

CONFEDERATE RELATIONS WITH THE
FIVE CIVILIZED TRIBES

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PREFACE

This thesis is an attempt to present a detailed and critical examination of the relationship between the Five Civilized Tribes of Indian Territory and the Confederate States of America. Though there has been a revival of interest in the Civil War in Indian Territory, the relationship between the Indians and the South has never received adequate investigation. This is unfortunate for several reasons. First, the participation of the Five Civilized Tribes of Indian Territory was a significant factor in the Civil War west of the Mississippi River. Second, because of the decision of the majority of the Indians to side with the Confederacy, Union victory at the close of the war brought harsh reconstruction treaties, which played an influential and ~~decisive~~ part in the future of Indian Territory. Third, with the growing interest in state and local history across the United States, research studies on the Civil War in Indian Territory are of abiding interest to culturally minded people in Oklahoma and throughout the United States. Finally, many of the tribal wounds opened by opposing views on the question of secession, a problem which still plagues the politics of the Five Civilized Tribes, can be better understood by studies such as this.

The impact of the Civil War played a predominant role in the future of Indian Territory. Internal divisions within the nations divided the Indians among themselves, and caused the wounds to heal slowly during the period of reconstruction. The treaties with the

Federal government after the war took away many of the advantages gained when the Indians abandoned their ancient homes in the South and moved to the West. The complete desolation of the country, resulting from four years of guerrilla warfare, left the territory in such a state of destruction that it took a decade or more to overcome the effects of the war.

At the beginning of the Civil War, the Confederacy had the advantage in Indian Territory. The South had eliminated all effective opposition, the North had abandoned the area, the Five Civilized Tribes had signed alliances with the Confederacy, and the loyal Indians had been driven from their homes. The Indians also seemed content with their new protectors, who had promised much more than the Federal government. Then through its own bureaucratic blundering, indecision, and the actions of local Confederate commanders, the South proved ineffective in either fulfilling its promises to the Indians or defending the territory militarily.

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CHAPTER I

FORMING ALLIANCES WITH THE CONFEDERACY

Riding across the rolling hills of Indian Territory in May, 1861, Commissioner Albert Pike and Brigadier General Ben McCulloch discussed what was perhaps the most important mission of their lives. The Civil War had begun, and the western flank of the Confederacy was dangerously exposed to Federal invasion launched from Kansas. To protect Arkansas and Texas, the South had decided to rely on an alliance with the Five Civilized Tribes -- the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws. The Confederacy hoped to persuade these Indians to cast their lot with the South, and thus protect the important Texas gulf ports and the agricultural areas of Arkansas and Louisiana. It was the purpose of these two men to secure the necessary treaties. Pike assumed full responsibility for the effort, however, as McCulloch was soon to relinquish his duties and return to Fort Smith, Arkansas. The South was fortunate to have chosen a man of Pike's caliber for a job of such urgency. He had worked and lived with the Indians for much of his life and understood their ways. It was largely to his credit that the South realized its goal of an Indian alliance to protect its western flank.

Before their removal to Indian territory, more than a score of years before the Civil War, the Five Civilized Tribes occupied an area located partly on the Gulf Coast, and within the slave states of

Mississippi, Alabama, Georgia, Florida, South Carolina, and North Carolina. This region was a major source of strength for the Confederacy. In their old homes the Indians still had friends and family ties, many Southern whites had intermarried into the tribes, and their loyalty could be traced back to the Southern states. The Indian aristocracy was more akin to the planters of the South than to their Indian ancestors.

Tied to their Southern background was the institution of slavery, which was well established in the Five Civilized Tribes. Through intermarriage a large proportion of white slaveholders had acquired membership in the tribes, and when the Indians were removed to the West they had brought their slaves with them. This was especially true of the Choctaws and Chickasaws, who had firmly established a cotton culture in their territory along the Red River.¹

The Cherokees, though not engaged in so much cotton production, had a few slaves, and their wealthy patterned themselves after the Southern aristocracy. Rose Cottage, the home of John Ross, the principal chief of the Cherokees, was equipped with furniture brought from Europe. The home had a half-mile access road lined with roses, and when the family went driving, a large coach was used, with a Negro boy in a servant's uniform on top. Cherokee slaves, however, were mostly used as household servants, and though not as numerous as in the other tribes, still had their place in Cherokee society.²

¹Ohland Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 1," The Chronicles of Oklahoma, Vol. XXXI, No. 2 (Summer, 1953), p. 199.

²Jay Monaghan, Civil War on the Western Border, 1854-1865 (Boston: Little, Brown and Company, 1955), p. 210.

Like the Cherokees, the Creeks and Seminoles did not have large numbers of slaves. But among the Seminoles there were a number of free Negroes who had fled from the Southern plantations and taken refuge with the tribe while it was still in Florida. When the Seminoles were removed to Indian Territory, these blacks were brought with them. This situation created a large population of Negroes within the tribe itself.³

By the Civil War, slavery had become a recognized and deeply imbedded institution among the Five Civilized Tribes. In 1860 there was a total of 7,369 slaves within Indian Territory distributed among 1,154 owners. The slaves held by the Indians were well treated, clothed, and fed compared to their counterpart in the deep South. The slave traders of the surrounding slave states considered the slaves brought up among the Indians as undesirable because the feeble restraint placed upon them made them difficult to control. Nevertheless, these slaves provided a common bond, and the Indian slave owners' hatred for the abolitionist movement united them in sympathy with the South.⁴

The Indians were also surrounded by states which favored secession. On the east were Arkansas and Missouri, and southward were Texas and Louisiana. Their sole contact with the Northern states was Kansas, which was itself divided over the question of slavery. Thus the

³Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 1," The Chronicles of Oklahoma, Vol. XXXI, p. 200.

⁴Bureau of the Census, Population of the United States: Report of the Eighth Census, (Washington: Government Printing Office, 1864) p. XV; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 1," The Chronicles of Oklahoma, Vol. XXXI, p. 200; Wiley Britton, Memoirs of the Rebellion on the Border, 1863 (Chicago: Cushing, Thomas, and Company, 1882), pp. 24-25.

Indians were subjected to a large amount of pro-slavery propaganda, for there was a great desire among these Southern states to persuade them to adhere to their cause. Such an alliance would provide a buffer area which could be utilized to protect the South from a Northern invasion originating in the West. Early in the sectional controversy the Texas State Secession Convention appointed a commission made up of Charles A. Hamilton, James Bourland, and James E. Harrison to negotiate with the Five Civilized Tribes for "their speedy and prompt co-operation with the Southern Confederacy." Militarily it would have been practically impossible for the Indians to remain loyal to the North due to their geographic location.⁵

The desire of the South for an Indian alliance was given new emphasis by the apparent desertion of Indian Territory by Federal forces. With the outbreak of hostilities, Lieutenant Colonel William H. Emory was placed in command of the military district controlling the three United States forts located in Indian Territory. He was ordered to concentrate his forces in the area of Fort Washita to counter any invasion attempt by Texas troops. In the process of carrying out his instructions, Emory received word of a large force of Confederates marching northward from Texas with the objective of seizing Fort Washita. Unable to hold his position in the face of such overwhelming odds, he ordered the evacuation of the post and a withdrawal of all Federal forces to Fort Arbuckle. Fort Washita fell to the Confederates on April 17, 1861, an event which marked the beginning of a Northern

⁵Ohland Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, No. 3 (Autumn, 1953), p. 299.

military disaster in Indian Territory.⁶

About the time of Emory's withdrawal, the Federal forces at Fort Smith abandoned the post on April 23, 1861, when faced by a force of 300 Arkansas troops. Under the command of Captain S. D. Sturgis, the force fled west and joined Emory during his retreat from Fort Washita. This combined command continued to move northward and soon reached Fort Arbuckle. While in camp there, Emory received orders from the War Department to remove all remaining Federal troops inside Indian Territory to Fort Leavenworth, Kansas.⁷

The following day the march toward Kansas began, with Emory gathering more troops as he went. On May 5, 1861, Fort Arbuckle was occupied by Southern troops, and the Northern forces collected at Fort Cobb. Emory's force swelled to 750 fighting men and 150 noncombatants several days later when he abandoned Fort Cobb and continued the withdrawal toward Kansas. When on May 31, 1861, the Federal column reached Fort Leavenworth, all organized Northern military authority within Indian Territory ceased to exist. By this action the Federal government had abandoned the Indians to the mercy of the South, and ended their hope of military support from the North. The Confederacy was quick to realize its advantage, and the military buildup by Texas and Arkansas troops inside the Indian country continued.⁸

While the North was deserting the Indians, the South was eagerly

⁶Muriel H. Wright, "Lieutenant Averell's Ride at the Outbreak of the Civil War," The Chronicles of Oklahoma, Vol. XXXIX, No. 1 (Spring, 1961), pp. 2-3.

