stunned, the 20th Wisconsin paused briefly before continuing forward. When the southern artillerymen broke for the rear, the Federals surged forward over a rail fence to claim the battery. Leading the way was Color Sergeant Lindsey E. Teale who planted the stars and stripes over one of the pieces which brought a great cheer from the men.

The 20th Wisconsin advanced another 50 yards when from the ravine on its right a tremendous cross fire poured into their ranks. The regiment had run into General James F. Fagan’s Arkansas Brigade. The southern fire was devastating. The 20th Wisconsin found it “impossible to make headway against such a storm of bullets.” Lieutenant Colonel Bertram had his horse shot out from under him and sustained a wound when thrown from the collapsing mount. Stunned, he momentarily lost control of his command. He rose to his feet, used his sword as a crutch, and hobbled to the rear leaving Major Starr to rally what was left of the regiment.

Assisting was Color Sergeant Teal who waved the flag in defiance and as a sign to rally. Confederate rifles brought him down along with the flag which Captain John McDermott of Company C picked up and carried a short distance before also being killed. Another soldier attempted to bring the colors off, but he and the flag fell once more to the ground, where it would remain until recovered by the 37th Illinois Infantry.

Meanwhile, the 19th Iowa Infantry advanced up the ridge east of the Archibald Borden House and into the apple orchard behind it. As the charge continued, Colonel Jo Shelby’s Confederate cavalry armed mostly with double-barrel shotguns rose from behind fences and laid down a deadly fire. Confused, the 19th Iowa began to give ground. Lieutenant Colonel Samuel McFarland tried to rally the men before being hit by nine musket balls from a rebel volley. McFarland’s death signaled the retreat of the 19th Iowa which fell back down the ridge, across the Borden corn field, and past the Union batteries in the valley.

A Confederate counterattack came off the ridge and advanced into the cornfield before being blasted with canister and case shot from Herron’s eighteen cannons. The rebels fell back to the safety of the wooded ridge. Casualties were heavy on both sides with 49% losses for both the 20th Wisconsin and the 29th Arkansas Infantry regiments. Not all of the Confederate losses came in the valley. Corporal Columbus H. Gray of Company D, 29th Arkansas wrote to his father afterwards:

I take my present opportunity of informing you all of the death of my dear beloved Brother....He was at the head of the company when he was shot dead....I was between Ad [Sergeant J.A. Gray] and W.T. Bradley all the time and we were ordered to charge. We all broke and Ad got ahead. He run up in 10 steps of the enemy before they hit him. I stopped, squatted down by
him, and laid my hand on his head and I said, 'Oh, my brother where are you hurt but he could not answer me. I saw that he was breathing his last...It almost run me distracted. I did not know what to do. I knew I could not do him any good by staying there with him so I jumped up and run on with the company....

The battle continued to rage as General Herron ordered the 26th Indiana and the 37th Illinois to charge up the ridge. Lieutenant Colonel John C. Black of the 37th Illinois commanded the charge and later recalled:

I ordered a charge up the hill. It was executed in fine style, the men advancing steadily and swiftly up to the edge. The firing of the skirmishers in front announced the enemy close at hand. Clearing the edge, we stood face to face with them, their numbers overwhelming...The firing began first upon the left and in a few minutes was general along the line. But, pressed by overwhelming numbers, the right of the 26th [Indiana] gave way after most gallantly contesting the ground. My skirmishers about the same time reported the enemy’s artillery posted on our right. Thus overwhelmed, the only hope from annihilation was the bayonet or retreat. The bayonet could not be used; directly in front of us was a rail fence, and it could not have been passed and we reformed before the enemy would have been upon us; so, reluctantly, I ordered a retreat....Falling back some 300 yards, they reformed in the rear of our batteries.

Lieutenant Colonel Black received a serious wound in his left arm early in the charge, but remained with his men until they reformed in good order. Later, he would receive a Congressional Medal of Honor for his actions, the only one awarded for the Battle of Prairie Grove.

Another Confederate counterattack came off the ridge and approached Borris’ Illinois battery which limbered up and moved back. The 37th Illinois and part of the 26th Indiana stood their ground. As Major Henry Frisbie recalled: “As soon as our regiment made a stand and commenced firing, Lieutenant Borris, who commanded the battery, heard the firing and thinking rightly, that it came from his old standby the 37th, again engaging the enemy, he was willing to risk his battery when covered by us and came rapidly back on the field and taking a position on our left...opened a rapid fire on the enemy....” Between Borris’ cannons and the fire from the 37th Illinois, the southern attack lost its momentum, halted, and then retreated back up the ridge.

Despite successfully driving off the two Confederate counterattacks, Herron’s army was now at its most vulnerable with only two fresh infantry regiments left, guarding the flanks. The 94th Illinois Infantry remained near the Illinois River protecting the left, while the green boys of the 20th Iowa covered the right. It was clear that if the southern army could hit the 20th and flank it, Herron’s entire force would be in jeopardy. A calm settled over the field about 2 p.m. even as the Union batteries continued to
assault the ridge. Suddenly, at about 2:15, two shells landed amongst the men of the 20th Iowa which came from the northwest. As the regiment began to turn to face this new threat in their rear, the flutter of the Stars and Stripes revealed the arrival of Blunt’s Kansas Division in time to extend Herron’s endangered flank. The battle would now continue along the entire length of the ridge.

General James G. Blunt expected to be attacked on the morning of December 7, 1862 at Cane Hill. He knew it was his own aggressive nature that had put him in his present predicament, but he was not about to change. Blunt moved to Kansas to practice medicine and soon joined up with John Brown. When the war began, he was already a regimental commander in Senator James H. Lane’s “Kansas Brigade” which was not at first admitted into Federal service. Once it was, Senator Lane petitioned for Blunt to be made a general, which was done on April 8, 1862. Despite his limited military training, Blunt’s good luck once again emerged at Prairie Grove.

As Captain Henry C. Palmer of Company A, 11th Kansas Infantry recalled: “About 10 a.m. we heard the boom of artillery east and north of us far in our rear. Orders came to fall back on Cane Hill, two miles away. When we reached the town we found that all of Blunt’s army was in motion...” However, the Kansas Division was not taking the direct route to where the sound of battle was coming. Instead, Blunt decided to move north to Rhea’s Mill where the Federals had established a supply base with a brigade of troops under the command of General Frederick Salomon. Once he was assured his supplies were safe, Blunt ordered his men to proceed to the southeast where Herron faced the Confederate Army alone. Thus, unknowingly, Blunt avoided the Confederate Division left on the Fayetteville-Cane Hill Road and came onto the battlefield in the best possible position for uniting the two Union forces.

Once on the field of battle, Blunt continued his aggressive ways by ordering an attack by his entire division upon the Confederate left flank. Joining in this charge were the men of the 20th Iowa who advanced alongside the Union Indian Home Guard regiments. In a letter to his wife, Major William G. Thompson described the scene: “I have not the power of description sufficient to tell you of the grand magnificent sight presented when all our Batteries opened, and our whole line for more than a mile in length commenced firing. The awful roar and rattle of muskets and cannons and the cheers of our Boys. At every step we took, our brave lads fell wounded or killed.”

Confederate Captain Pinnell of General Mosby M. Parsons’ Missouri Infantry Brigade wrote in his diary: “Our lines were formed in a horse shoe like shape, convex to the enemy, conforming to the shape of the hill, while the foe moved forward crossing Crawford’s Prairie to the attack, from four p.m. until dark they made one attack after another with great courage and determination...”

This savage fighting did not last long as the sun was sinking behind the western hills. Neither side had gained an advantage, although the Confederates still held the ridge. At this point, General Hindman attempted a final counterstroke in hopes of forcing the Federals to retreat. General Parsons’ Missouri veterans in the 7th, 8th, 9th, and 10th regiments along with Clark’s Battalion and Pindall’s Sharpshooters would attack Blunt’s Division. Captain Palmer of the 11th Kansas later remembered: “The rebels...came sweeping out of the timber in solid column...lifting their guns with fixed bayonets above their heads. They came on with a yell...and were within 300 yards of us when the command ‘Fire!’ was given and twelve guns
double shotted with grape and canister swept great holes through their column.” In reality, almost all 44 Union cannons fired upon the Missourians which quickly ended the charge. Confederate casualties were heavy and included Colonel Alexander Steen who led the charge.

John H. Smith of Company B, 20th Wisconsin Infantry recalled in his memoirs the scene on the evening of December 7th:

It was then getting dark and the boom of the artillery soon stopped and all was quiet as the grave. A thick fog of smoke hung over the field and everything looked so strange...It is getting dark but I can see dead men and horses in all directions...the thought happened to come into my mind that I had been without food, sleep, or rest for 36 hours. Joined by my chum, Tom Murry, we went...to the rear and came to the supply...tent...After eating...we went...about a half a mile...and came to a church that had been taken possession of for a hospital and there, Oh, merciful God, what a sight met our eyes. All around the church laid three or four ranks of wounded soldiers, placed side by side, dozens of them dying for want of surgical aid...With heavy hearts we looked inside the church. It is brightly lighted and rows of wounded men laid on the floor all around the four walls and in the center of the room long tables were erected where wounded men were laid and the surgeons and their assistants were busy cutting and sawing off legs and arms and doing surgical work on all kinds of wounds....As each regiment only had one surgeon and an assistant, it is easy to see how these poor boys outside on a frosty December night...must have suffered before surgical aid reached them. Tired, wounded and cold, chilled through from loss of blood, most of them had been without food for 36 hours....

The next day, the Union Army prepared to continue the struggle, but soon discovered the Confederate Army withdrew during the night. The battle was over, but as one Union soldier wrote in his diary: “All quiet, the rebels are all gone and the victory is ours but oh, at what a cost! Death, misery, broken hearts, bitter tears, and wrecked lives.”

The Battle of Prairie Grove was a tactical draw, but a strategic Union victory. General Hindman decided to withdraw during the night because of limited ammunition, especially for his artillery. His men were also exhausted and hungry. The Federal Army did not pursue the Confederates because it needed to recover from the previous day’s struggle as well as from the forced march by Herron’s Divisions. Both armies had almost equal casualties with about 2,500 total. While not a decisive victory, northwest Arkansas and Missouri would remain securely in Federal hands. Following the many setbacks in the east, this small battle served to boost Union morale, particularly after Burnside’s disaster at Fredericksburg on December 13, 1862. The impact on the Indian Nations to the west was immediate. The Federal Indian Home Guard units suffered casualties at both Cane Hill and Prairie Grove.
The resurgent Union Army would also once again march into the Indian Nations.

Interestingly, General Schofield reprimanded both Generals Herron and Blunt afterwards. Herron for forcing his men to march so far without rest and food. Blunt for not falling back from Cane Hill towards his reinforcements. Ironically, Herron and Blunt got the last laugh when they were both promoted to Major General dating from November 29, 1862 in 1863.

While the Battle of Prairie Grove was small compared to the battles east of the Mississippi River, it had an impact even upon the highest officials in Washington, D.C. Soon after the battle, Doctor William Fithian, stepfather of Lieutenant Colonel John Charles Black and Captain William P. Black of the 37th Illinois Volunteer Infantry, learned that Charles was badly wounded and might lose his left arm or even his life. He was also misinformed that his other son was in a critical condition as well. Before leaving for Arkansas to be with his sons, the good doctor wrote a letter to his friend, Ward Hill Lamon expressing his anxieties and concerns.

Lamon was a law partner with Abraham Lincoln before the presidential election of 1860 and personal friend. Lamon went with Lincoln to Washington serving as a personal bodyguard and as the appointed Marshal of the District of Columbia. When he received Doctor Fithian’s letter, he read it and passed it on to President Lincoln. He later recalled: “I shall never forget the scene, when I took to Mr. Lincoln a letter written by Doctor Fithian to me, describing the condition of the ‘Black boys,’ and expressing his fears that they could not live. Mr. Lincoln read it, and broke into tears.”

In response, President Lincoln wrote to Major General Samuel R. Curtis on December 14, 1862 stating: “If my friend Doctor William Fithian, of Danville, Illinois, should call on you, please give him such facilities as you consistently can about recovering the remains of a step-son and matters connected therewith. A. LINCOLN.”

Finally, a small item published in the Fayetteville Democrat newspaper on December 9, 1897 gives us a final perspective on the battle: “The Prairie Grove battle was fought December 7, 1862, which was 35 years ago...Considering the number of men engaged it was one of the most destructive battles of the Civil War...Reports of battles in Cuba where fifteen or twenty men were killed are given much prominence in the news from the stricken island, but the Prairie Grove battle received scant mention in our histories. The fact that such a battle was considered so insignificant gives some idea of the magnitude of our Civil War.”
The Fort Smith council brought Chief John Ross to a familiar role as principal spokesman for the Cherokees. As so often in the past, he had now to negotiate against threats to his tribe’s survival as an independent nation and from a position of weakness. He was faced on one side by a superior force demanding that the tribe relinquish important principles of independence and authority. At the same time he also had to confront dissenting Cherokees who wanted the tribal government dissolved. In this way the Fort Smith council would be another major turning point for the tribe. The positions set here would have lasting consequences for the Cherokees. Indeed, the effects of the decisions that resulted from the meeting cast a long and dark shadow over the prospects for political sovereignty and territorial autonomy that Ross had envisioned for the post-war period.

The aim of the federal government toward the Cherokees at Fort Smith had its roots in earlier attempts to force Indians into unwilling positions. Ross had worked against unreasonable demands and in untenable situations before. In a sense, he had failed in those earlier efforts and the Cherokees were forced to accept federal demands. But he had prolonged the decisions, won concessions, and lessened the impact of defeat in those contests. In earlier crises he was also troubled by internal dissension. At Fort Smith he faced it again, before a second generation of antagonists with a new set of disagreements.

The Cherokees under Ross first faced such circumstances in the 1830s in their native homelands in Tennessee, North Carolina, and Georgia. At that time external forces worked to deprive the tribe of its lands and internal disunity looked to divide the nation along party lines. As principal chief Ross confronted Georgians, backed by their state government, who were pushing onto Cherokee lands. Ross found state and federal courts of little help in keeping intruders out and despite landmark decisions like Cherokee Nation v. Georgia and Worcester v. Georgia, which were supposed to help them, the Cherokees got little relief. Ross also discovered small solace from the United States chief executive. President Andrew Jackson was in sympathy with Georgia’s claims and pressed Indians to move west. Ross, however, was determined to keep the Cherokees in their homeland and he had the support of the full-blooded majority in his resolve. But mixed-blooded dissenters, led by Major Ridge, his family, and followers, considered removal the more reasonable solution and signed the Treaty of New Echota with the United States in 1835 and relinquished all Cherokee lands for new homes in the West.

Ross fought the fraudulent Treaty of New Echota but to no avail. After a military removal of the tribe began in 1838, Ross relented and led his people to Indian Territory. At least one quarter of the tribe, perhaps five thousand people, died during the removal period along the Cherokee Trail of Tears. Afterwards near civil war erupted as the Cherokees tried to reintegrate. Ross supporters even carried out vendettas against treaty signers and assassinated several members of the Ridge family. Peace finally returned in 1846 when Ross and the surviving Ridge Party members reconciled and
signed a new treaty with the federal government.