⁷Ibid., pp. 4-5.

⁸Ibid., pp. 11-14.

seeking both an offensive and defensive alliance with them. In March, 1861, a commission from the state of Texas was dispatched to the Indians with the purpose of enlisting their cooperation in the coming struggle. Arkansas was also concerned about the actions of the Five Civilized Tribes. The Arkansas governor, Henry M. Rector, was worried about the security of his state's western boundary. In January, 1861, he sent a message to John Ross, the principal chief of the Cherokees, and called attention to the withdrawal of the Southern states from the Union; this action was a necessity, Rector pointed out, for the South to preserve its institutions, honor, and firesides. Rector argued that the Indians, because of their institutions, agricultural production, latitude, and natural sympathies, were "allied to the common Brotherhood of the Slaveholding States -- Our People and yours are natural allies in war, and friends in peace." Rector went on to state that Indian Territory was fertile and possessed the highest capacity for "future progress and development by the application of 'Slave Labor'" and that "the contiguity of our Territory with yours induces relation of so intimate a character as to preclude the idea of discordant or separate action." He warned that the land of the Five Civilized Tribes was looked upon by the Republicans as "fruitful fields, ripe for the harvest of Abolitionism, free soils, and northern montebanks." In closing, Rector expressed the hope that the Indians would cooperate with the South in the defense of their beliefs, and "to afford protection commensurate with your exposed condition."⁹

⁹Joseph B. Thoburn, "The Cherokee Question," The Chronicles of Oklahoma, Vol. II, No. 2 (June, 1924), pp. 224-225; Harry J. Lemley, ed., "Letters of Henry M. Rector and J. R. Kannaday to John Ross of the Cherokee Nation," The Chronicles of Oklahoma, Vol. XLII, No. 3 (Autumn, 1964), pp. 320-321. X

In answering Governor Rector, Ross expressed his deep regret and solicitude for the growing differences between the North and South, but also his hope for the restoration of peace and harmony among the brotherhood of states within the Federal Union. He pointed out that the Cherokees had placed themselves under the protection of the United States, which was solemnly pledged to protect them and guarantee their title to their homes. Ross went on to say that the Cherokees were "inviolable allies with their white brethren of the United States in war and friends in peace" even though their "institutions, locality and natural sympathies are unequivocal with the slave-holding states." He also reassured Governor Rector that the Cherokees "will never tolerate the propagation" of abolitionism within their lands. Thus, while declaring Cherokee sympathy for the Southern cause, Ross refused to desert the United States.¹⁰

The question of Indian participation in the war was once again brought up in a letter from Colonel J. R. Kannady, the Confederate commander at Fort Smith, Arkansas, to Chief Ross, on May 15, 1861. While expressing concern over the reports of the raising of Federal forces inside Kansas to operate on the western borders of Missouri and Arkansas, Kannady asked Ross if it was his intention "to adhere to the United States government during the pending conflict, or if you mean to support the Government of the Southern Confederacy?" Kannady also questioned Ross on the willingness of the Cherokee people to resist the efforts of Arkansas troops to prevent an invasion of their state through Indian Territory.¹¹

¹⁰Ibid., p. 322.

¹¹Ibid., p. 321.

In answer to this second inquiry, Ross replied that "the Cherokees have properly taken no part in the present deplorable state of affairs," and that "they have done nothing to impair their rights or disturb the cordial friendship between them and their white brothers." He stated further that he hoped all military movements, either North or South, would occur outside the Cherokee Nation. Ross also expressed the desire that "they should not be called upon to participate in the threatened fratricidal war between the 'United' and the 'Confederate' States," and that if war was unavoidable that those involved would respect the desires of the Cherokees. Once again Ross refused to become involved in the conflict, much to the disappointment of Confederate officials in Arkansas.¹²

The actions begun by the various states of the Confederacy were now taken up by the central government. The Bureau of Indian Affairs was first placed in the Confederate State Department, with Secretary of State Robert Toombs at its head. However, on February 21, 1861, the responsibility for the Indians was transferred to the War Department. It remained here until March 14, 1861, when a separate Bureau of Indian Affairs was created, and two days later David Hubbard of Alabama was appointed the first Confederate Commissioner of Indian Affairs. The South further expressed its willingness for an Indian alliance by replacing the Indian trust funds of the United States with similar trust funds of the Confederate States, and by enacting provisions for the pay and pension for Indian troops. On April 8, 1861, the Red River Superintendency, which was directly responsible for the Five Civilized

¹²Ibid., p. 323.

Tribes, was created. These actions of the Confederacy began to yield results inside Indian Territory.¹³

Earlier, on January 5, 1861, the Chickasaw Council had called for an intertribal council, in which the members of the Five Civilized Tribes would consider the dissolution of the Union. Ross, in his continuing effort to maintain neutrality, opposed such a meeting on the grounds that the impending war was a white man's conflict and that the Indians should not get involved. The warnings of Ross were not heeded, however, and the date of the council was set for February 17, 1861.¹⁴

On February 7, 1861, the Choctaw General Council had passed a series of resolutions in which it expressed its sentiments concerning the North and South. The council stated its deep regret over the war, and hoped that an amicable agreement would be worked out between the two sides. In case the conflict was unavoidable, the council declared that the Choctaw people would "follow the natural affections, education and institutions" which "linked them to the Southern people, and to their near neighbors in Arkansas and Texas."¹⁵

The following day the Choctaw General Council provided for the election of twelve delegates, who along with the principal chief, would meet with a delegation of Chickasaws at Boggy Depot on March 11, 1861.

¹³Annie H. Abel, The American Indian as a Participant in the Civil War (Cleveland: Arthur H. Clark Company, 1919), pp. 171-174; Journal of the Congress of the Confederate States of America (7 vols., United States Senate Documents, No. 234, 58th Cong., 2nd Sess., Washington: Government Printing Office, 1904), Vol. I, p. 69; *ibid.*, Vol. V., p. 210.

¹⁴Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 299.

¹⁵James H. Malone, The Chickasaw Nation (Louisville, Kentucky: John P. Morton and Company, 1922), p. 404.

The purpose of this meeting was to discuss the common safety of the two tribes. Attending this meeting was the delegation appointed by the Texas Secessionist Convention to negotiate with the Indians. They were allowed to address the gathering, and were greatly impressed by the Southern sentiment shown by the two tribes. The meeting passed a resolution calling for the raising of a company of volunteers, which would provide protection for the two Indian nations should the need arise.¹⁶

Encouraged by these developments inside Indian Territory, the Confederate Congress began to take more positive action in relation to the Indians. On March 4, 1861, the Southern Congress authorized President Jefferson Davis to appoint an agent to carry on negotiations for the purpose of forming an alliance with the Indians. Hubbard, the newly appointed Commissioner of Indian Affairs, was instructed on March 16 to seek an alliance with the Indian tribes which would "protect them and defend them against the rapacious and avaricious designs of their common enemy whose real intention was to emancipate their slaves and rob them of their lands."¹⁷

Hubbard became ill, however, and was prevented from traveling to Indian Territory to begin the negotiations. Instead he wrote to Chief Ross informing him of the wishes of President Davis, and urging him

¹⁶Ibid., p. 405; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 299; Angie Debo, The Rise and Fall of the Choctaw Republic (Norman, Oklahoma: University of Oklahoma Press, 1934), p. 81; United States Department of War, The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (4 series, 70 volumes, 128 books, Washington: Government Printing Office, 1880-1901), Ser. iv, Vol. I, pp. 322-323. Hereafter cited as Official Records.

¹⁷Journal of the Provisional Congress of the Confederate States of America, Vol. I, p. 105; Walker to Hubbard, May 14, 1861, Official Records, Ser. i, Vol. III, pp. 576-578.

to cast his fate with the Confederacy lest the Indians lose the majority of their tribal trust funds, which were invested in Southern interests. Ross answered Hubbard's communication by stating that it was the duty of the Indians to "keep themselves, if possible, disentangled, and afford no grounds to either party to interfere with their rights." In regard to the threat of losing the annuities, he stated that he did not believe that the Federal government would repudiate its debts and that they were safe in any event.¹⁸

In the meantime, the Intertribal Council which had been called for February 17, 1861, had convened. Neither the Choctaw nor the Chickasaw delegations attended, and the remaining members merely discussed the situation and concluded to take no action. The various tribes seemed satisfied to keep quiet and honor their treaty obligations. However, they exchanged promises to act in unison for the greatest good of all the Indians in their future actions.¹⁹

In March, 1861, President Davis appointed Albert Pike of Little Rock, Arkansas, special Indian Commissioner to the Five Civilized Tribes. At this same time the Confederate State Department commissioned Douglas H. Cooper, the former United States agent for the Choctaw and Chickasaw tribes, to raise a mounted regiment for service in the Confederate army. On May 30, 1861, Cooper was appointed the colonel of the First Regiment of Choctaw and Chickasaw Volunteers, and was authorized to raise two additional Confederate regiments among the

¹⁸Hubbard to Ross, June 12, 1861, *ibid.*, Ser. i, Vol. XIII, pp. 497-498; Ross to Hubbard, June 17, 1861, *ibid.*, pp. 498-499.

¹⁹Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 300.

other tribes.²⁰

Several days earlier, on May 25, the Chickasaw legislature had accused the Federal government of deserting them and ignoring their treaty rights. They resolved to take possession of all Federal forts and arsenals in their area for their own defense. The Chickasaws also adopted a declaration of independence, and on June 14, 1861, George Hudson, the principal chief of the Choctaws, issued a proclamation declaring them to be independent of any nation. The Chickasaws argued that the United States had left them defenseless by withdrawing its troops, and had unjustly withheld the annuities which were due them. They concluded that because of their geographical situation, their institutions, and their sympathies, they were bound to the Southern cause.²¹

Commissioner Pike and Brigadier General Ben McCulloch, the Southern military commander of the area, joined each other at Fort Smith in early May of 1861. They agreed to proceed on their diplomatic mission to the Five Civilized Tribes together. The two Confederate commissioners journeyed to Tahlequah in the Cherokee Nation to discuss that tribe's position in the conflict. Before they reached the home of Chief Ross at Park Hill, he had issued a proclamation of neutrality. In this document of May 17, Ross urged the Cherokee people to remember their obligations arising from their treaties with the United States,

²⁰Ibid., pp. 301-302; Davis to Congress, December 12, 1861, Official Records, Ser. iv, Vol. I, p. 785; McCulloch to Walker, May 28, 1861, ibid., Ser. i, Vol. III, pp. 587-588.

²¹Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 300; Malone, The Chickasaw Nation, p. 405.

and to be faithful to the observance of these treaties and the maintenance of peace. He declared that "they should not be alarmed by false reports thrown into circulation by designing men, but cultivate harmony themselves and observe in good faith strict neutrality between the States threatening civil war." Ross hoped that by these means they would maintain their rights and avoid the effects of a devastating war. He warned the Cherokees that they should "avoid the performance of any act or the adoption of any policy calculated to destroy or endanger their territorial and civil rights."²²

When the Southern commissioners arrived at Park Hill, Ross received them courteously, but restated his policy of strict neutrality. He agreed, however, to call the Cherokee Executive Council to consider the possibility of an alliance with the Confederacy. The meeting lasted from June 22 to July 2, and when it became apparent that the Cherokees were not immediately favorable to an alliance with the South, McCulloch relinquished his duties to Pike and returned to Fort Smith. Pike was disappointed in his fruitless efforts to secure a treaty with the Cherokees, and he decided to continue negotiations with the other tribes and return to take up the Cherokee treaty at a later date. With this in mind, he traveled to North Fork Town in the Creek Nation and began discussions with that tribe.²³

The Creeks had long been drifting into the Southern fold. While the Intertribal Council was meeting, the Creek General Council had

²²Ibid., p. 302; McCulloch to Walker, May 13, 1861, Official Records, Ser. i, Vol. III, pp. 574-575; Ross to Cherokee People, May 17, 1861, ibid., Ser. i, Vol. XIII, pp. 489-490.

²³Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 303.

passed a law forcing any free Negroes in their nation into temporary slavery. This act required the Negroes to choose an Indian owner before March 10, 1861, or be sold for a twelve month period to the highest Indian bidder. This law, passed on February 29, prohibited their new owners from disposing of their slaves to non-citizens under the penalty of a fine equal to twice their value, one hundred lashes, and the loss of one ear. Soon afterward, a Texas delegation led by H. F. Buckner arrived in the Creek Nation, and succeeded in gaining the support of Chilly McIntosh, Benjamin Marshall, and Daniel N. McIntosh. This pro-Southern group persuaded Motey Canard, the principal chief, to call a council of the Five Civilized Tribes to convene at North Fork Town on April 8, 1861. Chief Canard presided over this meeting, which was not attended by the Choctaws and Chickasaws because of the high water. To the Texans present the Creeks appeared to be Southern and sound to a man. The council reconvened on May 1, and delegates were dispatched to the Confederate capitol in Montgomery, Alabama, to seek friendship and aid from the South.²⁴

In June, 1861, most of the fullblood chiefs led by Oktarharsars Harjo left the Creek Nation to attend a council of Plains Indians. Immediately upon their departure, those members of the tribe favoring the South called a council of the Choctaws, Chickasaws, Creeks, and Seminoles at North Fork Town. On July 1, 1861, this council produced a constitution creating an Indian confederacy, which was called the United Nations of Indian Territory. It was to be governed by a Grand Council made up of six delegates from each tribe which would meet

²⁴ Angie Debo, The Road to Disappearance (Norman, Oklahoma: University of Oklahoma Press, 1941), p. 143.

annually at North Fork Town. All laws passed by the council would require the approval of a majority of the principal chiefs, and any of them could call the Grand Council into session. More important, the council was given the authority to call on the Indian members for troops to repel the "invading forces of Abolition," and granted free passage to the armies of the Confederacy. Later during the war the Cherokees also accepted this plan for a Grand Council, and it continued to operate throughout the conflict.²⁵

On July 10, 1861, shortly after the council at North Fork Town, Pike secured a treaty of alliance with the Creeks under a delegation consisting of Motey Canard, Echo Harjo, Chilly McIntosh, Daniel N. McIntosh and several lesser chiefs. Pike's arguments to the Indians were later recorded by Oktarharsars Harjo who stated:

that man told Indian that the Union people would come and take away property and take away land -- now you sleep, you ought to wake up and attend to your own property. Tell them there ain't no U. S. -- ain't any more Treaty -- all be dead -- Tell them as there is no more U. S. no more Treaty that the Creeks had better make new Treaty with the South and the Southern President would protect them and give them their annuity -- Tell them if you make Treaty with southern President -- Mr. Pike makes the half breeds believe what he says and the half breeds makes some of the full blood Indians believe what he says and that they must help the secessionists.²⁶

In spite of this reasoning, which the Indians accepted as true, it was necessary for the South to bribe Chief Canard into acceptance of the agreement by promising him a uniform, a sabre, a Maynard rifle, ammunition, and granting him a commission as a colonel of cavalry for

²⁵Ibid., pp. 144-145.