So ended the first crisis. The second crisis, brought on by the American Civil War, would be briefer but more deadly. The Civil War disrupted the Cherokees' peace and renewed factional quarrels, this time on the issues of slavery and of loyalty to the Union but still based on the full-blood/mixed-blood division. It also put Ross and his tribe in a difficult situation. Although the Cherokees had sympathies with the slaveholding south, Ross felt that existing treaties necessitated loyalty to the Union. Again, the force of circumstances and a possible cleavage in the tribe looked eminent. Tribesmen were divided over the question of slavery, and although Ross was a slave owner, he had the support of the nonslaveholding majority. When Confederate agents pressed for a decision, Ross finally and reluctantly counseled his people to join in secession and as chief he signed a treaty with the South.

Ross later declared to Union officials that he had made the decision under duress. Indeed, at the first opportunity he fled North with his family and remained in the East for the duration of the war. On frequent visits to Washington, D.C., he tried to convince federal officials to accept the coercive nature of the Cherokees' defection. He also worked to secure a new treaty with the Union government. The failure to obtain a treaty with the Lincoln Administration may have been an omen of problems to come at Fort Smith. Ross was also quick to show that loyal Cherokees had abrogated the agreement with the Confederacy and had freed their slaves. Ross also wanted the federal government to recognize him as the legitimate chief of the nation, as opposed to Stand Watie who had assumed that role for the Confederate Cherokees. Moreover, Ross could point to personal sacrifices for the Union cause.

Four sons and three grandsons had served in the Federal Cherokee home guards and one son died during the conflict. A son-in-law was killed by Confederate forces under Cherokee commander Stand Watie and Ross's beautiful home, Rose Cottage, near Tahlequah was burned to the ground by Watie's troops. In the hard negotiations to come these losses counted for little.

During the war, then, Ross was forced to be an opportunist: first he sought neutrality, then he sided with the South, then finally with the North. To understand these apparent contradictions, it is necessary to appreciate that a tribal split was a real threat and totally unacceptable to Ross. He compromised when it was expedient, but in truth he disregarded his personal preferences in order to maintain tribal unity. With war's end, tribal factions would again grapple for power. Ross probably believed that his time in the East establishing cordial relations with the Lincoln Administration and his personal stance on loyalty would serve him well in any contest with opponents, especially since they were the ones who had vigorously fought for the Confederate cause.

With the end of the American Civil War, the federal government was in a position to force the native peoples of Indian Territory to yield valuable lands and political rights that government officials had been seeking for years but had been unable to obtain. Having abandoned the Union cause, at least in the eyes of avaricious Americans who wanted Indian lands, federal officers could now force the tribes to accept harsh new treaties with demeaning terms—the Indians had little choice. It did not seem to matter that significant numbers had been loyal, fought for the Union, and had sustained great personal losses in life and property.

As so many of the tribes of Indian
Territory had signed treaties with the Confederacy during the war, the United States called for tribal representatives to meet peace commissioners at Fort Smith in September of 1865 to work out new treaty arrangements in a grand council. Secretary of the Interior James Harlan appointed five commissioners: Dennis N. Cooley, commissioner of Indian affairs, as president; Elijah Sells, superintendent for southern Indians; Thomas Wistar, a Pennsylvania Quaker; Major General W.S. Harney; Colonel Ely S. Parker; and Charles Mix as secretary. Competing Cherokee delegations at Fort Smith included some of the tribe’s ablest men. Indeed, some of the keenest minds and most skilled negotiators from the tribe attended the conference. Ross supporters from the northern faction included Smith Christie, Thomas Pegg, White Catcher, H.D. Reese, and Lewis Downing. Elias Cornelius Boudinot, Stand Watie, Richard Fields, William Penn Adair, and James M. Bell represented the southern party.

The deliberations at Fort Smith began on September 8, 1865, and on the second day Commissioner Cooley outlined basic stipulations which the new treaties must contain. The point on which the Cherokees were to focus involved controversial provisions which called for the consolidation of all tribes in Indian Territory into one government and the opening of Indian lands to white homesteaders, railroads, and cattle grazing. Cooley, in his statement concerning the necessity for a treaty, began from the premise that all Cherokees had been bona fide rebels. Ross’s supporters were set back by these charges but quickly pled not guilty to Cooley’s accusations.

A few days later Cooley disrupted and shocked the northern Cherokee delegation by attacking Ross’s integrity and accusing him of plotting to align the Cherokees with the Confederacy. The commissioners had been reading for the first time some of the captured Confederate correspondence with Ross. They were surprised at what they considered to be Ross’s ardent acceptance of the southern cause in the opening months of the Civil War. By an unfair and distorted use of documents, the commissioners traced the purported treachery of the chief, declaring that because of Ross’s influence in carrying other tribes into the rebellion, the Cherokees as a whole were suspect.

This was a total reversal from the accord which Ross had established with the Lincoln Administration during his refugee stay in the East. Then Commissioner of Indian Affairs William P. Dole had accepted the coercive nature of the Cherokees’ defection and had recognized the legitimacy of Ross’s leadership and his personal loyalty. Dole noted that Ross appeared to have resisted secession as long as he was able and believed, therefore, that Lincoln should be lenient with the Cherokees. The understanding that Ross and Dole had developed did not carry over into the new administration. It was clear that Cooley was prepared to question not only the loyalty of all Cherokees--Union and Confederate--but also the integrity of Ross.

The commission approved Cooley’s position and refused to recognize Ross as principal chief. Not only did they declare Ross an emissary of the rebellious states but they also called him “still at heart an enemy of the United States and...not the choice of any considerable portion of the Cherokee nation for the office which he claims.” At this point a conversation took place among Cooley, Ross, and Boudinot, the principal delegate of the southern faction. Doubtless under emotional stress, the old chief, now 75 years of age, did not exhibit his usual clarity and eloquence as he professed his consistent loyalty to the laws of the United States and denied the charges against him. Ross
recalled for the commissioners that during his three years in Washington he had never been charged with being an enemy of the United States. He confessed to signing the treaty with the South, but insisted that "I did not do it within myself." Ross pointed out that he always had counseled the Cherokees, as a weak people, not to antagonistize the United States but to remain obedient, but when the whole voice of the Cherokee Nation called for a treaty with the Confederacy, he believed that he could only follow that will. Rhetorically, he asked Cooley, "Could I do more than that?"

In response, Boudinot charged Ross with instigating the dissensions that had divided the Cherokee Nation for years. "I will show," Boudinot continued, "the deep duplicity & falsity that have followed him from his childhood to the present day, when the winters of 65 or 70 years have silvered his head with sin, what can you expect of him now." Cooley did not intend for old feuds to be stirred up again, and he interrupted Boudinot's harangue. The next day Boudinot showed how far the southern faction was willing to go to ensure Ross's continued disfavor, when he related that the southern Cherokees were ready to accept Cooley's treaty provisions. What Boudinot demanded in return was nothing less than the division of the Cherokee Nation.

Boudinot had a long history of working to divide Cherokee lands into individual ownership and open the area to white settlers. During the war as a Cherokee delegate to the Confederate Congress he proposed to offer land bounties in the Cherokee Nation to white volunteers who would fight with the Indians. Such land bounties would serve two purposes: they would hurry the disintegration of the tribe and spur recruitment for Watie's army. By offering Cherokee citizenship along with land grants, the bounties would also swell the numbers who would be loyal to the Watie-Boudinot faction. Even Boudinot's Confederate Cherokee colleagues rejected this plan as too radical and disassociated themselves from the scheme. Nonetheless, at Fort Smith he had placed his faction in an advantageous position as the ones ready to accede to federal demands.

During the course of the controversy over Ross’s position and allegiance, Cooley rushed a telegram to Secretary of the Interior Harlan informing him of his refusal to recognize Ross. The secretary presented the document to President Johnson, who approved Cooley's course. Indeed, Harlan authorized the commissioner to recognize other parties from the tribe and permitted Cooley to treat with one or several factional representatives. Fortunately for Ross, Cooley now moved cautiously. In the hope that the rival parties could work out some agreement, Cooley instructed a joint committee of the two delegations to meet with his associate Wistar, but no reconciliation was obtained. Considering how complicated the matter had become, Cooley must have thought it more politic to obtain the sanction of his superiors in Washington. Arrangements were made, therefore, to reconvene in Washington and negotiate a reconstruction treaty there.

Why the abrupt shift in attitudes toward Ross by federal Indian officials? Harlan, Cooley, and Elijah Sells, another commissioner, were close friends, all from Iowa, and all, especially Harlan, were interested in land dealings and railroad right-of-ways. While senator from Iowa, Harlan was instrumental in promoting a transcontinental railroad. Improper appointments in his department, illegalities in the disposal of railroad lands, and general corruption in Indian affairs, forced Harlan out of office the next year. But his designs and influence were apparent at Fort Smith. Kansas lobbyists were also involved in federal councils about Indian affairs; they looked longingly at the lush Indian lands ripe for farming and
eminently suitable for railroads.

Ross’s feelings concerning these objectives were no secret, so having him out of the way was a useful strategy. As early as 1848 and 1854 similar plans for consolidating the Indian tribes and incorporating their lands into adjoining states had been introduced in Congress, and in 1860 Ross was approached on the matter of allotting the Cherokee lands for private ownership. He found such ideas inconsistent with Cherokee treaties, unconstitutional under Cherokee laws, and in no way beneficial to his people; he fought them vigorously. Perhaps federal officials thought they could work out reciprocal agreements with the southern faction: railroad rights in exchange for a division of the tribe. Such was the situation at adjournment at Fort Smith and the issues that would be up for debate at Washington.

The Washington conference was in many ways a repetition of the Fort Smith meeting. Indeed, it echoed the chorus of conferences over the years where repeated attempts had been made to dislodge Ross and divide the Cherokees. In the first months of 1866 after both Cherokee factions had gathered in Washington, Cooley came out against Ross even more forcefully than he had at Fort Smith. But Ross was able to sidestep Cooley and deal directly with President Johnson, with whom he was personally acquainted, and with Secretary Harlan. But negotiations dragged on and Ross finally collapsed physically near the end of March. While he recuperated the two delegations worked feverishly to gain the upper hand. By June, with Ross bedridden, the southern delegation seemed to be in control and actually had signed a document with Cooley, but Johnson refused to sign it. Cooley went back to bargaining, now with the northern delegation and Ross gave what advice he could from his sick bed. In the end the northern faction won out. Harlan was being forced out of office, Cooley was under pressure to deliver, and other tribes of Indian Territory had completed their treaties. The Ross delegation compromised on some points, but the new treaty did not contain the objectionable features of land grants to railroads, territorial government, or a division of the tribe. Although Ross died a little more than a week before the treaty was fully approved, he knew its final provisions and knew that it carried his name with the title, Principal Chief of the Cherokees. He lived to see himself vindicated.

In the end, the Fort Smith council and the Washington agreement settled nothing, but these conferences opened the question that would vex the Cherokees for the next half-century. The meetings simply delayed the inevitable, but they did give the Cherokees time. And at this point—struggling back from the war’s devastation and the factional hatreds that grew out of that conflict—time for reconstruction and reconciliation was essential. In 1866 the Cherokees were unprepared to deal with the challenges laid out at Fort Smith. As a disunited people it is likely that the Cherokees would not have been able to endure the onslaught of white intrusions, territorial status, and a divided government at this time. It would have come a generation too early. The unremitting tread of history would bring these questions to the Cherokees’ doorsteps frequently enough in the coming decades. When they lost their lands and sovereignty in 1907 they were much better prepared to deal with the matter and survive as a dynamic people now prepared to enter the 21st century intact—in a way that John Ross at Fort Smith could never have envisioned.
The Treaties of 1866: Reconstruction or Re-Destruction?

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One of the most disastrous events in the history of the so-called Five Civilized Tribes was their removal from the Southeast to lands west of Arkansas. Once the removal was over, the civil strife that rent some of the tribes had ended, the people had adjusted to new climates and ecologies, and recovery from the devastating effects of removal had begun, the tribes entered what some tribal members look back on now as their “golden age” in the trans-Mississippi West. In general, it was an era of economic prosperity, of reestablishing governmental and social structures along traditional lines, or establishing newer forms of public institutions and political and social structures to meet their changed conditions.

But as the people moved back into a settled lifestyle, an uneasiness gripped tribal intellectuals. A fear nagged that the removal was not the last major upheaval for the tribes, that something just as terrible was imminent. Many believed that, as American population caught up with them, they would be forced into another removal that would not only disrupt, but this time destroy, the tribal national life. As we know, the fear was justified. However, it was not another removal but the American Civil War that planted the seeds of the final catastrophe for the tribes.

The war itself was destructive enough, with the fighting and the displacement of the population and the resulting disease and poverty in the refugee camps. After that came the straggling back home and, once more, the starting process of rebuilding the nations, in some cases literally from the ground up. However, in retrospect, the most destructive consequences of the war were the treaties that concluded it.

Tribal leaders at Fort Smith in 1865 knew how vulnerable they were. They realized that United States officials, bargaining from a position of military strength, had come to Fort Smith in a heads-we-win-tails-you-lose posture. Choctaw historian Muriel Wright early on believed that her grandfather and other tribal negotiators had such a difficult task of negotiation in 1866 because, she said, “They found themselves having to deal with a government that was in the control of men who were the most rabid of abolitionists and who had no sympathy whatever with anyone who had been a member of the Confederacy.” But Wright was part of the Super Civilized Indian and the Society of Oklahoma Indians movements of seventy years ago and did not account for the agenda that was not so hidden in the conference at Fort Smith in 1865. She did not account for the fact that American policy makers were less intent on reconstructing the tribal societies in the wake of war than on undermining, and finally destroying, the tribal nations.

If we consider D.N. Cooley’s playing northern and southern factions off against one another, his displaying the Confederate treaties as evidence that the tribes had forfeited all rights to the land, and the railroad lobbyists that hovered around the negotiating tables at Fort Smith, the agenda becomes clear. In fact, the list of demands that D.N. Cooley presented to the tribes at Fort Smith in 1865 reflected a master plan for federal policy directed at them during the next forty years: that is, the
dismantling of the Indian nations, transfer of their land to non-Indians, citizenship for their members, and statehood for their territory.

Tribal people distrusted treaty making in general because history showed they lost by it. DeWitt Clinton Duncan, the Dartmouth educated Cherokee who wrote under the nom de plume Too-qua-steen, argued that the singular purpose of treaty making, including that of 1866 and those before and after, was to divest the tribes of land. “The futility,” he wrote, “of any effort to purchase peace and immunity of the white men in this way, soon became obvious, and the red men were fain to abandon the scheme. But,” Too-qua-steen said, “it was too late; the plan had worked well, to the notion of the former, and it at once became, with them, a very favorite mode of procedure. Hence as additional territory became desirable from time to time, old guarantees were claimed to be incompatible with the demands of civilization, and armed forces were sent into the country of the red men of sufficient power to extort from them an amicable agreement called a treaty; and the work was done; the red men retired as usual and the white men sat down upon their estate.”

William Eubanks—the Cherokee translator, linguist, philosopher, and humorist—put it another way. In one little satire, Eubanks pretended to be an American and said, in part, “I am an educated man, or in other words I am an enlightened man and don’t believe in a God, don’t believe in any spirit, don’t believe in the law of retribution, or the theosophical karma, I don’t believe in justice. I believe in nothing but gold and silver and land. I believe in that Brother-in-red kind of religion that can ask the U.S. Government in the name of Christ to crush the Indian out of existence so that we can get his land. I want courts of injustice established all over this country every two miles. Let us in these courts construe the treaties. If any part is in favor of the U.S., let’s get on the house tops and talk loudly about the treaties being the “Supreme Law of the Land,” but if it favors the Indian let’s see if it won’t bear another construction.”