²⁶Ibid., p. 145.

life.²⁷

The remaining problem was to gain ratification by the Creeks, and when Oktarharsars Harjo and the other fullbloods returned they refused to accept the agreement. A general council, however, had already been called, and when the loyal Creeks withdrew from the meeting, the treaty was easily passed. On July 21, 1861, Jacob Derrisaw and some other minor chiefs affixed their signatures and the names of the absent loyal Creeks to the treaty.²⁸

Chaos reigned in the Creek Nation after the signing, with the majority of the tribe not knowing which faction to follow. On the same day of the signing, Canard and Derrisaw ordered the Presbyterian missionaries to close their schools and leave the country. On August 5, the loyal Creeks held a council and declared the treaty illegal, and the position of principal chief vacant. They then recognized Oktarharsars Harjo as the official tribal head. They were joined in their stand by Opothleyahola, and proceeded to forward correspondence to President Abraham Lincoln requesting aid in their plight. The loyal Indians moved their camp to Little River, and called for a great Indian council to settle the problem once and for all. By this time, however, most of the Creeks had gone over to the Confederate cause, and the call was ignored. The majority of the Creeks had accepted the leadership of the Southern faction, and those loyal to the Union were soon to be driven from their lands.²⁹

²⁷Ibid.

²⁸Ibid., p. 146

²⁹Ibid., pp. 147-148.

The next tribes to gain the attention of Pike were the Choctaws and Chickasaws. He had no actual problem in gaining an alliance with these two nations, for their sympathies had long indicated a favorable attitude toward the secessionist movement. Their laws supported slavery, and many of their leading figures were slaveholders. Perhaps most important, however, was their loved and respected Indian agent, Douglas H. Cooper, who was wholeheartedly with the Southern cause. Their fear of the Republican party had also continued to increase since the Presidential campaign of 1860, when William H. Seward had openly advocated a policy of seizing the Indian lands for white settlement. When Arkansas and Texas left the Union, they sent agents among these tribes, and their propaganda convinced the Choctaws and Chickasaws that the government of the United States was on the verge of collapse and that their future lay with the Confederacy.³⁰

There was some opposition to a Southern alliance within the tribes. When the war broke out, Peter P. Pitchlynn and Israel Folsom, both prominent Choctaws, were in Washington imploring the Federal government to aid their nation in its plight. Upon receiving word of the beginning of hostilities, they hastened home to attempt to maintain tribal neutrality. When they arrived, however, Confederate forces had already occupied the territory, and the lesser of two evils appeared to be an alliance with the South.³¹

With the majority of both tribes supporting the Southern cause, Robert M. Jones, Sampson Folsom, Forbis LeFlore and other leading

³⁰Debo, The Rise and Fall of the Choctaw Republic, p. 80.

³¹H. B. Cushman, History of the Choctaw, Chickasaw and Natchez Indians (Greenville, Texas: Headlight Printing House, 1899), pp. 272-273.

figures of the Choctaw Nation, along with a delegation of Chickasaws, began negotiations with Pike soon after the completion of the Creek Treaty. With their strong Southern sentiments, the talks proceeded swiftly. After only two days of negotiations, a treaty of friendship and alliance between the Confederacy and the Choctaw and Chickasaw nations was signed on July 12, 1861.³²

After successfully completing alliances with the three Indian Nations which leaned most heavily toward the South, Pike now journeyed to the Seminole Council Grounds, which were located in present-day Pottawatomie County, Oklahoma. Here he was joined by the Confederate Indian Superintendent Elias Rector and the Seminole Agent Samuel Rutherford. In this task Pike had to overcome a great amount of Seminole hostility toward a treaty with the Confederacy.³³

The Seminoles had largely resisted the influx of whites into the various tribes, and their nation was composed in a large measure of fullbloods. They were not so inclined to break their old ties with the United States and cast their future with the new and untried Confederacy. The Seminoles were generally conservative, and at a tribal council called on March 10, 1861, they passed a resolution opposing a treaty with the South. They also declined an offer to appoint an official delegation to enter into negotiations with the Southern commissioners. Failing in his efforts to gain official tribal sanction for his negotiations, Pike next turned his attention toward John Jumper,

³²Official Records, Ser. iv, Vol. I, p. 445.

³³Kinneth McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLIII, No. 4 (Winter, 1964-65), p. 413.

a tribal leader known to be sympathetic to the South. Pike won Jumper over completely, and with the promise of 600 troops from Fort Cobb to help crush any opposition, Jumper along with forty-six other pro-Southern Seminoles began talks with the Confederate commissioners. On August 1, 1861, they signed a treaty of friendship with the South.³⁴

This treaty was not readily accepted by the masses of the Seminole Nation, however. They did not have a large number of slaves, and the fullbloods hesitated at allying themselves with the Southern states who had proved so treacherous in their dealing with the Seminoles just a few years previously. As late as 1857, officials of Florida were still hunting down the remaining Seminoles within its boundaries and removing them to the West. The neutrality policy favored by John Ross and supported by Opothleyahola found widespread favor among many of the Seminoles, and with the slightest encouragement or gesture of military aid by the North, it is highly doubtful that they would have cast their fate with the South.³⁵

The tribe was bitterly split over the question of a Confederate alliance, and a loyal faction emerged led by Halleck Tustenuggee, John Chupco and Billy Bowlegs. Unable to reverse the decision to join the South, they decided to leave their homes and join Opothleyahola's band of Creeks. Gathering their belongings, they encamped on Hillabee Creek near the Deep Fork River. It was their intent to remain aloof from the conflict and return to their homes once the confrontation

³⁴Official Records, Ser. iv, Vol. I, p. 513; Edwin C. McReynolds, The Seminoles (Norman, Oklahoma: University of Oklahoma Press, 1957), p. 292.

³⁵Ibid., pp. 292-293.

was decided, but their efforts at a neutral course were soon to be dashed.³⁶

Elated with his success in acquiring treaties with four of the Five Civilized Tribes, but not yet wishing to press the issue with the Cherokees, Pike turned his attention toward the Plains Indians. These tribes occupied the western portion of Indian Territory, and alliances with them were based more on the desire of preventing their raids into Confederate Texas, than on the need for outright military aid. Accompanying Pike was Rector and Matthew Leeper, the Confederate agent for the Wichitas. They traveled to near Fort Cobb, and at the Wichita Agency on August 12, 1861, were successful in gaining treaties with the Plains Tribes.³⁷

Flushed with this further success, Pike was ready to turn to the reluctant Cherokees. On August 1 he had written to Chief Ross informing him of the alliances concluded with the other members of the Five Civilized Tribes. Pike also stated that he regarded the question of an alliance with the Cherokees closed, and that he had no intention to "open any further negotiations with the Cherokee Authorities, or again to offer through you, to your people propositions for an alliance offensive and defensive, or of protection." The Confederacy used the last remaining pressure it could bring to bear on the Cherokees by declaring that the offer to purchase 800,000 acres of territory between Kansas and Missouri was now withdrawn. Pike told Ross that "in electing to remain neutral and really in alliance with the Northern

³⁶Ibid., pp. 293, 297.

³⁷McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLIII, p. 413.

States, you will have elected also to look to them for the price of the land."³⁸

The retraction of this offer was a great blow to the Cherokees. The alliance offered by the Confederacy had by far surpassed any other agreement which they had been able to secure from the United States. As a result of such a favorable treaty, if the South won the war, the Cherokees would have been raised to a much envied position among the Indians. There was also a rising clamor from within the tribe for an alliance with the South. In July, 1861, a group of Southern sympathizers had attempted to raise the Confederate flag over the public square of the Cherokee capital at Tahlequah. Led by Stand Watie, the Southern faction continued agitation throughout the summer months. On July 10, 1861, the Confederacy won a decisive victory over the Union forces in the East at the Battle of Bull Run. This Union defeat was followed on August 10 by the Battle of Wilson's Creek in southwest Missouri. The Confederate victory in this engagement crushed Federal military power in the West, but even more important, it impressed the Indians. The Indian forces under Watie had succeeded in capturing all but one of the North's artillery pieces at Wilson's Creek. For the part he played in the engagement, Watie became a Confederate military hero overnight. These two battles suggested the South would be victorious, and if the South were triumphant, Chief Ross would want to be on that side and not with the North.³⁹

Ross was reluctantly becoming convinced that the preservation of

³⁸Grace Steele Woodward, The Cherokees (Norman, Oklahoma: University of Oklahoma Press, 1963), pp. 264-265.

³⁹Ibid., p. 265.

Cherokee rights and the very existence of his government demanded an alliance with the Confederacy. He called a tribal council to convene at Tahlequah on August 21, 1861. The purpose of this meeting was to prevent a civil war from erupting within the Cherokee Nation, a conflict in which the South would back Watie, and one which they would undoubtedly win. In such an event, Watie would assume the leadership of the tribe, and an alliance with the South would be a foregone conclusion.⁴⁰

When the council convened, Ross rose to address the gathering of nearly 4,000 warriors. He stated that:

in view of all the circumstances of our situation, I say to you frankly, that in my opinion, the time has now arrived when you should signify your consent for the authorities of the Nation to adopt preliminary steps for the alliance with the Confederate States upon terms honorable and advantageous to the Cherokee Nation.⁴¹

Ross also urged the Cherokees to maintain their unity, for as he put it, "union is strength, dissension is weakness. As Brothers live; as Brothers die." After his speech, the council accepted a resolution calling for an alliance with the Confederacy by acclamation.⁴²

Ross now notified Pike of the council's decision, and invited him to Park Hill in October to negotiate a treaty with the Cherokee National Council. He then turned to the unpleasant task of informing his old allies in the struggle to maintain neutrality, of the Cherokee intention to enter into an agreement with the South. In answering the invitation of Ross, Pike suggested that Opothleyahola be invited to attend the council and participate in the negotiations. Ross then

⁴⁰Ibid., p. 266.

⁴¹Ibid.

⁴²Ibid.

communicated the tribal decision to Opothleyahola, along with the invitation to attend the meeting. The old Creek leader refused to believe that Ross would waver from his convictions, and asked for reassurance that it was not a hoax. Ross replied that the letter was indeed true, and that an alliance was necessary to preserve the unity of the Cherokee Nation. Opothleyahola refused, however, to take part in the proceedings, and soon afterward made his decision to seek refuge in Union-held Kansas.⁴³

The Cherokees began to gather at Tahlequah for a general meeting in conjunction with Pike's negotiations. Meantime, a feeling of confusion gripped the country. Pike arrived about October 1, and the negotiations took less than a week. Ross appointed Lewis Ross, Thomas Pegg, and Richard Fields to represent the Cherokees, and on October 7, 1861, Pike proclaimed a treaty of friendship and alliance existing between the two nations.⁴⁴

Pike had at last realized his dream, for with the signing of the Cherokee Treaty the Five Civilized Tribes were unanimous in their decision to cast their fate with the Confederacy. At last Pike had succeeded in his vision of a grand Indian alliance fighting with the South in union and harmony. He was successful only on paper, for the alliance turned out to be neither unanimous nor harmonious. The North, which could have held Indian Territory with a minimum of effort or even a display of intention to use military force to protect the Indians,

⁴³Ibid., pp. 266-267.

⁴⁴Ibid., p. 267-268; Official Records, Ser. iv, Vol. I, p. 669; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 304.

had turned away to more pressing problems in the East. The South, which had coveted the troops which the Indians could supply, but even more the grain and produce they would provide, had promised the Indians much more than they could ever expect to fulfill. The Confederacy had indeed established a buffer territory to protect the more important areas of Texas, Louisiana, and Arkansas. The Indian agents who had the greatest influence among the tribes had persuaded them that the South was their last great hope.

The Indians themselves were not united in their decision. Many of the leaders wanted to remain loyal to the North, but even more they wanted to remain completely detached from the course of the war and let the white man fight his own battles. The division created among the Indians over the alliances with the Confederacy was to smolder briefly and then erupt into open warfare.

CHAPTER II

AN ANALYSIS OF THE CONFEDERATE TREATIES

The treaty alliances with the Five Civilized Tribes concluded Pike's diplomatic efforts in Indian Territory. After their signing they were sent, along with a report of his negotiations, to President Davis. Davis in turn transmitted the treaties to the Provisional Congress of the Confederacy on December 12, 1861, along with his suggestions for changes. The debate on the treaties lasted until December 31, 1861, when they were ratified by the Confederate Congress, including the suggestions of Davis. The treaties were similar in content and varied only where provincial interests were concerned.¹

The signatories of the Choctaw treaty were Robert M. Jones, Sampson Folsom, Forbis LeFlore, George W. Harkins, Jr., Allen Wright, Alfred Wade, Coleman Cole, James Riley, Rufus Folsom, William B. Pitchlynn, McGee King, John P. Turnbull, and William Bryant. They were joined by the Chickasaw delegation, which consisted of Edmund Pickens, Holmes Colbert, James Gamble, Joel Kemp, William Kemp, Winchester Colbert, Henry C. Colbert, James N. McLish, Martin W. Allen, John M. Johnson, Samuel Colbert, Archibald Alexander, Wilson Frazier, Christopher Columbus, A-sha-lah Tubbe, and John E. Anderson. All of these men were ardent secessionists and avidly supported the Southern

¹McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLIII, p. 415.

cause. In the case of the Creek treaty, the negotiations took place with the headmen, warriors, and chiefs of the nation in general council. Those members of the Seminole Nation who joined John Jumper in his alliance with Pike were Pas-co-fa, George Cloud, Fos-hut-chi Tus-ti-nuk-ki, Fos-hut-chi Ha-cho-chi, Co-cho-co-ni, Sa-to-a Hacho, Cho-fo-top Hacho, Su-nuk Micco, Ta-co-sa Fic-si-co, Hal-pa-ta, and I-ma-thia. Cherokee appointees to the negotiations with Pike were Joseph Verner, James Brown, John Drew, and William P. Ross. The names on the treaties are somewhat deceptive. In most cases, other than the Choctaws and Chickasaws, they were obtained either by usurping the power of the legitimate tribal leaders, through forgery, or by means of coercion. Though the treaties were often signed by prominent tribal leaders, such action frequently did not represent their true feelings, but were agreed to because of pressure exerted by the Confederacy.²

All of the treaties were careful to designate the boundaries of the territory occupied by the Indians. The Creek Nation was encompassed by a line beginning at the North Fork of the Canadian River. From this point it ran four miles north, and then in a straight line to the east bank of the juncture of the Arkansas and Grand rivers. From here the line extended south forty-four degrees, then west for one mile, and continued in this direction to the Arkansas River. At this point the boundary turned up the river to the Verdigris River, where it intersected the old territorial line, and followed it for twenty-five miles. It then ran along the southern line of the Cherokee Nation to the North Fork of the Canadian River, and to the