Though, in the wake of the Civil War, the tribal negotiators realized their vulnerability and suspected the government’s long-range purpose, they found some of Cooley’s demands, as they became embodied in the treaties of 1866, more troublesome than others, such as those providing for railroad rights of way, the establishment of a general council looking toward a territorial government, and adoption of their former slaves and free blacks. To tribal negotiators, these stipulations were ominous in their implications. The same kind of fear that had gripped the people in the post-removal period set in again during reconstruction, and they began to fear that the treaties, ostensibly aimed at reconstruction, in reality contained the seeds of the final destruction for their nations.

My purpose here is to focus on one of these troublesome provisions—the adoption of the freedmen—keeping with the specific request made by the planners of this conference, but realizing, at the same time, the problems of isolating one out of context of the others. My concern, as I prepared these remarks, was not with what historians and others like me have said about the treaties of 1866. The question I asked myself was how did the tribal peoples who lived through reconstruction and inherited the “reconstructed” society look at the treaties in retrospect and evaluate them, especially provisions regarding the freedmen, in light of subsequent historical events? Where possible, I will let them speak in their own voices. First, however, let me lay an extremely generalized framework for those voices.

It is safe to say that none of the Five Tribes wanted to adopt their freedmen and give them equal rights in the tribe. Even the Seminoles, who had the most familiar relation
with their blacks before the war, had not considered the rank and file their equals. Though all had practiced adoption as a means of acquiring tribal members, it had been done on a case-by-case basis, never forced by an outside entity, and never involving a whole class of people. How the tribes complied with the treaty requirements varied greatly.

The Seminoles and Creeks adopted their freedmen immediately and integrated them, to a large degree, into the social, political, and economic life of their nations. For the most part, those blacks who had been affiliated with the tribes before the war were accepted by them whenever they returned.

The Cherokees also adopted their freedmen, but they had succeeded in gaining a concession from the government that said the freedmen must return within the six months following the treaty. The government never challenged the rights of those freedmen recognized by the Cherokees, but it rarely recognized the Cherokees' authority to reject any. The result was forty years of contention and litigation. The Cherokees allowed only those they recognized to vote and provided modestly for their education, but the nation excluded them from all per capita payments, arguing that the treaties granted only citizenship and not rights to the land and other assets of the nation.

The Choctaws and Chickasaws also had what they considered a safety net in their treaty. If they did not adopt their freedmen within two years, the government would remove the freedmen to the Leased District and use $300,000 held in trust for the Choctaws and Chickasaws for their benefit. Those tribes had no intention to adopt the freedmen. They first instituted a wage labor system that in practice varied from what appeared to be out and out peonage to sharecropping. But they soon dropped any pretense of responsibility for the freedmen and after two years began to demand their removal. The government, of course, refused to remove them, and these freedmen had a dismal existence without any legal or political rights. The Choctaws finally adopted their freedmen in 1883, but adoption brought them few rights. The Chickasaws never adopted theirs, who lived in the Chickasaw Nation without rights and practically no education.

How the freedmen fared in the “environment of their new estate” depended on a number of factors. One was the extent of racial bias. In my earlier days, with a little training in quantitative historical methodology at the old Institute of Southern and Negro History of the Johns Hopkins University, I tended to interpret the freedmen’s condition in terms of race, about which the most quantifiable statistics were available. If I were to look at all that again, I would look at the extent to which the freedmen had access to the social and political institutions of their respective tribes in the post-war years. The band system among the Seminoles and the town system among the Creeks, which were basic to the make-up of the national councils, ensured those freedmen access to the legislative bodies of their nations. In contrast, the at-large election of council members within each district in the Cherokee Nation worked against the freedmen; only in Cooweescoowee and Tahlequah districts could they muster enough votes on occasion to send a representative to the council. In the Choctaw Nation, the freedmen gained access to governmental processes only after the mid-1880s, and the Chickasaw freedmen never did.

The condition of the freedmen was also directly related to the way tribal people read the treaties. They were literalists in their interpretation of the documents; they foolishly believed that an English sentence actually meant what it said. To the Chickasaws, for instance, the language of the treaty was clear. If the
Chickasaws and Choctaws did not adopt their freedmen within two years, $300,000 held in trust from the cession of the Leased District would be used for the benefit of Indians and Choctaw and Chickasaw Freedmen who chose to remove to the district. The freedmen who did not elect to remove or returned to the nations would be placed on the same footing as other U.S. citizens there. Two years passed, the Chickasaws and Choctaws did not adopt their freedmen and thereafter considered them intruders, but the U.S. did not remove them. As time passed the U.S. became less inclined to do so because public agitation grew to organize the lands west of Indian Territory into a territory and open it to non-Indian settlement. In 1888 a bill known as the Springer Bill was before Congress to organize Oklahoma Territory. The Chickasaws protested the inclusion of the Leased District in the bounds of the proposed territory because the treaty said it was to be used for freedmen and Indians.

Chickasaw George W. Harkins, known in the halls of Congress as the Rawhide Orator, spoke against the Springer Bill by arguing that those who supported it were proposing “a sweeping exercise of legislative power, to tear off the trust, which adheres to these lands, and convert them into public lands of the United States, open to homestead settlement like other public lands.” Supporters of the bill claimed that the treaty did not limit the use of the land to only Indians and freedmen. “But,” said Harkins, “this treaty was written in the English language, by agents of the United States. Not one of the Choctaw or Chickasaw commissioners who signed it stopped to inquire whether cunning phrases, thrust before them by their white brothers, could be interpreted by subtle special pleaders to import a ‘limitation of the grant,’ or merely a concomitant promise. Not one of them would have known a ‘limitation of a grant’ if he had seen it. More than that, not one in one thousand of the American people would have had the advantage of them in this regard. What they did know, what they now know well, is that the United States solemnly promised to devote these lands to the uses of Indians and Choctaw and Chickasaw freedmen; and to this promise they have, in public law and in public morals, an unquestionable right to hold the United States.”

But Harkins glimpsed an uglier specter looming behind the potential act of moral turitude: the bill limited the vote to American citizens and persons who declared their intentions to become citizens. In looking at this point, Harkins in some respects looked into the future as clearly as if he had a crystal ball. “If this bill shall become a valid statute,” he said, “no member of either of these sixteen tribes of Indians [included in the proposed territory] will be qualified either to hold office or to vote in the territory of Oklahoma. If it shall be urged, as it doubtless will be, that the Indians can extricate themselves from this dilemma of disfranchisement, by making application for naturalization as citizens of the United States, the miserable alternative offered to the Indian will be to jump from the frying pan into the fire. In order to acquire citizenship in the United States,...he will be compelled to renounce and abjure his allegiance to his own tribal government, to which his heart clings with a patriotism as intense as that of any people.” Harkins found some irony in the name proposed for the territory, which he interpreted “The Red People.” “They confer the right to vote, and to hold office,” he said, “in this red man’s paradise, upon the vilest white and black vagabonds that “American citizenship” sick at the stomach, shall cast forth into this territory. But they permit not a single red man to hold an office or cast a vote. The territory of Oklahoma, as constituted in this bill, seems to be the country where the red man has no rights which
the white man, or the black man, is bound to respect." 9

The Cherokees, like the Chickasaws, were also literalists in reading their treaty, especially the provision that the freedmen must return in six months to qualify for citizenship. Setting aside the quibbling over which was the starting date—the date of signing, ratification, or proclamation—most agreed that early 1867 seemed clearly the end of the six-month period. When the Cherokees attempted to determine who had and had not returned by the deadline, the government refused to recognize their authority, yet the government itself provided no means or gave no effort to making the determination. As the years wore on, the facts in claimant cases became confused and each time a per capita payment was made, the Cherokees excluded the freedmen altogether and paid to Cherokees by blood. This led to more than thirty years of contention and litigation, with the government stepping in and making two rolls—the Wallace and Kern-Clifton rolls—which the Cherokees hated. Near the end of that period, the case seemed as clear-cut to the Cherokees as it had from the start. Too-qua-stee put it this way. According to the treaty language, the claimant to citizenship must show one of three things: "1. The law by which he was emancipated. 2. That he was emancipated by the voluntary act of his Cherokee owner. 3. That he was a free colored person residing in the Cherokee nation at the commencement of the rebellion. Then if he was out of the country at the time this treaty was made, having met successfully one or the other of the above three conditions it would be necessary for him also to show that he returned to the nation within the prescribed six months. The burden of showing all these things should be upon the colored person making claim to citizenship and not upon the nation." 10

Such logic seemed cold and void of any moral obligation, which government officials often held out as a reason for not removing the freedmen the Cherokees considered intruders. Such argument did, in fact, ignore the case of former slaves who, because of poverty or abandonment by their masters in Texas and elsewhere, could not get back within the prescribed time. Those excluded included some who had generations of ties by blood and culture to the Cherokee Nation, which was the only society they had ever known. Freedman Joseph Rogers expressed the feelings of such freedmen in this way in 1876: "Born and raised among these people, I don't want to know any other. The green hills and blooming prairies of this nation look like home to me. The rippling of its pebbly bottom brooks made a music that delighted my infancy, and in my ear it has not lost its sweetness. I look around and I see Cherokees who in the early days of my life were my playmates; in youth and early manhood, my companions; and now as the decrepitude of age steals upon me, will you not let me lie down and die your fellow citizen?" In 1879, freedmen Arthur Williams and Nathan Duffie expressed it this way: "The Cherokee Nation is our own country; there we were born and reared; there are our homes, made by the sweat of our brows; there are our wives and children, whom we love as dearly as though they were born with red, instead of black skins. There we intend to live and defend our natural rights by the treaties and laws of the United States, by every legitimate and lawful means." 11

The United States justified its intervention in behalf of the Chickasaw and Cherokee freedmen ostensibly because the tribes had not complied with the treaties of 1866. But there were other forces at work here. The tribes had realized from the start that their freedmen had been singled out for special treatment. Why, their members had asked again and again, were they required to adopt their freedmen and
give them an equal share in the tribal domain when former slave owners in the South had not been required to take similar action. In reality, the Congress cared little for the freedmen as a people. American legislators realized that the freedmen were a wedge to factionalize the tribes, a means of sapping their resources and energy. While the government justified intervention in the Cherokee, Chickasaw, and Choctaw nations because the freedmen were being denied their rights, it justified intervention in Muscogee Nation affairs because freedmen integration into the political life of that nation went all too well.

George W. Grayson, the Muscogee linguist, translator, and politician, described the government's problem in the Creek Nation this way: "The work of reconstruction...proved to be a most difficult task. Those who had joined and sympathized with the North, aided by the former negro slaves of both parties who had now been declared by the Federal government to be the political equals of the Indians, very naturally entertained a feeling that, as they were the victors in the war and we coming up from the losing side, they should in the administration of government exercise superior privileges to those accorded the late adherents of the South. The intelligence and the little wealth that remained, however, was in the Southern Creeks, and this intelligence could not brook the idea of being dominated and governed by the ignorance of the northern Indians supplemented by that of their late negro slaves."

In the constitutional crisis that evolved in the Creek Nation during the reconstruction, the coalition of Loyal Creeks and freedmen presumed to take the nation in a direction that the federal authorities did not want it to go. When the political antagonism led to the hostilities known as the Green Peach War, the government intervened, this time against the freedmen. Said Grayson, "The authorities of the Interior department at Washington recognized clearly that the Southern Creeks had a clear understanding of the restored relations between the Creek nation as a unit and the United States, and were endeavoring to re-establish the government on an intelligent and fair basis, and considerably in advance of the antebellum regime...[and] upheld the policy and contentions in the main of the Southern Creeks and the more intelligent of the Northern element who now were in sympathy with the policy advocated by the Southern Creeks."

That the freedmen of the Five Civilized Tribes were an instrument of federal policy aimed at dissolving the Indian Territory is undeniable. No other single provision of the treaties of 1866 struck to the heart of tribal sovereignty as that requiring adoption of the freedmen by establishing its authority over decisions concerning who could and could not be members of the tribal nations. In that provision, more than any other, the government had demonstrated that it could do with the tribal nations pretty much as it pleased. It provided, if not a precedent for, a prelude to the establishment of the Dawes Commission in 1893 when it became apparent that the tribes would persist in literally interpreting the treaty guarantees that the tribal titles could be dissolved only with their consent and that they were not disposed to consent.

According to Grayson, tribal leaders were surprised at this latest assault upon their nations. "Here was a proposal," he said, "which paralyzed the Indians for a time with its bold effrontery. Here we, a people who had been a self-governing people for hundreds and possibly a thousand years, who had a government and administered its affairs ages before such an entity as the United States was ever dreamed of, are asked and admonished that we must give up all idea of local government, change our system of land holding to that which we confidently
believed had pauperized thousands of white people—all for why; not because we had violated any treaties with the United States which guaranteed in solemn terms our undisturbed possession of these; not because any respectable number of intelligent Indians were clamoring for a change of conditions; not because any non-enforcement of law prevailed to a greater extent in the Indian territory than elsewhere; but simply because regardless of the plain dictates of justice and a Christian conscience, the ruthless restless white man demanded it. Demanded it because in the general upheaval that would follow the change he, the white man, hoped and expected to obtain for a song, lands from ignorant Indians as others had done in other older states.”

The tribes should have been prepared for such action. As early as 1872, Elias C. Boudinot, the flamboyant attorney and schemer, warned his fellow Cherokees that the treaties of 1866 did not protect the tribes in their domains but rather contained language that permitted Congress to legislate as it pleased regarding them. He had established a tobacco factory in Indian Territory and challenged an 1868 congressional act that extended internal revenue laws over the Indian Territory. The Supreme Court ruled that the law violated the Cherokee treaty of 1866 but that Congress had a right to pass it. To Boudinot, the end was not only predictable but inevitable. Arguing in favor of a territorial government in 1872, he said, “My friends of the Indian delegations, do not deceive yourselves: whatever may be the fate of these territorial bills this session, some such legislation for our people and country is inevitable, sooner or later.” Whether history judges Boudinot a rogue and spoilsport or a political realist is yet to be seen, but he certainly knew case law and understood the American Congress.

The freedmen, particularly in the Cherokee, Choctaw and Chickasaw Nations, were key factors in moving the Congress toward dissolution of the tribal nations. To bring public opinion to the point of demanding the opening of Indian land to non-Indian settlement required large numbers of people in Indian country who had no rights there but demanded them despite the language of the treaties. By refusing to recognize the authority of tribal courts of citizenship to determine citizenship rights, refusing to comply with treaty requirements regarding the Chickasaw and Choctaw freedmen, and failing to remove intruders according to treaty stipulations, the Interior Department caused thousands of freedpeople to live for decades in limbo. They were joined in their communities by other thousands from the states and in time, determining who belonged to the tribes and who did not become a legal nightmare.

These blacks, along with many thousands of whites who also entered the Indian Territory, were not subject to the laws of the tribal nations. They were used by propagandists, politicians, and railroad lobbyists to argue for the opening of Indian Territory. The lawlessness generated by these non-citizen groups was held up publicly as an example of the inefficiency and ineffectiveness of tribal governments. In short, Congress had created the problems that beset the freedmen in Indian Territory, the Interior Department put obstacles in the way of the tribes’ solving the problems, and the political propagandists used their failure as evidence that the tribal nations should be dissolved.

The tribal people were convinced that the government’s refusal to fulfill its treaty obligations to remove these intruders—not only black but (especially) white—was purposeful action aimed at destroying the nations. William Eubanks wrote, “Sacred treaties have been made with these Indians and before the ink, with
which the agreement is written, is dry, schemers have been allowed to intrude upon the Indians’ country against treaty agreements. They are used as battering rams to tear down the nationalities of the Indians and get up disputes that the government may find a pretext to show its animal power. We are harassed by an innumerable long haired, dirty, greasy and black skinned white men who have come into this country claiming to be Indians, but the government seems to look upon this as a very fine scheme and winks approvingly....”

Whereas Eubanks looked at federal action in terms of raw power driven by greed, other Cherokees looked at deep-seated racism at the root of federal policy. The problem for Americans was that Indians were in control of the land in Indian Territory. The Cherokee delegation summed it up this way in 1896: “It is considered almost criminal that an Indian should rent to, and in that manner dictate terms to, an American citizen.” Yet, they asked, what would the poor intruders have done had it not been for the Indian Territory? “Who or what has caused their wanderings and drifting around in covered wagons,--homeless and poverty-stricken? They are your Tennesseans, Georgians, Carolinians that the worn-out lands of those States have set adrift--they are pure Americans for generations back who have been crowded west by a more frugal and industrious emigration. Our country affords them for a while an asylum, a haven of rest in the house of a Samaritan, and yet the Dawes Commission revolts at the idea of an Indian landlord for a ‘free American citizen.’ This very disposition to consider the Indian lower than the American citizen is what makes the Indian so tenacious of his lands and his separate government. He dreads the day of an association with the whites where his blood will be despised and himself oppressed because he is an Indian.”

The delegation was responding to the second annual report of the Dawes Commission. These reports were little more than an annual summation of an ongoing campaign of anti-Indian propaganda and hate literature orchestrated by members of Congress and other politicians from Arkansas, Texas, Missouri, Kansas, and Colorado, backed by the railroads and other elements of corporate America. By the late 1880s and early 1890s, these parties had maneuvered their spokesmen onto the key committees of the House and Senate--Indian Affairs, Territories, and Railroad--and later onto the Dawes Commission.

By the time the Cherokees labeled their policy as racist, the end was in sight. Though most historians point to the Curtis Act of 1898 as the crowning blow, that law simply told the tribes what the government would do in doling out the tribal assets. The crowning blow came in the act of June 10, 1896, which said that the Dawes Commission had authority to make tribal rolls. The blossom that had sprung in the freedman provisions of the treaties of 1866 had now borne fruit. A nation that cannot determine its own citizens has no sovereignty. The inevitable outcome of federal policy that E.C. Boudinot had predicted early in the Reconstruction period had come to pass. The nations simply died a thirty-year death from political suffocation. As Cherokee commissioners debated their negotiations with the Dawes Commission in 1897, Robin Pann said, “I would like to know what right the Government claims to have to destroy our Government.” Chief Samuel Mayes replied, “Just simply their power I reckon.”

The use of the freedman issue in helping to bring about the dissolution of the tribal nations highlights one of the supreme hypocrisies in American politics. While government officials on the one hand castigated the tribes for denying freedmen rights and used that denial as one basis for abrogating the
treaties of 1866, on the other they supported a legislative agenda in America that led to the separate-but-equal philosophy sanctioned in *Plessy vs. Ferguson*.

Propagandists who supported the work of the Dawes Commission used the national climate of race hatred against blacks to turn public opinion against the Five Civilized Tribes. Stories in the regional and national press more frequently claimed that the Indians had so mixed with their former slaves that some of the tribes were thoroughly "negroized." Realizing that a time would likely come when they would be tossed into the American melting pot, many Indians sought to distance themselves from blacks. That desire, the racial tensions fostered by the government’s freedman policy, and the presence of a white population made up largely of ignorant castoffs from the South created by century’s end a racism against blacks in the Indian Territory as virulent as that which characterized white America.

Even among the Creeks, who had adopted their freedmen straightaway and against whom the government had few complaints regarding the freedmen, race hate entered the public debate. Some Creeks began to deny their African ancestry. One prominent politician, it was alleged, showed no evidence of that ancestry except in hair texture, which he attempted to hide under a wig of straight black hair. By 1892, seventeen members of the National Council were black and many of the public offices were held by blacks. A movement among the Creeks proper sought to alter the Treaty of 1866 and disfranchise the freedmen. Reported caucuses drew the following response from a freedman: "Have the Indians been living here with the negroes, marrying and intermarrying, for the last twenty-six years, and have they just found that they are the negroes’ superior? If so I am sorry for them. There are no negro citizens of the Creek nation if the stipulations of the Treaty of ‘66’ be true, but all are Indians. Those Indians, or rather would be Indians are the very ones who have the strong vein of negro blood in them. I am sure that the full-blood Indian wants no change, but it is the man who hardly knows whether he is black, red or white. Of course such a man is lost, and is trying to find himself. Whenever the Treaty of ‘66’ be changed the Indians themselves shall have a reward of damnation as much so as the negroes. The negroes are ready to stand any change the Indians can, so let it come." This was a statement of conviction, no doubt, but one whose prediction could not have been more wrong.

The freedman policy pursued by the government after 1866 and white fears in early Oklahoma Territory that it would be the focus of a new Exoduster movement put the race issue at the heart of the Oklahoma statehood movement and made it a certainty that Oklahoma would enter the Union as a Democratic state. David C. McCurtain, the Choctaw attorney, local politician, and, later, federal bureaucrat, expressed the smoldering resentment of the Choctaws and Chickasaws regarding the freedmen. Calling the Treaty of 1866 "as discreditable an act as was ever perpetrated by a great political party in the name of a government," McCurtain charged that the government under control of the Republicans, held the tribes hostage, forcing them to adopt the freedmen. In his view, the Republican party was responsible for taking Indian land without compensation and giving it to the freedmen. "Did the United States government under the control of the Republican party ever do so much for the white people in the Indian Territory as it has done for the negro? Not only that, did the United States government under Republican rule exact of the other slave owners the same requirements it exacted of the Indians? Were the people of Arkansas, Texas, Mississippi and
the other slave owning states required to provide for their negro slaves as were the Indians?"\textsuperscript{25}

McCurtain and others blamed the Republican party for the dissolution of the tribes and for giving the freedmen a share in the final distribution of the tribal domain. "I cannot for the life of me," he said, "see how an Indian can bring himself to support the Republican party, a party that is so closely connected with the negro and so strongly committed to his interests as if by some magic power that cannot be shaken off, especially when this close relation to and strong attachment for the negro and his interest has so many times come into play against the Indians and their interests. I am for the Indian as against the negro, and am, therefore, not a Republican."\textsuperscript{26}

With such rhetoric common in the campaign for state constitutional delegates, it is not surprising that the Republicans had little voice in the convention, that delegates worked hard to insert Jim Crow provisions in the document, that, failing there, Jim Crow bills were the first introduced in both houses of the First Oklahoma Legislature, that Indians were declared white by Oklahoma law, that the Indian freedmen, who had had access to the land and, in some tribes, had enjoyed some political rights and educational benefits, found themselves segregated and disfranchised along with blacks who had gone to Oklahoma from the states, and that the Democratic party dominated Oklahoma politics for decades following statehood. Before allotment was finished, the federal government withdrew its support for the Indian freedmen, who were among the first to have the restrictions from sale removed from their allotments. Immediately, literally over night, thousands upon thousands of acres of tribal land transferred to whites, much of it to grafters, speculators, and shysters, among whom were some of the most prominent of Oklahoma's first generation of politicians. And the Indian freedmen became American citizens as landless as most of their counterparts in the American South.

In the overblown style of the Genteel period, Too-qua-steed described how the tribal delegates from Indian Territory looked down from the gallery as a handful of U.S. senators perfunctorily passed the Curtis Bill. As they watched the senators go unconcernedly about the business of dismantling their nations, it was as if they were looking down into the very heart of the hypocrisy and political corruption that had dictated federal policy toward them since the Civil War. "The Indians sat alone in the empty gallery," he wrote, "wrapped in gloomy silence, and looked down with mingled feelings of helpless contempt upon the false assumptions of fact, the hypocrisies of argument, and the injustice of conclusions, which pushed on to consummation, this most remarkable act in the great drama of civilization; they saw the sweet angel of pledged faith taken and knifed by christian hands, and laid upon the altar of insatiable greed, and offered up as a sacrifice to the god of mammon; barbarism quaked at the spectacle with a sense of insupportable horror, and with just aversion turned its swarthy face from the gleams of Calvary, as only the delusive lights of pride, power, arrogance and oppression. They saw more than that," Too-qua-steed continued; "their own homes, the uninterrupted possession and enjoyment of which these same senators or their lineal predecessors, had but a short time ago, solemnly guaranteed to them forever, they saw taken and handed around as gratuities to unentitled strangers; they saw themselves taken and imprisoned upon a narrow strip of 80 acres, with their enjoyment of the same limited to the dusty surface, while everything beneath them—the gold and the silver—is 'reserved' and handed over into the hands of the rich, the cherished gods of the dollar."\textsuperscript{27}
Ben Colbert, the Chickasaw lawman turned pig farmer and, later, IRS agent, suggested that the Five Civilized Tribes escaped a war of extermination in the nineteenth century because they had been so intermixed with whites. It would have been difficult for the government to kill them all. “The term of savage had long since passed as an application to these people,” he wrote, “many of them were part, or wholly white, so it was rather a hard proposition to entirely eliminate the Indians, and perchance we pass through another period of commissioners and treaty making instead of a perfunctory warfare, by which a hundred thousand citizens would have been disposed.”

To Colbert, what had happened since the treaties of 1866 was as good as warfare. The difference was that the Indians were not lying good and dead but were still standing, looking at the wreckage of their nations. The first salvo in the wrecking process had been the treaties of 1866.

Such was the culmination of the process begun by D.N. Cooley upon his arrival at Fort Smith in 1865. Whether he intended the list of demands he carried to be a master plan of the policy of succeeding decades, historical events suggest that the tribal people believed it was. Of all the demands, however, that regarding adoption of the freedmen was not only the most devastating but was to them what Cherokee historian Mabel Washbourne Anderson called the most “unjust.”

By dictating who could and could not be members of the tribal nations, the government struck to the heart of whatever vestiges of autonomy or national sovereignty the tribes believed they had brought with them to the West. Thereafter, as far as policy planners were concerned, any claims to such sovereignty were moot points. In succeeding decades, the government was little concerned for the freedmen as a people; it used them simply as a convenient tool to help dismantle the tribal nations and to transfer more land from Indian to American title.

Notes


5. Factual information regarding the Cherokee freedmen here and elsewhere in this paper is drawn from Littlefield, The Cherokee Freedmen.

6. Factual information regarding the Chickasaw and Choctaw freedmen here and elsewhere in this paper is drawn from Littlefield, The Chickasaw Freedmen.

7. This language is adapted from Stephen Crane, “The Bride Comes to Yellow Sky,” in Maggie and Other Stories (New York: Washington Square Press, Inc., 1960), 156.

8. George W. Harkins, Argument of George W. Harkins, Delegate of the Chickasaw Nation, in Opposition to the Bill (H. H. 1277) Introduced by Mr. Springer to Provide for the Organization of the Territory of Oklahoma, and for Other Purposes (Washington: Gibson Bros., 1888), 7-9.

9. Ibid., 10, 11.


11. These statements appear in Cherokee Advocate, September 9, 1876, and March 26, 1879, respectively.


15. Ibid., 163-64.


20. Cherokee Commission Minutes, Fort Gibson, Cherokee Nation, June 8, 1897, Cherokee Nation Papers, Box 13, Western History Collections, University of Oklahoma.


22. Indian Journal, May 1, 1879.

23. Muskogee Phoenix, October 13, 1892.

24. Muskogee Phoenix, November 17, 1892.


26. Ibid., 133; for similar Choctaw views, see Durant, “A Choctaw Roasts Hitchcock.”


Discussions of the Civil War rarely include analysis of the role of native peoples. Largely lost in the minute examinations of the war are the residents of Indian Territory who fought and died in Union and Confederate uniforms. Ignored by many scholars of military topics, Indian Territory also suffers from a general neglect by historians interested in the experience on the homefront. The citizens of the Five Nations, particularly the Cherokees, underwent the same hardships as the entire nation caught in civil war, with the added problem of division within their tribes. This paper will explore the homefront in the Cherokee Nation, examining the various experiences of non-combatants by focusing on the microcosm represented by one family.

The Civil War cost Americans a great deal by any method of calculation -- money spent, lives lost, men wounded, property destroyed. Within the context of numerical valuations of the Civil War, Indian Territory did not count for much in either the nineteenth century or the present. The residents of this quasi-autonomous region experienced neither the major battles nor high casualties that characterized war in the East.

However, measuring losses by purely strategic or military yardsticks misses half of the equation, because the majority of Americans experienced the Civil War as civilians. While a knowledge of civilian life is important to our understanding of the war, it is not easy to obtain. Little concerned with residents in their theaters of operation, Civil War armies did not keep records of the supplies soldiers "requisitioned" nor the homes they burned. Although there are no succinct lists of civilians dead, ill, or homeless, many residents of the homefront chronicled their experiences in letters and diaries. These accounts leave little doubt that warfare affected the lives of civilians. Few can remain untouched when their region is engulfed by the animosities, distrust, and violence that accompanies a civil disturbance. Indian Territory proved no exception as families struggled to endure the hardships of existing in occupied territory.

The primary residents of Indian Territory in 1861 belonged to the Five Nations -- Cherokee, Creek, Choctaw, Chickasaw, and Seminole. Residing on the lands assigned to them in the 1830s, they lived mostly in the eastern half of the territory. Theoretically autonomous nations, they nevertheless waged a constant struggle against relentless pressures to assimilate and surrender their unique status within the United States. It seems impossible to speak of the Cherokee, Creek, and others without conjuring images of the oft told story of removal, and in this case it would be a mistake. The history of the Five Nations in the Civil War is indissolubly bound to the experiences of removal. Relocation to Indian Territory placed the Five Nations in the difficult and potentially dangerous status of border state between the warring factions in 1861. It also spawned a bitter division within the Cherokee Nation between factions led by John Ross and Stand Watie that played out as a northern versus southern contest during the war.¹

Drawing his support from the more acculturated, mixed blood minority in the Cherokee Nation, Watie represented a constant
challenge to the power of Principal Chief Ross. In the summer of 1861, as Ross continued to hold out for neutrality, Watie's support for the Confederacy threatened to divide the Cherokee Nation. By the fall, external and internal pressures proved too strong even for Ross, and the Cherokees joined the Creeks, Choctaws, Chickasaws, and Seminoles as Confederate allies. Military units organized under the leadership of Stand Watie and John Drew, a Ross supporter, enlisted in Confederate service.

The belated decision to support the Confederacy did not compel the loyalties of all the Cherokee people. A representative system, the Cherokee government had little coercive power, nor was it clear that their chief was committed to this recent decision. Thus many citizens of the nation decided for themselves which side they would support. Their loyalty might be motivated by religious, familial, economic, or personal factors. The result was a chaotic period of tension, distrust, and upheaval. Those who joined the armies of the contending nations naturally faced hardships and the possibility of death, but those who remained at home dealt with an equally uncertain future. Murder, theft, shortage of food, inadequate medical aid, and lack of transportation and communication combined to challenge civilians in Indian Territory.

One of the most poignant examples of the unraveling of civilian lives is the experience of Hannah Hicks. Hannah's maiden name of Worcester was a prominent one in the Cherokee Nation. Her father, the well-known and well-liked missionary Samuel Worcester, had challenged Georgia's extension of laws over the Cherokee Nation prior to removal. Having dedicated his life to the Cherokee people and raised his family in the nation, it is not surprising that Worcester had a daughter who felt comfortable marrying a full blooded Cherokee man named Abijah Hicks, son of a prominent Cherokee family, in 1852.