²Official Records, Ser. iv, Vol. I, pp. 445, 426, 513, 526, 669.

border of the Seminole territory.³

The Choctaw-Chickasaw border began one hundred paces east of old Fort Smith, where the western boundary of Arkansas crosses the Arkansas River. From here it ran south along the Arkansas state line to the Red River, where it turned west and followed the river to the one-hundredth meridian. The line then followed the meridian north to the Canadian River and along its bank to its junction with the Arkansas River, which it followed to the initial point near Fort Smith. Within this area was the land occupied by the Chickasaw Nation. Their territory was enclosed by a line beginning where the Island Bayou flowed into the Red River, about twenty-six miles below the mouth of the False Washita River. The boundary then turned northwest along the bayou's main channel to a point where all the channels join, near the dividing ridge of the Washita and Low Blue rivers. It followed the eastern branch of the bayou to its source, and then north to the Canadian River. It followed this river to the ninety-eighth degree of longitude, and then southward to the Red River, which it followed to the original point. There was a stipulation in the agreement which provided for the inclusion of Allen's Academy in the Chickasaw lands. If the academy's location fell outside of the Chickasaw territory, an offset was to be made which would place it at least two miles within their boundaries.⁴

The Seminoles who were associated with the Creeks received a portion of land on the southwestern border of the Creek Nation. Their territory began on the Canadian River west of the ninety-seventh degree

³Ibid., p. 427.

⁴Ibid., pp. 446-447.

of longitude, where Pond Creek flowed into the river. From there it followed the North Fork of the Canadian to the southern boundary of the Cherokees and then west to the one-hundreth degree of longitude. Then the boundary turned southward to the Canadian River and along it to the initial point.⁵

The Cherokees were given 13,574,135.14 acres contained in an area bounded by a line beginning twenty-five miles north of the Arkansas River, and running southward to the Verdigris River. It followed the Verdigris River until it emptied into the Arkansas River, and then along the southern bank for forty degrees and thirteen minutes of latitude to the junction of the Arkansas and Neosho rivers. Here the line turned southward to where the North Fork and the Canadian rivers flowed together, down the Canadian River to the Arkansas River, and then along it to the state line of Arkansas. The boundary followed the Arkansas border northward to Missouri, and then west along the southern limit of the Osage lands to the Texas border. It followed the Texas state line south for sixty miles, and then east along the northern edge of the Creek Nation to the original point.⁶

Except for the minor change along the border between the Choctaws and Chickasaws and the state of Arkansas, the area allotted to the Indians was virtually the same as that given them by the United States. The land was promised to the Indians for "as long as grass shall grow and water run." The partition and disposition of the divided land among the tribal members was left to the Indian legislatures, and the

⁵Ibid., p. 514.

⁶Ibid., pp. 670-672.

Confederacy guaranteed the Indians complete control over their internal affairs.⁷

The treaties promised the territorial and political integrity of the Indian nations. However, the sale or granting of any portion of their territory to any foreign nation, state, or any government whatever, without the consent of the Confederate government, was prohibited. Should any sale occur without the South's consent, the land would revert to the Confederacy. The Indians were protected from the encroachment of the surrounding states and the white man's law by the guarantee that Indian Territory would never be subject to the laws of any state or territory. The treaties also promised that no portion of Indian Territory would ever be included within or annexed to any territory or province of the Confederacy, nor would any attempt be made to establish among the Indians any state or territorial government or to include them within the boundary of any previously created state without the consent of the Indian nations.⁸

The Indians were also granted unrestricted self-government, and full jurisdiction over the persons and property within their territory. The exceptions to their self-rule were the regulation of trade and intercourse, which was reserved by the South. The laws of the Indians were, however, to be compatible with the Constitution of the Confederate States of America, and all white men who were not tribal members

⁷Ibid., pp. 428, 447, 514, 672.

⁸Ibid., pp. 428, 447-448, 514-515, 672-673; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, pp. 304-305; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, p. 418.

were exempt from Indian justice. These exceptions did not apply to an offense committed inside Indian Territory by an Indian, Negro, mulatto, or white who was a tribal member against any other Indian, Negro, mulatto, or white tribal member. In such cases the tribal laws would apply, and the Indians had the right to try and punish the accused according to their laws.⁹

The question of tribal citizenship was answered in every treaty between the Indians and the Confederacy. In the case of white men who had married tribal members, or those who had not intermarried but had established permanent residence within Indian Territory with the consent of tribal authorities and voted at elections, they were declared citizens of the tribe on whose land they resided. These articles were included in the agreements to help clarify the older method of determining citizenship by birth or adoption.¹⁰

In the case of Indians of different tribes who might be allowed to settle within Indian Territory on portions of land occupied by the Five Civilized Tribes, each nation alone reserved the power to determine those who were to be granted citizenship or allowed to become tribal members. The tribes were also to decide who were to be allowed to vote at elections and share in the tribal annuities. However, the treaties required that once either a white person or an Indian of a different tribe had been accepted as a citizen, they could not be subjected to any restrictions or in any way disfranchised by legislative actions

⁹Official Records, Ser. iv, Vol. I, pp. 428-429, 449, 515, 673.

¹⁰Ibid.; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XIII, p. 305.

that did not apply equally to all tribal members.¹¹

No other Indians were to be allowed to settle upon the lands of the Five Civilized Tribes without the permission of the tribal legislative authority. However, by legal acts the nations could permit Indians of various tribes to settle upon their national lands. In return for the granting of this permission, the Five Civilized Tribes were permitted to either sell or lease to these other Indians any amount of land for the length of time and the price that they themselves set. By these treaty articles the Indians gained control over the membership of their tribes and the settlement of outsiders upon their land.¹²

The question of statehood within the Confederacy was taken up only by the Choctaw-Chickasaw treaty. In reward for their uniform loyalty and good faith, these two tribes were provided with a method for securing statehood status within the Confederate States of America. Subject to their ability to establish and maintain a regularly organized republican form of government, which included the forms and safeguards that the citizens of the Confederacy were entitled to, the Choctaws and Chickasaws were to be permitted to apply for statehood. When such a level of government was reached, the tribes were to elect at a regular election, which was to be held after due and ample notice, a convention of delegates. These delegates, following the passage of an act of the Indian legislatures, were to declare their desire to become a state within the Confederacy. When these requirements were

¹¹Official Records, Ser. iv, Vol. I, pp. 432, 453, 518, 673.

¹²Ibid., pp. 431-432, 453-454, 517-518, 673.

met, the Choctaw and Chickasaw country was to be admitted into the Confederacy as a state with all the rights and privileges of the original Confederate states. When this action was accepted by the Confederate Congress, all tribal members would become citizens of the Confederate States of America; this did not include those persons who were settled in the leased district. The only condition attached to their admission to the Confederacy was that they must submit to a survey of their lands, and set aside one section in every thirty-six for the purpose of education. The money from the sale of this land was to be invested in such ways as the Indians through their tribal legislatures should prescribe, and the money would become the property of the tribe to be used solely for educational purposes.

It is odd that this provision for statehood was included only within the Choctaw-Chickasaw treaty. The article, nevertheless, provided for the admission of the other Indian nations, although the treaties declared there was to be only one state formed from Indian Territory. Whenever the Creeks, Seminoles, and Cherokees were able to reach the same level of self-government and pass the prescribed formalities, they could, either by themselves or jointly, become a part of the same state. These other nations were guaranteed the same rights of citizenship and proceeds from their lands as the Choctaws and Chickasaws.¹³

For diplomatic relations between the Confederacy and the Five Civilized Tribes, the treaties called for an agent of the Confederate

¹³Ibid., p. 453; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, p. 417.