In the midst of rearing a family of five in 1861, Abijah and Hannah faced the upheavals brought by warfare with their options limited. The situation reflected Hannah's existence in two sometimes conflicting worlds. Most of the white missionary families fled the nation at the beginning of the war. Although remaining committed to their positions within the church, missionaries found their work halted as schools and churches closed and a possibility of physical harm loomed. Traveling north and east, most missionaries returned to families or visited friends for the duration of the war, keeping in touch with Indian Territory via infrequent letters. Most native people could not choose relocation, however, and Hannah's young family stayed in Park Hill and shared the fate of their Cherokee relatives. As a young mother, Hannah worried as her support system of friends and sisters left the territory for a life she acknowledged as safer than her own. Her Christian faith and dedication to her family would have to see her through the upcoming challenges.

Although Hannah's experience resembled the harshness of frontier life in any area, her difficulties stemmed directly from the tension and violence of a nation torn by civil divisions. The extended family of Samuel Worcester and many of his colleagues maintained unionist sympathies. This could be either a curse or a blessing depending on the shifting balance of power, but it was never a guarantee of safety. As tensions between Cherokee factions rose and violence increased, life became more precarious regardless of one's sectional leanings.

Hannah lost her husband when he failed to return home from a routine trip to buy supplies in Van Buren, Arkansas. Considered a Union man, Abijah was murdered by "Pin" Indians who should have been allies, but they
may have mistaken him for another man. This certainly gave little comfort to his young wife, who as a missionary was shocked by Abijah's lonely death 40 miles from home without a proper Christian burial. Pro-Union Cherokees burned the Hicks home, probably because Abijah had let his brother-in-law Spencer Stephens live there. This action shows the changing nature of alliances and security as the "Pins" targeted Spencer as a Confederate supporter though he later served as acting adjutant in the Union Indian regiment.

Divisions emerged even within the close knit community of missionaries. Guided by their faith in Christian teachings and the experience of minority status in an Indian nation, the missionaries attempted to stand by one another. Hannah noted sorrowfully the murders of various teachers and preachers, fallen prey to the lawlessness in the Cherokee Nation. Yet she also noted great relief when Reverend Stephen Foreman left the nation. An assistant to Samuel Worcester, Foreman nonetheless vocally criticized other missionaries for their Unionist sympathies. Despite this censure, Foreman turned to this community for refuge when the tide of power in the area shifted toward the loyal Cherokees and he feared for his life. Hannah Hicks ignored rumors that connected Foreman to her husband's death and risked violence by hiding Foreman from the "Pins". Foreman moved his family farther south in 1862 when tension increased and communities divided.

As southern supporters such as Foreman moved out, the area around Tahlequah consisted of loyal Cherokees under tenuous Confederate control. In such a situation, it was best to remain as inconspicuous as possible because of pervasive looting, pillaging, and murdering. Conditions were so volatile that it did not require provocative actions to get in trouble. Daniel Dwight Hitchcock, widower of Hannah's sister, suffered capture by the Confederates for admitting his preference for the Union. A son of northern missionaries, Hitchcock perhaps naturally favored the Union, but there is little evidence that he actively espoused the cause or threatened Confederate control. Colonel Douglas Cooper, commander of the Confederate Choctaw and Chickasaw regiment, implied that he held Hitchcock for his own safety due to "the state of feeling in the country.” Perhaps Cooper genuinely cared about Hitchcock's fate; more likely he was considered a harmful influence as an educated, well-respected figure opposed to Confederate alliance. This minor military decision affected the lives of dozens of civilians in the Park Hill area who had depended on Hitchcock as the only physician.

Isaac Hitchcock, brother of the captured Daniel Dwight, appears to have been more outspoken in his views. Identification as a Union man invited violence from Confederates. Isaac's hired hand left his employ, citing the danger of living with a northern man and threatening to report him as such to Ft. Smith, "which is the same as a man's death warrant.” He was reported as a missionary and an abolitionist, an association that had become common regardless of its validity. The situation was so tense that a drunken man accused Hitchcock of being a spy simply because he received a letter with a Washington, D.C., postmark. The mere implication that a man associated with the wrong side could be devastating. Stand Watie's men tore the Ft. Gibson store to pieces and took two men prisoner simply because the Federals had left the place untouched.

Men of the nation attempting to escape the insecure life at home had several options. They could look for employment elsewhere, as Isaac Hitchcock did, teaching school in Kansas. They also could join either army and expect at least the basic necessities of life from the
military. Women naturally had fewer choices, none of which provided regular sustenance as did military service. Many families followed fathers and husbands into the army, often ending up in refugee camps. Hannah's sister-in-law, Sarah Stephens, left Park Hill with the Union army and joined thousands of other refugees at Neosho, Missouri. However, relocation frequently was not a viable choice. Women, especially those with husbands dead or away, often did not have the means to leave home. Like Hannah Hicks, they had to find a way to survive and hold their families together.

One difficult reality was the adjustment to living in an occupied territory. The Cherokee Nation, as all the Five Nations, had existed as a nearly autonomous entity, providing its own police protection and enforcement. Federal government presence was limited to small garrisons in a few forts intended to protect "civilized" Indians from "uncivilized" tribes. Ft. Gibson within the Cherokee Nation recently had been decommissioned. Thus the arrival of various military units in the Cherokee Nation represented a drastic change.

From 1862 to 1864 the opposing forces contended for control of northeastern Indian Territory. Confederates could never completely hold the area north of the Arkansas River, neither could the Federals secure it. The contested region included both the Cherokee national capital at Tahlequah and the residential area of some of the nation's wealthiest citizens at Park Hill. The Confederate Cherokee forces under the command of Stand Watie naturally wished to control this important area both for its strategic value and because John Ross and many of his supporters had homes there. Similarly, Park Hill figured in the plans of the Federal forces attempting to reestablish dominance in the Cherokee Nation.

The ill-fated Federal Indian Expedition of 1862 created a great deal of unrest and confusion but little concrete gain. In theory the Cherokee regiment led by John Drew guarded the capital region, but in reality Drew's men had become known for their wavering loyalties. July of 1862 bore out this reputation. When the Union forces arrived in the Cherokee Nation, many in Drew's regiment abandoned the Confederacy and enlisted in the Federal Indian Home Guards. Placed under arrest by Captain Harris S. Greeno, John Ross left for the North in the custody of Union troops.

With John Ross spirited away by Federal troops in July, the people of Park Hill and Tahlequah lost the focus of the community. Ross had been both a political leader and a social and economic power in the area since removal. There were other officials and powerful men, but Ross had kept the reins of government close and few could match his influence. Many prominent leaders who had joined the Union army also could not remain in the area. Cherokees who supported the Confederate cause denounced the old leadership and elected a new Southern Cherokee government, most of whose members served with their new chief, Stand Watie. Watie's men traveled extensively in their military activities, often leaving the nation.

With neither the pro-Union nor pro-Confederate leaders in the area, the civilians of the Cherokee Nation had been left to their own devices. Women and children made up the majority of the remaining residents. They faced numerous challenges due to wartime conditions in addition to the normal burdens of nineteenth century life in a rural area. The uncertainty of supplies, threats of hostile raids, and isolation caused by poor communications were magnified by the conflict.

Cherokee citizens endured having two separate armies and numerous outlaws frequent their nation, with the resulting violence and hardships. Guerilla raiders such as Quantrill...
rode through the nation with impunity. Regiments or fragments of commands could show up with little or no warning. Civilians traveling for supplies or visits might find themselves on the road with several thousand soldiers. This could be especially alarming for women, who generally traveled without male companionship during the war, but equally so for men who, up to that point, had chosen not to join the army. Immediate membership in the military might be the best scenario in such a case.

Isaac Hitchcock consciously avoided areas and roads where Watie's men traveled. More than once he was unwillingly pressed into temporary service. Men who had already run into trouble with the enemy found it difficult to return home because of the possibility of being surprised by troops. Daniel Dwight Hitchcock's mother rejoiced at his release and return home, only to fear for his life a few days later when southern forces passed by her farm.

The uncertainty of travel greatly restricted the lives of civilians. Formerly simple tasks like taking wheat to a mill or visiting friends became anxious trips undertaken only through necessity. With two armies on the move accompanied by the usual shirkers, no one seemed safe. Everyone had heard stories of travelers such as Abijah Hicks who never came home. David Palmer, a friend of the Hicks family, made a remarkable escape with a bullet in his leg after being ambushed on the road by "bushwhackers" and watching his companion get shot in the head. Making it safely home proved little consolation for Palmer. In the two weeks of his recuperation he only ate one meal in the house for fear of capture by southern forces.

Lack of transportation also limited travel. Nearly every serviceable horse in the area, and some less sound, found their way into military service. Dr. Hitchcock's horse Teasle saw action with both the Union and Confederate armies. Apparently not pleased with military treatment, Teasle made periodic trips home, only to be picked up again on the next sweep.

Rights of ownership made little difference to those conscripting horses and mules. After his horse was stolen, Isaac Hitchcock borrowed a neighbor's to finish plowing, only to have it taken off to haul cannon.

Home became the only refuge for civilians who could not travel safely. In many cases the situation there was little better. Living from the land, armies stripped the countryside as they went--bivouacking in fields, burning fences, and trampling crops. Civilians knew what to expect from their temporary neighbors after a few encounters. Hannah Hicks reported Confederates camped one-half mile from her farm and expected to lose her livestock. The situation in Indian Territory differed from much of the south because many soldiers from both sides lived in the area. Confederate Cherokee troops occasionally patrolled the Park Hill area. This gave rise to situations where Cherokee soldiers "requisitioned" supplies from loyal Cherokees they had known all their lives. Through their involvement in churches and schools, mission families knew many of the people in their area. Hannah thus knew the Confederates who arrived in her house demanding dinner in December 1862 and received civil treatment from most of them.

Familiarity with the enemy did not always guarantee civility. Old grudges and animosities often surfaced. Resentment or jealousy of material success produced vindictive destruction or theft. Theft may have been the most widespread and most difficult feature of army occupation. Those who are armed know that they can easily take what they desire from others. It requires strong leadership to restrain soldiers from looting and pillaging easy targets, and Indian Territory generally had a dearth of such leaders.
Women remaining at home could expect to see armed parties of men at any time. Word usually spread around a neighborhood about impending visits, but little could be done to prevent or prepare for them. Residents might try to hide valuables if given enough advance warning. The types of possessions that could be buried in the yard or hidden in the hollow of a tree were those that had value in peacetime such as china and silverware. Such items had little worth in the daily life of war torn Indian Territory. Few women sought to impress callers with their best luxury items anymore. The valued goods in 1862 were those that kept the household functioning--oxen, pigs, home furnishings, and stored food--and they did not lend themselves to easy concealment.

In November 1862 soldiers robbed Hannah Hicks of nearly everything she owned. Apparently having plenty of time for the task, the men thoroughly ransacked every closet, drawer, trunk and box they could find. Perhaps most infuriating for Hannah, the Cherokee leaders of the group often had eaten at her house. Her belief that a missionary's wife directed the looters to Hannah's house reflects the bitter division of friends and acquaintances. In this case word fortunately reached the commanding officer who ordered a stop to the thievery and the return of some items. While grateful for the reprieve, Hannah grieved for the loss of so many valued items. Having lost her husband and her first home, she now had to surrender treasured mementos as well. Her experience certainly was not unique. She records her shock and sorrow at the destruction of friends' homes throughout the nation as she passed ransacked houses that once offered good hospitality.

Although the loss of personal possessions struck deep chords with women, the theft of food and livestock proved a far more serious threat to their existence. The soldiers ran off all of Hannah's cattle -- though many of the beasts escaped and returned home. Texas troops slaughtered one oxen out of each of her three pairs. A similar story was repeated across the Nation. Soldiers and bushwhackers methodically stripped Indian Territory of its richest resource--livestock. Few people could replace the stolen animals. The loss of animals meant a corresponding lack of protein in civilian diets, and the removal of draught animals effectively halted large-scale agriculture. Stripped of much of their meat supply, residents of Indian Territory tried to keep one or two overlooked cattle and the hogs that generally ran wild until needed. The shortage of breadstuffs also reached crisis proportions. Soldiers helped themselves to grains and corn in homestead barns and cribs. Replacing that stored food became increasingly difficult. Several of the local mills came under military control or were destroyed. Residents found themselves traveling farther under dangerous conditions to have their few crops processed.

More alarmingly, agricultural production dropped precipitately as the war continued. With men and draught animals gone and fields and fences destroyed by passing troops, women struggled to grow food. Confederates took all the stored wheat from the Ballard family in the Cherokee Nation, leaving them nothing but seed wheat. Such a loss generally forced families to eat the seed, and thus leave no means to plant a crop in the following year. The situation became more desperate as each month passed. The Union army under Colonel William A. Phillips attempted to alleviate the worst of the suffering by sending train loads of flour to civilian areas such as Park Hill. Kind-hearted people such as Hannah found it hard to refuse requests for help, but any food spared was literally taken from the mouths of her own children. By the spring of 1863 Hannah Hicks could not sustain her own family. The daughter
of missionaries who had so often helped those in need now relied on what flour she was given to feed her children. Hannah noted the impending starvation of the people.  

Residents had trouble covering as well as sustaining their bodies. Clothing became scarce when ill-supplied troops ransacked homes and raw materials for cloth were no longer available. The supply of skilled craftsmen already had been low in Indian Territory in peacetime and during war it was virtually non-existent. With no access to a shoemaker, Hannah attempted to fashion cloth shoes for herself. Friends outside the territory sent clothing to help out those left behind.

The lack of clothing may have led to increased sickness and death from exposure. The Cherokee Nation in northeastern Indian Territory experienced bitter winter winds and snow accumulation that foretold hardships for those without shoes and blankets. In the many single-parent households in Indian Territory, the illness of an adult could mean disaster for several children. Along with the constant illness of her youngest child, Hannah herself had frequent bouts of sickness. During these times she acknowledged her inability to care for her children, but there was no one else to do so. Her diary, written for her sister's information, records the deaths of many friends and relatives. Diseases such as smallpox remained a problem for native people in this period, especially at military camps and forts where men gathered in large numbers. Soldiers who survived the close confinement and unsanitary conditions of army camps might return home to find that their family had succumbed to the harshness of civilian life. John Hicks lost two children and a mother in the first year of the war while he and his brothers served with the Federal army.

The unreliability of communication added to the grief caused by frequent deaths. Reports of deaths often arrived woefully late or were incorrect, increasing the emotional burden. Isolated from the rest of the country by distance and poor communication, residents of Indian Territory often wished for news of the larger conflict. Not knowing the true movements of the armies frustrated civilians. Their hopes were alternately buoyed or dashed by conflicting reports of battles and skirmishes. Though frequently incorrect, reports that the enemy would arrive in the neighborhood shortly kept everyone upset and on edge. At a time when so many people lived so close to the brink of survival, the haphazard communication of news could be cruel.

The civilians remaining on the homefront in the Cherokee Nation experienced many hardships. They lived in a constant state of anxiety for the safety and survival of their families. Everything became scarce -- food, transportation, medical treatment, community life. Virtually helpless to alter the situation, women and children and a few old and ill men carried on as best they could. The final, nearly unbearable hardship was the realization that the Cherokee people brought this on themselves. It was Cherokees who robbed and stole and murdered fellow Cherokees. Even if the Civil War stopped in an instant, the wounds of the strife within the tribe would heal slowly indeed. Hannah Hicks summed up the fate of the Cherokee Nation: "It is pitiful, pitiful to see the desolation and distress in this nation. Poor ruined Cherokees."
Notes


2. William P. Adair and James M. Bell to Stand Watie, August 8, 1861. *Cherokee Nation Papers*, Western History Collection, University of Oklahoma, Norman, OK; Abel, *The American Indian as Slaveholder and Secessionist*, 153.

3. *American Scene*, Gilcrease Institute, XIII, 3, p.3.

4. Hannah Worcester Hicks diary, August 17, 1862, Gilcrease Institute, Tulsa Oklahoma.

5. "Pin" was the name given to traditional supporters of John Ross who wore crossed pins as a symbol of their membership in the Keetoowah society.

6. Stand, the Cherokee who killed Hicks, was a complete stranger.

7. Hannah Hicks diary, September 7, 1862.


11. Journal of Isaac Hitchcock, Thomas Gilcrease Institute, entry May 10, 1861


13. Isaac Hitchcock to A.E.W. Robertson, 11/3/62, Box 9, Robertson Papers, University of Tulsa.


17. Hannah Hicks diary, November 16, 1862.


19. Hannah Hicks diary, November 16, 1862.


24. Hannah Hicks, September 16, 1862.


29. In 1861 Indian Territory was reported to "have an immense supply of beeves, sufficient to supply the meat for the whole Confederate service", *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*. Washington: Government Printing Office 1881; Historical Times Inc. 1985

30. Ibid., September 20, 1862

31. Hannah Worcester Hitchcock to A.E.W. Robertson, 5/12/1863, correspondence in Robertson Papers, University of Tulsa, Box 9, File 133.

32. Ibid., January 1, 1863

33. Lizzie Clark to A.E.W. Robinson, January 20, 1863,

34. Hannah Hicks, September 28, 1862.

35. Ibid.

36. Ibid., November 16, 1862.
“Holding Our Family Together”:
The Civil War Experiences of the Creek Graysons

Dr. Mary Jane Warde
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Anyone familiar with the Civil War in the Indian Territory knows that it was probably the greatest catastrophe ever to strike the present state of Oklahoma. It devastated Indian political and economic systems, undermined the delicate balance of Indian/federal relations, and shattered communities. While we generally think about this event in sweeping terms, existing documentation allows us a rare opportunity to examine the years from 1861 to 1865 through the eyes of a single family of citizens of the Muscogee (Creek) Nation.

The outbreak of war in 1861 found Jennie Wynn Grayson the recently widowed mother of five boys and one girl between the ages of eighteen to perhaps eight. In their log home beside the Texas Road, where it angled through the sprawling settlement of North Fork Town, they lived in a style typical of the Creek country at that time. Jennie’s husband had been a small farmer, one-time owner of a single slave. Illiterate but bilingual, James had shared a parental ambition with Jennie, who spoke only Muskogee—that their children might have an English education on which to found their future and rise to leadership in their nation. That dream now seemed possible, for the eldest, George Washington, known as “Wash,” had just come home from his second year at Arkansas College at Fayetteville. Sam, the second son, was a student at the Methodists’ Asbury Manual Labor School on the edge of the settlement. Pilot, Louisa, Malone, and James Jr. attended the neighborhood school.

What the Graysons lacked materially, they made up for in kinship ties. James had been a grandson of Scottish immigrant Robert Grierson, who had married an Upper Creek woman of Hillabee Town. His numerous descendants now surrounded James’s family as uncles, aunts, and cousins. Katy Grayson and Tulwa Tustunuggee, James’s parents, lived with their younger children and slaves just across the Canadian River in the Choctaw country. Jennie and her sisters Rebecca and Parthenia (Feenie) were perhaps one-quarter Creek, but as members of Coweta Town and the Tiger clan, they had strong ties to former Lower Creek Principal Chief Roley McIntosh and his nephews Chilly and Daniel N. McIntosh. Thus, as trouble seemed imminent in 1861, Jennie Grayson could rely on numerous relatives.

As relations between the federal government and the Creek Nation broke down in the spring of 1861, the family found themselves at the center of territorial events. Wash, who had taken his father’s place as primary provider for the family, was old enough to vote and young enough to enjoy the excitement of Creek national politics. Wash held a Jeffersonian view of the philosophical and political benefits of agriculture, but when it came down to it, he much preferred the desk to the plow. So he had taken a clerk’s job at Sanger’s Store in North Fork Town, leaving the farm work to Jennie, his brothers, and perhaps a hired hand. At the store he could hear the nation’s leaders discuss Creek politics, history, loyalties and misgivings. The Grayson family shared their neighbors’ anxiety when federal troops evacuated their frontier guard posts and when federal officials withheld the annuities on
which Creeks relied to fund their schools. When Albert Pike of Arkansas came to North Fork Town to proffer an alliance with the Confederacy, Wash delivered the groceries merchant Sanger supplied to feed one thousand Creeks gathered to deliberate this crucial national issue near the Baptist arbor on Baptizing Creek four miles northwest of the settlement.4

Wash listened to the unusually acrimonious debate as the McIntoshes spoke for a new alliance, but he also admired Opothle Yahola’s patriotism as he eloquently insisted that Creek adherence to their old treaties with the United States was the safer, more honorable course. After the McIntoshes and the “Southern” faction signed the new Confederate alliance, Jennie Grayson’s family were dismayed to see Opothle Yahola lead his “Loyal” followers away to the western Creek frontier. With him went Simpson Grayson, who sold his slaves before joining the exodus, and Jennie’s sister-in-law Tility Grayson McAnally.

But Aunt Tility’s eighteen-year-old son Valentine, Wash’s close friend as well as his cousin, stayed behind to join the newly-formed Creek Confederate Mounted Volunteers. Some of Jennie’s pro-Confederate relatives then emigrated to the comparative safety of the Red River Valley or sent their children away to boarding schools outside the territory, but Jennie chose to remain with her children in North Fork Town.5

Wash wanted very much to join the Creek Confederate regiment with Cousin Valentine. Going to war promised excitement, and he was uncomfortably aware of the disparaging looks cast his way. Customers in Sanger’s Store—ardently pro-Confederate family minister H.F. Buckner, Chilly McIntosh, Chief Motey Kennard, Creek Confederate Quartermaster James M.C. Smith—knew literate officers fluent in Muskogee and English were especially valuable to the new multi-lingual Confederate Indian regiments. When a healthy, six-foot, eighteen-year-old college student did not accept a lieutenancy, they suspected cowardice. Wash’s rationale for not joining up was his responsibility to his mother and younger siblings. Besides, he reasoned, after Opothle Yahola and the Loyal Creeks were driven into exile in Kansas in late 1861, no immediate danger threatened the Creek Nation. But for an ambitious young man who had already received the ceremonial name “Yaha,” “Wolf,” at the Green Corn Ceremony, and who knew that a warrior’s service was the next stage in the traditional Creek cycle of life, staying home when others left to fight was a hard, hard choice.6

So the first two years of the war passed the Grayson family by with little immediate impact except for loneliness for exiled friends and kin, inflation, and shortages of imported items. Flour, coffee, and sugar disappeared from store shelves as federal forces cut supply lines to the Indian Territory. Even corn meal was scarce and costly once millers—usually white federal employees—were for the safety of “the States.” Denim cloth, that originally sold for fifty cents per yard and for which Wash paid seventy-five cents in January 1862, rose to seven dollars per yard in one year. Wash paid five dollars for two coats early in 1862, but soon common ready-made shirts and pants sold for nine dollars each. A pair of shoes cost twelve dollars; tobacco was five dollars a plug. Fresh vegetables and meat were still abundant, but Creek women were forced to pull out their long-stored hand mills, spinning wheels, and looms to grind corn and make home-spun cloth. Inflation, Wash wrote later, was probably the deciding factor in his finally enlisting in the 2nd Creek Mounted Volunteers, perhaps in the spring of 1863. As an officer he could expect to send money home to his mother and to receive
a larger share of goods captured from the enemy.7

In joining his regiment Wash was among fellow Coweta Town members, his relatives by blood and marriage, and his old North Fork Town neighbors—the Upper Creek Okfuskees and Eufaulas. Even regimental Colonel Chilly McIntosh was a grandson of Wash’s great-grandfather. One suspects that their expectations of him and his desire to prove his courage as a warrior, rather than any political convictions, were the motivating factors in his becoming at about age twenty adjutant of the regiment, then lieutenant and later captain of Company K. At any rate his two years’ Civil War service were the great adventure of a long, energetic life.8

Wash Grayson’s Civil War was typical of that fought in the Indian Territory and atypical of the war in general. Wash’s regiment was incorporated into Colonel, later Brigadier General, Stand Watie’s Indian Brigade, which consisted of about eight hundred cavalry—on paper. The 2nd Creek Mounted Volunteers numbered about two hundred, but they were often furloughed when there was no enemy threat or when forage was too scarce for the horses. Then, too, the men drifted off home occasionally in the casual Indian way that exasperated Anglo-American officers.9

Brigadier General William H. Steele wrote sourly in February 1864, “An experience of twelve months in the command of the Indian country has convinced me that, with a few exceptions, the Indians are wholly unreliable as troops of the line.”10

From the first the Creeks failed to maintain a military appearance. At the extreme end of a supply line that stretched back across several states, they rode and wore whatever they could supply from home or “yamp”—confiscate. Wash recalled that his men usually “presented a very motley appearance” and “were never very presentable.”11 By the winter of 1864 his only protection from the weather was a small Mexican blanket. Routinely his men stripped prisoners of any clothing they or their families could use. They also brought their weapons from home, and they were chronically short of ammunition. Wash was proud to own a cap-and-ball pistol, but many of his men fought with antique flint-lock rifles.12 Watie’s Indian Brigade, then, were aptly described by federal officials as “700 ragamuffins.”13

Most Anglo-American Confederate officers believed that Indian troops lacked discipline, and young Captain Grayson agreed reluctantly. Company K often frustrated him by failing to see the need to drill or fight in formation. On occasion he lost control of them completely. After the capture of the steamboat J.R. Williams in June 1864 Company K ignored his orders to stand guard and rode off to share their loot of flour, bacon, textiles, tinware, and boots with their needy families.14 That September they sickened him by their “unnecessary butchery” of black Union soldiers in the Hayfield Fight at Flat Rock Creek.15 But they were at their best as guerrilla fighters, able to move undetected over rough country, strike hard in a hand-to-hand fight, and get away cleanly in the traditional, individualistic Indian warfare they understood after three decades of frontier battles against Caddos, Pawnees, Comanches, and Osages.16 Few white officers appreciated their style of warfare, and one suspects that white racism and horror of legendary “Indian war” contributed to their distaste for Indian troops.

Wash’s Company K approached warfare in a uniquely Creek style. Among his troops was Jackson Lewis, a part-Hitchita neighbor who belonged to Eufaula Town. Lewis was one of the few people Wash ever knew who understood the ancient mysteries of the Creek medicine man, and he developed great respect
for his knowledge and abilities. As second lieutenant of Company K, Lewis was enrolled as the "medical officer," responsible for the physical and spiritual well-being of the men. When a fight was imminent, he painted their cheeks and chests red for war and black for the death they would bring their enemies. Then Lewis, a Baptist deacon, made the sign of the cross over them. After the battle ended, he had them cleanse body and spirit by bathing in a creek, drinking water, and regurgitating it. Members of Company K also kept an article of war medicine they believed gave them strength and protection in battle. Wash refused to rub it over his body and clothing as they did, not because he discounted its power but because he wanted to show that he possessed enough personal courage to face the enemy without it.17

In fact, he was preoccupied throughout his Civil War experience with proving his courage and upholding the honor of the Creek warriors under his command before General Watie, whom he very much admired, and skeptical white officers. He believed he was successful on the first count at least, being one of the first two Creeks over the barricades at the Second Battle of Cabin Creek (September 17, 1864). Around a campfire one night, Jackson Mun-ah-we, himself a descendant of a great warrior, remarked quietly that if their former commander had lacked courage in leading them into battle, they had nothing to complain of now. That quiet statement was evidence enough: Wash Grayson had earned the name and status by which Creeks knew him for the rest of his life, "Yaha Tustunuggee," "Wolf Warrior." Although fifty years later Wash still took great pride in having been a Creek Confederate soldier, he observed that at the time he simply was not wise enough to be afraid.18

Wash’s initiation as a warrior coincided with major changes in the Graysons’ family life in mid-1863. Winter-furloughed Creeks hurriedly returned to the Indian Brigade in April, when Colonel William A. Phillips occupied Fort Gibson as the first step in reestablishing Union control of the Indian Territory. But it was not until July 15 that General James G. Blunt crossed the Arkansas River, moved south down the Texas Road, and clashed with Brigadier General Douglas H. Cooper’s Confederate army at Honey Springs. Wash, primed for his first battle, shared the Creeks’ bitter frustration when they were never ordered into the fight. He agreed with Stand Watie in laying blame for the Confederate defeat on Cooper’s mismanagement of his Indian troops, thereby sacrificing the Cherokee and Creek nations.19

A more immediate concern, however, was the fate of Creek civilians and the many Confederate Cherokee refugees in the Creek country—all now in the path of a Union advance. They weighed the risks of fleeing across the rain-swollen Canadian River or staying to face a federal Army that included vindictive Unionist Creeks and Cherokees as well as ex-slaves, now “freedmen,” armed and in uniform. Some civilians bolted in the opening stage of what became known as “the Stampede,” only to return home after a few days when Blunt failed to follow up his victory by pushing on down the Texas Road toward North Fork Town. Through the rest of July and three weeks of August, Confederate soldiers and civilians alike existed in a state of high tension.20

In between scouting expeditions, Wash checked on his mother and the children. He found them debating, too, whether to go or stay. Jennie’s foremost concern was the safety of her teenaged sons; she proposed to send them south with James’s parents and their Great-Uncle Watt Grayson. She believed she should stay at home with the youngest children, and Wash agreed with her. “The idea of loading into one small ox wagon a few supplies and groceries,” he
recalled, "that would last but a very few weeks at most, and starting out with a mother and four helpless children appeared to be going right into a state of starvation and ruin." His little brother Malone cried that when the Yankees came and killed him it would hurt and he was afraid to stay.  

But it was Sam, now about fourteen, who decided the family's future. He believed they should all go south together. Realizing that Sam was willing to assume responsibility for the others, Wash finally deferred to his brother. He helped the family hastily load a few belongings into an ox cart and set off to join the Grayson relatives south of the Canadian River, while he returned to his regiment.  

When Blunt at last moved south in late August, the Graysons' choice proved wise, for the looting and vandalism of Creek property and the terrorizing of Confederate Creek and Cherokee civilians made most feel lucky if they escaped with a few belongings and their lives. While refugees in the Stampede found plenty of vegetables and fresh meat on abandoned farms along the way, they arrived in the Chickasaw and Choctaw country with little else. Stephen Foreman, a Cherokee minister, commented as he watched the refugees stream past Chickasaw Governor Colbert's place in September 1863:

A great many of the Creeks have also passed, on their way to some better camping place where water and grass are more abundant. Many of them are in a very destitute condition. All they are with now is a pony, one [or] two pot vessels, and a few old dirty bed clothes and wearing apparel. If they ever had any more it is left behind at the mercy of their enemies. But many who passed I was acquainted with and knew to be in good circumstances having an abundance of everything, now their all is put into one or two small wagons.  

Jennie Grayson and her younger children settled among those Creek refugees, occupying a cabin on Glass's Creek near the mouth of the Washita River for the duration of the war. Wash, who had failed to locate his scattered regiment in the Confederate retreat before Blunt's advance, joined another straggler and followed the Stampede south. Consequently, he missed the next major engagement at Perryville on August 26, although he was close enough to hear artillery rumbling through the mountains.  