States and an interpreter to be appointed to carry on the communications. Both the agent and the interpreter were to reside at the agency, and in the case of a vacancy in either position the authorities of both nations were to be consulted on the appointment of a replacement. No person was to be appointed to whom the Indians objected, and the agent was subject to removal by the petition of formal charges, which showed sufficient cause, by the Indian authorities.¹⁴

The Indians were required to furnish the South with a tract of two sections of land, which was to be chosen by the President of the Confederacy, for the site of the agency. In the case of the Creeks and Seminoles the site selected was to be the location of their present agency, and with the Cherokees, Choctaws, and Chickasaws, the locations were to be selected by the authorities of the Indian nations and the Confederacy. Both the land and the public buildings of the agencies were to come under the sole jurisdiction of the Confederate States. The only exceptions were members of the Indian tribes in whose cases the offenses would be punished by the laws and courts of the Indian nations. Whenever the South ceased to maintain its agencies, the sites, the land, and buildings were to revert back to the Indians. In the Cherokee, Choctaw, and Chickasaw treaties, the Indians also regained title to the land if the agency was moved to a different location. The Choctaw and Chickasaw treaty provided that if any person hired or employed by the agency violated the laws of the nations or became unfit to continue to live in their country they would be removed by the Indian Superintendent upon the request of the executives of these

¹⁴Ibid., p. 419; Official Records, Ser., iv, Vol. I, pp. 431, 451, 517, 674-675.

nations. Also, no person was to be allowed to settle, farm, or raise stock within the limits of the agencies unless they were employees of the Confederate States of America.¹⁵

The treaties between the Confederacy and the Indians promised perpetual peace and friendship between the two nations, and joined them together in offensive and defensive alliances. The Indians were to acknowledge themselves as under the protection of the Confederacy, and were restricted from entering into alliances with any other foreign power or individual state. However, they were permitted to reach agreements with neighboring Indians for the purpose of improving their mutual welfare. The Indians were to become wards of the Confederacy and were placed under the South's protection, with their lands being annexed to the Confederacy. The South solemnly promised never to abandon the Indians or to allow the Northern states or any other enemy to separate them from the Confederacy.¹⁶

All persons who were not defined as tribal members were declared intruders, and were to be removed from Indian Territory. In order to secure their expulsion, the South promised military aid. Exceptions were made for employees of the Confederate government, and persons who were peacefully traveling or engaged in trading, provided they secured the necessary license. The Indians were also allowed to permit selected individuals, with the consent of the Indian agents, to reside

¹⁵Ibid., pp. 429-430, 451, 454, 516, 674; Annie Abel, The American Indian as a Slaveholder and Secessionist (Cleveland: Arthur H. Clark Co., 1915), p. 169.

¹⁶Official Records, Ser. iv, Vol. I, pp. 426-427, 445-446, 513, 670; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 304.

within their country. The South was to protect the Indians from domestic strife, hostile invasion, and from aggressions committed by other Indians or whites. Any tribal members who might suffer from the inability of the South to maintain this promise were entitled to compensation, which was to be paid by the Confederate Treasury.¹⁷

Any person who settled upon the Indian lands without the permission of the required authorities automatically forfeited the protection of the Confederacy and became subject to the laws of the Indian nations. The grazing of stock on the Indian lands by persons other than tribal members was prohibited. Tribal authorities were allowed to collect a penalty of one dollar per head levied against violators. Exceptions were granted for stock being driven to market and reasonable delays were allowed for necessary halts along the route. Likewise, the Indians were guaranteed the privilege of transporting stock and of peaceful travel through any of the Confederate states.¹⁸

In the case of the Creeks, Seminoles, Choctaws, and Chickasaws, they were considered as branches of the same nations. Because of this reasoning, the citizens of the Creek and Seminole nations and the Choctaw and Chickasaw nations were guaranteed to have, at all times, the right of safe passage through the lands of the other. Also, the tribal members of both groups were to be permitted to settle freely, without having to seek permission, on the lands of the other. Likewise, the Creeks and Seminoles who might settle in each other's territory, and the Choctaws and Chickasaws who might migrate to the other

¹⁷Official Records, Ser. iv, Vol. I, pp. 429-430, 449-451, 515-517.

¹⁸Ibid., pp. 432, 454, 518, 677.

nations, were to be granted the same rights and privileges of all other members of the nation. This included the right to vote and hold office, and the only exceptions were that members of one nation might not share in the tribal monies of the other nation. However, they were granted the right of court suits to protect their interest.¹⁹

The right of the Indians to purchase and hold title to property was greatly increased. They were recognized as competent to own and buy in any of the Confederate states. The Indians were also given the right to sell or trade with any person all articles and personal property without restriction.²⁰

Reasoning that slavery had existed since time immemorial, the treaties declared that as an institution it was to be recognized as legal within Indian Territory. Slaves were defined as personal property, and the various Indian nations were entitled to determine by their own laws and customs the individual titles of slaves. Upon the death of their owners, slaves were to be distributed according to tribal customs, which were considered binding. The enforcement of the fugitive slave laws was also guaranteed. All acts of the Confederate Congress and all provisions of the Constitution of the Confederate States of America, which governed the return of fugitive slaves, were to apply to the Indian nations. The fugitive slave laws were to be enforced not only on slaves which might flee to Indian Territory, but also on slaves who might escape to other Indian nations or to other

¹⁹Ibid., pp. 432, 454, 518.

²⁰Ibid., pp. 438, 452, 519; Abel, The American Indian as a Slaveholder and Secessionist, pp. 171-172.

Confederate states.²¹

In the matter of judicial obligations and legal representation, the Indians were granted far-reaching rights and responsibilities. All individuals who had been duly charged with a criminal offense in any of the Indian nations and who had fled to another nation were subject to arrest by the authorities of that nation. They were to be promptly surrendered to the authorities of the nation in which the crime was committed. The same was true of offenses committed in violation of the laws of the Confederacy or of any state within the Confederacy. Individuals were also subject to extradition if they were fugitives from Indian justice in the Southern states.²²

The Confederacy reserved for itself the right to punish persons guilty of counterfeiting coins or securities of the Confederacy, violators of the neutrality laws, and those resisting the acts of the Confederate Congress which provided for the common defense and welfare. The South was also given the duty of enforcing the laws regulating trade and intercourse among the Indian nations and insuring the general peace of Indian Territory. The Confederacy was also bound to enforce the provisions of the various Indian treaties.²³

The legal rights of the Indians were greatly increased. The treaties guaranteed that should an Indian be indicted in either a Confederate or state court, he was entitled to the right of subpoena and

²¹Ibid., p. 166; Official Records, Ser. iv, Vol. I, pp. 433-434, 456-457, 520, 678; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, p. 418.

²²Official Records, Ser. iv, Vol. I, pp. 432, 454, 518, 677-678.

²³Ibid., pp. 433, 455, 518-519, 676.

the compulsory process for any witnesses in his behalf necessary for his defense. The cost of the process, fees, service, and mileage of such witnesses was to be born by the Confederate Treasury. In the courts the Indians were recognized as competent witnesses in all cases criminal or civil. All discrimination based on Indian blood was ended, and the Indians were given the same rights to sue in any state court as the citizens of the same state.²⁴

All official acts and legal proceedings of the judiciary of Indian Territory were given full faith and credit in all other courts within the Confederacy. The Indians were prohibited from enacting any *ex post facto* law or laws which would impair the obligation of contracts affecting any person other than members of their own tribes. No person, either a member of an Indian nation or a Confederate citizen, could be deprived of property or of his liberty except by the law of the land and according to due process of law. Any infringement of the rights of citizens guaranteed by the Constitution of the Confederate States was also prohibited.²⁵

In order to insure the enforcement of the laws of the Confederate States and to prevent the Indians from future harassment by foreign courts, two district courts were established inside Indian Territory. The Tush-ca-hom district court was located at Boggy Depot and the

²⁴Ibid., pp. 433, 456, 519, 678; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, p. 418; Abel, The American Indian as a Slaveholder and Secessionist, pp. 172-173.