Wash eventually located Jennie, the children, Grandmother Katy, and Tulwa Tustunuggee in the Red River refugee camps. There Confederate Major General Samuel Bell Maxey, also de facto Indian agent, set up a commissary to provide flour, beef, and available commodities to nearly 14,000 Indian refugees, including as many as 4,823 Creeks encamped on the lower Washita River. Sam drew rations as head of the family, but the Graysons probably followed the example of other refugees by plowing ground and planting food crops to feed themselves and their men under arms. They also clothed themselves, growing cotton, which they carded, spun, and wove, taking turns on shared looms at "hanking" parties that made the work go faster. Dyed with sumac, indigo, and copperas set with alum, the finished cloth was cut and sewed into garments for both civilians and soldiers.  

With their dependents reasonably secure, the men of the Indian Brigade were free to engage in guerrilla warfare limited only by the availability of forage for their horses. In a theater that became essentially a backwater of the Civil War during the waning days of the
Confederacy, they were too weak to drive Union forces out of the territory but too strong to be suppressed. Their constant harassment forced Union Creek and Cherokee refugees to huddle, hungry and disease-ravaged, around Fort Gibson, while they maintained a strangle-hold on the overland supply route from Fort Scott, Kansas and the Arkansas River route from Fort Smith, Arkansas. Bitterly, the Union Indian agent at Fort Gibson complained that Watie’s raiders stole, drove off, carried away, or destroyed at will anything beyond the range of the fort’s cannon.\textsuperscript{26}

Although Wash later preferred to dwell on the humorous aspects of his wartime experiences, he participated fully in its violence and vindictiveness. In his private campaign to prove his courage, he joined every raid Watie initiated, and he made no apologies for hauling away loot, although he did occasionally complain of its paucity. It was a measure of the destructive nature of the Civil War in the Indian Territory that in late 1864, Wash ordered his men to burn the remaining buildings around Creek Agency even though the place was deserted and no one disputed their presence. Among the homes they set afire was that of Judge George W. Stidham, signer of the Creek-Confederate Alliance, now a refugee in Texas.\textsuperscript{27}

But that was his last raid, for, when the Indian Brigade settled into winter camp, Wash came down with small pox, one of many diseases that plagued soldiers and civilians throughout the war. The over-crowded hospital at Boggy Depot turned him away, and he was forced to ride on to Wapanucka in the Chickasaw Nation. His men delivered him delirious to the military hospital at Rock Academy, where his Aunt Feenie nursed him until his mother could be brought from her refugee’s cabin forty miles further south. Jennie found him near death, his wasted body covered with foul-smelling pustules, his eyes swollen shut, and his long reddish-hair falling out in clumps. Although his appearance appalled her, she greeted him with a wide smile simply because he was still alive. Jennie, Wash, and the regimental surgeons fully expected him to die in spite of her careful nursing. All were amazed that he recovered. Some time later he was able to set off on horseback with Jennie and Sam to join the rest of the family on Glass’s Creek.\textsuperscript{28}

By the time Wash recovered enough to rejoin Company K, the war had ended, leaving the Creek Nation in ruins, its governing structure fractured, its economy devastated, and its population reduced by one-fourth. One Creek commented wryly that of all Creek property, only the land remained at the end of the war, and that only because it was immovable. Even then Creeks were victimized, because they were forced through their Reconstruction Treaty to cede to the federal government the western half of their domain--this in addition to the loss of their slave property, erosion of their sovereignty, and pernicious concessions to railroad corporations.\textsuperscript{29}

Jennie Grayson’s family continued to illustrate the Creeks’ experience in the aftermath of the war. In the summer of 1865, with the Indian Brigade disbanded, Wash, Sam, and Pilot rode back to the old homeplace near North Fork Town. They were among the few fortunate Creeks who found a family home still standing. The brothers worked all summer repairing the house, clearing the overgrown fields, planting a crop, and putting up fences. They also attempted to restore broken relationships. In November 1865 they rode across the Arkansas River to look for Simpson Grayson and Aunt Tility, finding them encamped among the formerly “deadly enemy” Loyal Creeks.\textsuperscript{30} In spring 1866, the brothers brought Jennie, Malone, and Louisa home in the same ox cart
they had used during the Stampede. But they left Jennie's youngest child, James Jr., and old Tulwa Tustunuggee buried in the Red River Valley. Thinking about those days, Wash wrote, "I have always accorded to Sam the honor and praise I feel justly due to him for [the] decision which resulted in holding our family together...." 31

It took a number of years for Creeks such as Jennie Grayson's family to rebuild their nation, but they did it with their customary resiliency. Jennie left her farm after several years to live with Wash. She died in 1875, worn down from nursing her kinsman Chilly McIntosh and his wife through a fatal epidemic. Her five surviving children fulfilled their parents' ambition for their future. At Sam's urging, in 1875 he and Wash founded Grayson Brothers Mercantile Company, the first of several enterprises in the new railroad town of Eufaula. Pilot and Sam held public offices in the Creek national government, but Wash rose highest, in large part because of his Civil War experiences and associations. His bilingual literacy and demonstrated leadership abilities recommended him to the ex-Confederates who dominated Creek government in the post-Civil War period. Beginning in 1867 they recruited his services as clerk to the principal chief. Eventually he became National Treasurer, Secretary of the Okmulgee Constitutional Convention, member of the House of Warriors for Coweta Town, perennial delegate to Washington, and, from 1917 to his death in 1920, Principal Chief of the Creek Nation. Throughout his life, he was a progressive Indian nationalist, and among the roots of that nationalism were his perceptions of Anglo-American racism demonstrated during his Civil War and Reconstruction experiences. 32

In 1869 Wash married Annie Stidham, the daughter of Judge George W. Stidham and the love of his life for fifty-one years. Having both survived the crucible of the Civil War in the Indian Territory, they could even laugh when they recalled that it was her childhood home he burned during that last raid on Creek Agency in late 1864. As active members of the United Confederate Veterans and United Daughters of the Confederacy in a newly-created state with an increasingly Southern Anglo-American character, Captain and Mrs. G.W. Grayson found acceptance among their new neighbors even as they worked to see that the Creek role in that defining event of the nineteenth century was not forgotten.

In outlining the great events of history, it is often easy to lose sight of the grassroots perspective on those events. A study of Jennie Grayson's family offers the Civil War experience of the Creek Nation in microcosm, placing it in very human terms. It also demonstrates that the conflict, so often described as "a white man's war," was at the same time Creek history, shaped at the individual level by Creek relationships, culture and perceptions, even as it modified the future of the Creek Nation and its citizens.

Notes

1. This paper is extracted from Mary Jane Warde, "'Like True Patriots and True Men': George Washington Grayson and the Creek Nation, 1843-1920," an unpublished manuscript, Stillwater, Oklahoma.

3. Ibid., 12-37.


5. “G.W. Grayson,” “Creek Biographies” file, box 6, Grant Foreman Collection, 83-229, Oklahoma Historical Society, Oklahoma City, Oklahoma (hereafter cited as GFC and OHS); interview of J.W. Stephens, 87:194, Works Progress Administration, “Indian-Pioneer History,” microfiche, Western History Collection, University of Oklahoma, Norman, Oklahoma (hereafter cited as I-PH and WHC); Baird, ed., A Creek Warrior, 58-59, 120.

6. Baird, ed., A Creek Warrior, 58-59; Robert S. Boyd Collection, 82-059, OHS; Georgianna Stidham Grayson, untitled manuscript (property of Mrs. Mary Hansard Knight, Okmulgee, Oklahoma).


8. Baird, ed., A Creek Warrior, 60; “The Family of Robert Grierson and Sinoegee,” (a genealogical chart prepared by Harold O. Hoppe, Wichita, Kansas); untitled genealogical chart of the family of In-fak-faph-ky and Mary Benson, Enola Shumate Collection, WHC; interview of Mrs. F.H.A. Ahrens, 1:312-313, I-PH; monthly inspection report of the Second Creek Regiment of Mounted Volunteers, October 31, 1863, in Annie Heloise Abel, The American Indian as Participant in the Civil War (Cleveland: Arthur H. Clarke Company, 1919), facing 244.


12. Ibid., 109; “G.W. Grayson” file, box 6, GFC OHS;


15. This incident, which occurred in present Wagoner County, Oklahoma, preceded the Second Battle of Cabin Creek by two days. Baird, ed., A Creek Warrior, 96.

16. Ibid., 92-93.


18. Baird, ed., A Creek Warrior, 85, 106-107. It is worth noting that “Wolf Warrior” was one of the Creek characters prominent in Alexander Posey’s Fusi Fixico Letters. Posey, although a generation younger, was a close friend of Grayson.

19. Ibid., 61-63.

20. Stephen Foreman, diary entries of July 16, 18, 19, 29, August 8, 12, 23, 1863, SFC WHC.


22. Ibid., 64-65.

23. Stephen Foreman, diary entries of August 26, September 5, 1863, SFC WHC.


Civil War Heritage in Arkansas

Transcript of Presentation

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We’ve been hearing a lot the last couple of days about Cane Hill, Prairie Grove, Pea Ridge, all places where Native Americans fought in Arkansas during the Civil War. We’ve been focusing on the history of where they fought. Now I’m going to shift gears a little bit and talk about efforts to preserve the historic landscapes where they fought.

I’m with the Arkansas Historic Preservation Program. We’re the state historic preservation office for Arkansas, and back in 1990 we began participating in the Secretary of the Interior’s American Battlefield Protection Program, which was a personal initiative of the then secretary. Luckily it survived the transition into the new administration. Our initial involvement was mapping eighteen battlefields in the state including several in Northwest Arkansas. There were battlefields around the country that were mapped. They were trying to determine which ones were the most endangered, so they could decide what priorities to follow in the future. So we went ahead and mapped the eighteen sites in Arkansas, but then the question was: where do we go from here? We know where a lot of these sites are. What can we do to preserve them?

As an office, our experience has been that most successful preservation arises from the local level. So we kind of brainstormed that and came up with the idea that what we would like to do is set up a network of battlefield preservation groups kind of along the same lines as the Main Street Arkansas program which works to preserve historic commercial areas within cities around the state.

So we received funding from the American Battlefield Protection Program to develop a plan for this network which we have been calling the Arkansas Civil War Heritage Trail and got the plan put together a couple of years ago. It provides a blueprint for regional networks to identify, protect, interpret and promote Civil War resources in different areas of the state. And we’re not looking just at battlefields. We’re looking at structures, graveyards, other things that collectively explain the state’s Civil War experience. We’re also trying to incorporate other existing programs within this initiative. We’re using existing programs like the National Register of Historic Places and the National Historic Landmarks Program. To that end, we’ve successfully nominated a number of battlefields and battery sites to the National Register. Probably the biggest thing we did was that we successfully had the entire Camden expedition designated as a National Historic Landmark, incorporating nine different sites that individually wouldn’t have qualified for that designation but collectively did. And most recently we succeeded in having thirteen Arkansas properties put on the national Civil War Trust’s Civil War Discovery Trail. And the Trust’s Official Guidebook just came out. It’s a really nice little publication. It has complete sites from all over the Southeast and Southwest that you can go to and visit.

For the Civil War Heritage Trail, the first leg is Northwest Arkansas. That’s where we began our initial efforts and that’s where the first group that’s working to bring this plan
together is operating. The region runs roughly from Benton County down to Sebastian County and incorporates some of the surrounding regions as well. And the first group formed in late 1994. We’ll be meeting at one o’clock today, the coordinating committee for that organization, and of course everybody is welcome to come to that. The reason we selected Northwest Arkansas is as part of our research for the plan we discovered that the highest concentration of Civil War related sites, that the highest concentration of military activity collectively, was in this part of the state. It also includes Prairie Grove which is one of the fifty national priority sites that was identified by the federal government through the study back in 1990. It also contains Cane Hill, Pea Ridge, Maysville and other sites where Native Americans figured prominently.

There’s explosive growth in Northwest Arkansas, both in population and in commercial development. There’s chicken houses cropping up everywhere. At the Pott’s Hill battle area up on the border with Missouri there’s gravel mining going on. Residential encroachment is approaching battlefields and there’s not a whole lot of planning for preserving historic resources in some of this project development. Highway 62 runs right through both Pea Ridge and Prairie Grove and with that comes increased development and the developmental pressures that threaten the historic resources that we’re concerned with. In fact, Pea Ridge, which in 1990 we thought was a pretty safe site, is now not looking quite so safe because of the expansion of Highway 62 and possible funding cuts to the Department of the Interior. It’s also somewhat difficult in the northwest part of the state to deal with the issue because there’s a lot of folks that are kind of suspicious of government in the area. In southwest Arkansas when we landmarked the Camden expedition sites, we had nine different properties that collectively involved hundreds of landowners and we only had one letter of opposition to the project. In Northwest Arkansas we’ve already had to put aside two National Register nominations because the property owners were afraid that we would then try and take the land. In one case it was a skirmish site. The other one was our Sebastian County battlefield.

So the Northwest Arkansas group has its work cut out for it, and they’ve elected an excellent initial strategy to do their further work from. Initially they’re going to identify the existing route of the old military road where a lot of the activity took place during the Civil War and that will be used as the bedrock for future identification of sites, interpretation and promotional strategies for the area. Looking at the state as a whole, at this point we just have the one Northwest Arkansas group that’s in action. We still need to get groups set up in other parts of the state, the southwest in particular with the Red River sites is in need of some work. There’s been quite a bit of interest in central and north-central Arkansas, so we’re hoping that some folks will want to go ahead and get committees organized there to help to implement this plan. And that’s about where we are right now in Arkansas with the Civil War Heritage Trail.
In 1854 the Civil War began with the bloody, vengeful, and highly personal fighting along the border between Kansas Territory and Missouri. This brutal warfare, which earned our neighbor to the north the title of Bleeding Kansas in the 1850s, spread to the Indian Territory during the early 1860s. In 1865, in the Choctaw Nation at a place called Doaksville, the Civil War ended when the last Confederate general surrendered. Nowhere but in the West did the Civil War last so long or extract such a toll.

The Civil War was a right of passage for our country. It established the foundation that would allow the United States to stand today as a great nation. In Kansas, where civil war raged for six years before a shot was fired on Fort Sumter, the war created an ethos that guided a young state and that still is found in its people and institutions, and forever symbolized in its motto, “to the stars through difficulty.” In Oklahoma, the Civil War caused a level of devastation seen nowhere else. This, and the reconstruction era treaties with the Five Civilized Tribes and others, created the setting from which we emerged as a state 43 years after that last rebel general rode into Doaksville.

In the 100 years between the Civil War and its 100th anniversary, the people who fought the battles of this war lived out their lives, and passed away. In the West, these veterans often returned to the battlefields of their youth, but rarely did they or others see fit to commemorate these hallowed lands as parks or with monuments or markers. With the rapid return of the battlefields to private, largely agricultural use, the events of the Civil War became less and less a part of the land, and the legends of the battles became more and more general. The land became disconnected with the events of the Civil War that have in the last several decades attracted renewed interest, and that bring us here today. As we face the issue of battlefield preservation, this disconnectedness looms as a major source of frustration for those of us concerned with the war in the West.

Today, I want to discuss the broad topic of battlefield preservation. I wish to start at the start, and pose the fundamental questions of, “what is a battlefield,” and, “why should we try to preserve them.” These became important questions when the last Civil War veteran died and the direct connection between living peoples and past events of the Civil War ended. Many of our battlefield parks were, after all, created at the insistence of veterans of those battles, and to whom those fields had a meaning and importance and a realism that is incomprehensible for us today. And there is also the argument, whether we agree with it or not, that not all historic places and things are deserving of perpetual preservation, because significance may be tied to connections between people, places, and things through direct, first hand experience, transformed with the passage of time into memory and nostalgia.

**Preserving the Whole Battlefield**

So, what exactly are battlefields, and why should they be preserved? Battlefields are clearly the places where battles were fought—it’s really that simple. Some battlefields, however,
have gained another identity and, often, significance, and they are today commemorative landscapes whose features overlay and often overpower those of the actual battlefield. The most famous of these commemorative landscapes is Gettysburg, which is dotted with the monumental architecture of commemoration: monument after monument erected by grateful states and organizations, each trying to outdo the other. To a lesser degree all of our efforts at battlefield interpretive development, whether Park Service, state, local, or private, result in commemorative landscapes. Rarely do we simply preserve and rarely do we attempt to reconstruct the landscape as it appeared on the day of the battle.

Regardless of its nature, however, the modern landscape is a major part of how we define the battlefield. The battlefield is a place; the modern landscape is what that place looks like today. It may contain commemorative monuments; features such as roads, earthworks, and buildings dating and relating to the battle; or it may simply look like any other field or city block.

The battlefield proper is also incomplete without the surrounding viewscape or viewshed. This land is not the battlefield, but is that land that the soldier would have seen surrounding the battlefield, and that visitors to the battlefield today can see. This viewscape is the context in which the battlefield existed and exists today.

The battlefield is more, however, than simply that which meets the eye. An important aspect of what constitutes a battlefield, and one that is often overlooked, is the presence of the residue of battle in the ground. This is the physical reality that sets a particular piece of ground apart from others. This residue consists of artifact from the battle--bullets, buttons, cannonball fragments, etc.--and their provenience on the landscape. The residue of battle betrays the events that happened there in the past, and says to us that a particular piece of ground is hallowed by the actions of brave individuals: here, after all, are the tools of their struggle that they laid down, along with their toil, sweat, blood, and lives. This residue is the connection between the events of the past and the landscape of the present.

In many cases, it is the residue that is the only quality left to preserve. Vegetation and land use are somewhat transient qualities. Typically in the West, vegetative communities have changed and the types and form of land use is different from that of the day of the battle. Landforms themselves may also have changed due to factors such as erosion. We approach a battlefield landscape, therefore, in one of two ways:

1) with the intent to restore it or reconstruct it to look as it did on the day of the battle (if we indeed even know that condition), or

2) with the intent to preserve, or "freeze," the modern landscape and interpret for the visiting public the way it used to be.

While the residue of battle has certainly been affected by the passage of time, it is nonetheless a quality or component preserved from the battle. We must therefore approach the battlefield with the intention of preserving the material residue of the battle for the future.

When we talk of preserving a battlefield, then, we must talk of the whole battlefield. We must talk of the landscape, and the viewscape, and we very importantly must talk of the residue of that battle. But why should we be concerned with preserving battlefields? In the West particularly there are rarely visible physical remains to tell the visitor that this is indeed a battlefield. We are criticized by some at our
Honey Springs battlefield for wanting to purchase more land that will simply be fenced and lay fallow. Why preserve land that visually is no different from any other? Perhaps this is not at issue for those attending this conference, but it is at issue.

It is at issue in the West to a large degree, I believe, because we have lost that connectedness between the battles of the Civil War and the actual battlefields. They are only fields now and very often we as scholars cannot even agree on what fields were involved and what happened on which piece of ground. By seeking to understand and preserve the entire battlefield--landscape, viewscape, and residue--we can reconnect the battle to the modern land, and reestablish in the minds of people that this is where an important historic event occurred, and that this is land hallowed by the actions of brave individuals. For me, reconnecting with the battle is an essential concept in answering the question of why we should preserve battlefields. Reconnecting is the key for making a place meaningful.

Last year, the Oklahoma Historical Society was awarded a grant from the American Battlefield Protection Program to conduct archaeological reconnaissance of the Honey Springs battlefield. This was done in the fall of last year with a crew of volunteers. The goal of our research, put very simply, was to reconnect the land to the events of July 17, 1863.

Our approach was to systematically scan the ground with metal detectors, excavate artifacts, and precisely record the location of those that seemed to be from the Civil War. For three weeks we did this, covering hundreds of acres of public and private land. We found Minie balls, gun parts, buttons, coins, cannonball fragments, and other residue of battle. Some 700 artifacts have now been cataloged that I can say with confidence were left on this ground on July 17, 1863, to be seen again only 130 years later. By looking at our maps of the finds, I can see that there are patterns to where they are found, and places where few or no artifacts occur. I can see the edges of the intense fighting, places where troops were aligned, the location of the Texas road, and the placement of cannon. I can see, for the first time, a map of the battlefield that shows where certain events happened, and I can reconnect these events to the modern landscape. I can walk on that ground and know where things happened, sometimes at a very specific and emotional level. This ground has become hallowed for me, where before it was not. With time and development, we will all be able to walk over this ground and sense this reconnectedness to the events of July 17, 1863.

We have done this, however, by dismantling the battle as a movement of armies commanded by generals and other officers, and looking first at the individual soldier. When you find a dropped bullet or a lost coin or button you are, after all, connecting with an individual. When you uncover an 1854 half dime, minted ironically the year Kansas became a territory and the Civil War began, you are connecting to that soldier, his name unknown to us now, who stood at precisely that place on the battlefield. Likewise, each dropped or discarded bullet connects us with a place where a soldier stood during the battle--maybe only for a moment. A row of buttons in a ravine connects us with soldiers who took cover during the fighting, or sought refuge once wounded. Fired bullets and cannonball fragments are less direct yet connect us with individuals--they were after all fired by one soldier to kill another and their location is therefore meaningful.

Through artifacts and the individuals they inform us about, we can also reconnect with the emotion of battle. The concentrations of fired bullets, exploded cannonballs, and scattered canister tell us of an intensity of
fighting that, for the individuals who were there, must have been horrific. The ramrod impressions on fired bullets tell of guns becoming fouled by repeated firing of black powder. The broken and scattered gun parts tell of the destruction of the tools of war and, by grim association, of the people who once used them.

Here we are not talking of Union or Confederate, but places on this battlefield where individuals once stood. At a very important level it matters not whether they fought for the United States or the Confederacy for they all were and became again members of the same nation. Built through the eyes of individuals, the story is powerful and meaningful in a fashion rarely found on a tour of a battlefield.

I have always seen the Battle of Honey Springs as significant in history. Through the use of archaeology, history, and the study of the landscape, I have been able to reconnect with the people and the events of July 17, 1863—the day of this battle. For me this reconnection is real and it is powerful and it is meaningful. It has allowed me to accept this place—the battlefield and not just the battle—as significant. To me this is the value that justifies preservation and must underlie any meaningful interpretation of the place.

**Threats We Face**

Now let us turn another direction. We face many threats to our battlefields. These threats affect the component parts of the battlefield: the landscape, the viewscape, and the residue of battle. The landscape as I use it here is the actual battlefield. The viewscape is that portion of the universe that surrounds the battlefield landscape and on which development is visually apparent from the battlefield. The residue are the artifacts and other archaeological evidence of the battle.

Change in the battlefields began as soon as the smoke cleared, and as evidence of the battle in the form of damaged fences and buildings were repaired. Later, land was cleared for agriculture, was allowed to go fallow and grow into woods, buildings were torn down or constructed, etc.

Use has also affected the residue of the battle. Cultivation of battlefields has led to the uncovering of artifacts whether in fields cultivated at the time of battle or in fields newly broken years later. As artifacts were uncovered, they were collected as curiosities and became fewer and fewer in number. The process lessens the ease with which archaeologists can read the patterns of battle. More intensive collection of artifacts in one area than another can also bias or skew the patterns the archaeologist sees.

Use also includes the public history use of a battlefield. The transformation of a battlefield to a public history site often introduces landscape features that would be foreign to the soldiers who fought there, including visitor centers, walkways, and signs. The passage of thousands of feet over earthworks or through historic buildings can destroy what we seek to preserve. Finally, the act of reenactment of battles and lesser living history events can introduce artifacts into the site and into the ground. Because of the growing sophistication of the practice of reenacting, these artifacts are, after the passage of time, difficult to identify from the true residue of the battle. The danger of this is that the reenactors residue may mask or confuse the patterns of legitimate artifacts on the battlefield.

Urban and industrial development represents an increasing intensity of use, and in changes in use patterns of the land. The transformation of agricultural lands into housing or shopping centers changes the setting of the battlefield and can destroy its physical and material vestiges. This type of threat to the battlefield is familiar, I am sure, to us all.
Finally, a significant threat to battlefields is the deliberate removal of the residue of battle. Through increasingly sophisticated metal detection equipment, hobby and commercial treasure hunters are systematically removing the artifacts that link or connect land to the past. Metal detector hobbyists are not only armed with the best equipment, they are often led to battlefields through dogged field searches of clues derived from thorough research. As scholars we often debate the location of sites while hobbyists find these same sites and strip them of artifacts.

Here I will add a warning about metal detectors, public land, and preservation. Do not assume that purchasing a battlefield preserves it in and of itself. I have seen just the opposite at Mine Creek battlefield in Kansas and the Honey Springs battlefield in Oklahoma. Both are unstaffed sites partly in public ownership. Their purchase was driven partly by the desire to secure their preservation. Rather than ask permission of private owners, however, detector hobbyists have systematically trespassed on the public lands and literally mined them for artifacts. In terms of the archaeological remains of the battle, public ownership appears to have actually facilitated battlefield destruction.

I will add a caveat here: most of the battlefield archaeology that has been done in the last decade, and that has added substantially to our knowledge and ability to preserve the sites, has been done with the cooperation of individual metal detectors and metal detector clubs. Those individuals who have helped have brought a high degree of dedication and professionalism to these projects, and share with the project principals the desire to learn and preserve.

Archaeology, of course, also removes the residue of battle from the landscape. Archaeological work of the sort that is currently being done removes only a sample--perhaps some five to ten percent--of what is in the ground (not what was once in the ground, but what remained when the study was conducted). The process of archaeology also preserves both the artifact and its location. Nonetheless, I philosophically believe it is important to not go too far down this road--the knowledge that residue of the battle is embedded in the landscape is an important if not critical value justifying battlefield preservation.

State-Level Initiatives in Battlefield Preservation

State-level initiatives for the preservation of Oklahoma battlefields include several efforts focused on individual sites and a recent, broad initiative seeking a comprehensive approach to the state’s battlefields. Individual battlefields that have received the greatest amount of attention are the Honey Springs and Cabin Creek Civil War battlefields and the so-called Battle of the Washita, an Indian Wars era engagement. There are a number of other battlefields that have received and continue to receive the attention of individuals and local groups, notably including the Civil War battlefields of Middle Boggy and Round Mountain. Although significant efforts, these will not be reviewed here.

At Cabin Creek, a parcel of roughly ten acres was acquired by the Oklahoma Historical Society to commemorate this battlefield. This parcel is a fraction of the site of the two battles that were fought here, one in 1863 and one in 1864. A series of granite markers have been erected on this parcel to serve as a representational commemoration of the 1864 battle. The Oklahoma Historical Society is working with a local group, the Friends of Cabin Creek, to promote the interpretation and preservation of this site.

The Honey Springs battlefield has been a major preservation initiative of the Oklahoma
Historical Society, the Friends of the Honey Springs, and others since the Civil War centennial sparked renewed interest in the site. At that time, spurred by the advocacy of Oklahoma State University Professor Dr. LeRoy H. Fischer, a drive was begun that resulted in the acquisition of over 700 acres of the battlefield by the Historical Society. Development as a state historic site has been limited, however, to erection of a series of markers on the southern end of this battlefield. Attempts through the years, including recent efforts, to make this into a unit of the National Park System have sparked considerable interest but have not resulted in enabling legislation.

In 1990, Congress established the Civil War Sites Advisory Commission to try to gain a comprehensive preservation strategy for the nation's Civil War battlefields. Identification of Honey Springs as a Priority 1 site by the Advisory Commission in 1993 spurred efforts at Honey Springs. A new movement to have the site acquired by the National Park Service was begun and has had some success despite changes in Congress following the 1994 elections. Also, funds have been awarded to the Oklahoma Historical Society by the National Park Service's American Battlefield Protection Program to conduct archaeological research on the battlefield. This work was conducted as a joint effort of the Oklahoma Historical Society and the National Park Service's Midwest Archaeological Center in Lincoln, Nebraska.

The first archaeological project at Honey Springs was to investigate the core of the battlefield, and field work was conducted in the fall of 1994. This resulted in the identification of the limits and internal structure of the core of the battle, and resolved a number of significant questions as to the actual location of battle events. A second grant has been awarded for additional archaeological work on other portions of the battlefield.

A recent initiative in battlefield preservation concerns the so-called Battle of the Washita. This was the location of the 1868 attack on Black Kettle's village by General George A. Custer and his 7th Cavalry. Recent efforts have been focused on development of this site as a unit of the National Park Service. Recent initiatives to add this site to the Park Service have been combined with that for Honey Springs. The Oklahoma Historical Society has also received a small grant from the American Battlefield Protection Program to conduct limited archaeological reconnaissance at this site. This work will be carried out in the fall of 1995 and will focus on identification of locations of key episodes of this event. This work, as has been the case with the archaeological work at Honey Springs, will be conducted cooperatively with the NPS's Midwest Archaeological Center.

Finally, an important initiative for battlefield preservation in Oklahoma was the formation in 1993 of the Battlefield Preservation and Development Study Commission. Created by the Oklahoma legislature, this commission is chaired by Representative John Bryant and Senator Frank Shurden and is composed of other legislators; representatives of the Oklahoma Historical Society, Department of Commerce, and Oklahoma Indian Affairs Commission; and several at-large members. The goals of this commission have been:

1. To investigate possible battlefield sites throughout Oklahoma that are endangered or threatened;

2. To evaluate current efforts to preserve and protect battlefield sites from deterioration;

3. To study ways to promote
tourism utilizing battlefield sites;

4. To promote local community involvement in the preservation of battlefield sites located in or near such communities;

5. To investigate state and federal resources and private resources available, and

6. To file a report on the study by December 31, 1993, with the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

The Commission recommended the gathering of additional data on Oklahoma battlefields. This additional information would be focused on 1) updating National Register of Historic Places forms for the Civil War battles of Cabin Creek, Honey Springs, and Middle Boggy, 2) conducting a thematic survey of battlefields in Oklahoma resulting in an identification of those that are potentially eligible for inclusion on the National Register, and 3) to prepare a cultural resource management plan for Oklahoma battlefields. The Commission further recommended four pieces of legislation which would provide for 1) a resolution to transfer state lands at the Honey Springs and Washita battlefields to the National Park Service should they accept these sites into their park system, 2) a limitation on tort liability for land owners, protecting landowners who grant easements for battlefield preservation, 3) the strengthening of penalties for destroying battlefield sites, and 4) the recreation of the Commission for four years. The additional data gathering has begun with the assistance of state appropriated funds and funds from the Federal Historic Preservation Fund, and the four pieces of legislation were all passed.

State-level preservation initiatives in Oklahoma have thus included very focused efforts at a limited number of sites, and a new initiative for a comprehensive look at battlefield preservation in Oklahoma. While battlefields continue to be damaged and lost through the threats outlined earlier in this paper, it can be said in no uncertain terms that more attention is being paid to battlefield preservation in Oklahoma than at any other time in the state’s history.