²⁵Ibid., p. 179; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, p. 418; Official Records, Ser. iv, Vol. I, pp. 433-434, 456, 519-520, 678-679.

Chalahki district court was located at Tahlequah. These courts were to have the powers of a circuit court in carrying out the provisions of the treaties. They were to have jurisdiction over all persons residing within their boundaries, and in all civil suits between citizens of territories or states of the Confederacy, aliens, and residents of Indian Territory when the amount exceeded \$500. The officers, clerks, and marshals of the courts were required to be citizens of the districts, and they were restricted in that they had no jurisdiction to try or punish any person for an offense committed prior to the signing of the treaty.²⁶

Each of the Indian nations were to grant to the Confederate government one square mile of land to be used for the construction of military establishments as the President of the Confederacy might deem necessary. The South also reserved the right to construct military roads throughout the territory. As long as the forts were occupied the land was to be under the exclusive jurisdiction of the Confederacy, except as to offenses committed by one Indian against another. The South was restricted in the amount of timber to be used in their construction, and only the necessary materials were to be used. Adequate compensation was to be paid to the Indians for any material other than land, timber, stone, and earth which might be used in the building of the military establishments.²⁷

²⁶Ibid., pp. 454-455, 676; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, pp. 417-418.

²⁷Ibid., p. 419; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 305; Official Records, Ser. iv, Vol. I, pp. 429-430, 450, 516, 674.

The Confederacy pledged to establish and maintain post offices, which were to be located at the more important settlements throughout Indian Territory. The mail was to be carried regularly, at reasonable intervals, and at the same rates of postage as in the other Confederate States. In the case of the Cherokees, it was also required that the postmasters be appointed from among the tribal members.²⁸

The South reserved for itself, or any company which might be incorporated under its laws, the privilege of right-of-way for both railroads or telegraph lines through Indian Territory. If the installations were constructed by private companies the Indians were entitled to a cash payment, which was to be agreed upon by both the companies and the Indian governments. All damages or injuries incurred during the construction of the facilities, either to individual parties or to the various nations, were to be reimbursed by the companies in such a manner as the President of the Confederacy directed. The right-of-ways were to be perpetual, and upon abandonment the land was to revert back to tribal control.²⁹

In the consideration of the common defense of Indian Territory and the Confederacy, the Indian nations were required to furnish troops for the military forces of the South. The Creeks agreed to furnish in conjunction with the Seminoles, a regiment of ten companies of mounted men to be enlisted for a term of twelve months. The same was true with the Choctaw and Chickasaw nations, who pledged a regiment of ten

²⁸Ibid., pp. 434-457, 520, 679; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 305; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, p. 419.

²⁹Official Records, Ser. iv, Vol. I, pp. 430, 450, 516.

companies to serve for twelve months. The Cherokees were not only to raise ten companies for a regiment, but also to recruit two reserve companies of mounted men. The company officers of the Indian troops were to be elected by the members of the companies, the field officers were to be selected by all the members of the regiment, and the colonel was to be either elected or appointed by the President of the Confederacy. The troops were to be armed by the South, and were to receive the same pay and allowances as all other mounted troops serving with the Confederate Army. The treaties prohibited the use of Indian troops outside the boundaries of Indian Territory. The Indians also agreed to raise at a future date such a number of troops as necessary for the defense of their homes. This requirement was subject to the demand of the Confederate President. These troops were to be in fair proportion to the number of tribal members, and were to serve such terms of duty as directed by Confederate officials.

The treaties stipulated that the Indians would in no way ever be required to pay, in land or otherwise, any portion of the cost of the present war or of any future war in which the Confederacy engaged. The Indians also agreed that after the restoration of peace, they would furnish enough native troops to aid the South in the protection of Indian Territory. These forces were to hold the posts and forts inside Indian Territory, but were to be placed under the command of Confederate officers. This military force, consisting mainly of Indians, was to be used in preference to white troops in matters concerning Indian Territory.³⁰

³⁰Ibid., pp. 434, 457, 520, 679; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, p. 416-417.

In order to enable the Indians to secure their rights without the intervention of their agents, the treaties provided for Indian representatives to the Confederate Congress. The Creek and Seminole nations were to have one representative, who was to be chosen jointly. The Choctaws and Chickasaws also were entitled to one delegate, and they were to select the representative alternately from each tribe. The Cherokees were allowed one representative, thus making the total of Indian representatives to the Southern Congress three. These delegates were to serve a term of two years, must be over twenty-one years of age, and a member of the tribe they represented. They were to be entitled to the same rights and privileges as all other delegates from Confederate territories, and their pay and milage was to be fixed by the Confederate Congress. The representatives could not be under any legal difficulties, and their election was to be held at the time and place and conducted in a manner prescribed by the Indian agents. The candidate receiving the greatest number of votes was to be declared the winner. After the first election, all future elections were to be held under the regular laws of the Confederate States.³¹

The treaties also provided that the Confederacy assume the annuity payments of the United States for the Five Civilized Tribes. These monies and the interest on the state bonds held by the South were to be applied for the good of the tribe. The funds accumulated in this manner were to be used for education, public works, the care of orphans,

³¹Ibid., p. 417; Official Records, Ser. iv, Vol. I, pp. 435, 452, 520, 679-680.

and for public education.³²

The Indians were thus provided with a method of improving the welfare and happiness of their people. The Confederacy also guaranteed that all claims and demands against the government of the United States that had not been satisfied or relinquished under the former treaties would be investigated by Southern officials. Upon the restoration of peace, these claims would be assumed by the South. The Confederacy was also to assume the duty of collecting the payments due the Indians, and to insure the lawful distribution of these funds to them.³³

All of the treaties provided for some special provisions for each tribe. The Creeks, Choctaws, and Chickasaws were to receive payments for the expenses of their representatives to the treaty proceedings. The Creeks were to receive \$750, which was to be paid to the principal chief, Motey Canard, and the Choctaws and Chickasaws got \$2,000 to be paid to Robert M. Jones. This money was to be distributed equally among the members of the treaty delegations. The Choctaws were to receive \$50,000 and the Chickasaws \$2,000 to purchase arms and ammunition for the defense of their homeland. A Cherokee youth could be educated at any military school established by the Confederacy, provided he received his appointment from the Cherokee delegate to the Confederate Congress. This same privilege was eventually granted to

³²Ibid., pp. 435, 457, 460, 521, 680; Abel, The American Indian as a Slaveholder and Secessionist, pp. 163-164; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 305; McNeil, "Confederate Treaties with the Tribes of Indian Territory," The Chronicles of Oklahoma, Vol. XLII, p. 416.

³³Official Records, Ser. iv, Vol. I, pp. 435-438, 457-463, 521-524, 680-685.

the other Indian representatives to the Confederate Congress.³⁴

The Seminole treaty included even more specific conditions. Tribal members were to be reimbursed for all slaves who were alleged to have been illegally seized during their removal from the South. The Confederacy was to investigate their claims and determine a just and equitable settlement, which was to be paid to either their owners or the heirs of the owners. The Indians were also to be paid for the loss of services of the slaves for the periods they had been illegally detained by the Federal government. The Confederacy agreed to pay Sally Factor for the services of two of her slaves, named July and Murray, who were used as interpreters for removal by the United States Army during the Seminole War. Both slaves were kept in the service for four years and both had died during the course of that war. For the loss she incurred, Factor's heirs were to receive the sum of \$5,000. Those Seminoles who accompanied the Superintendent of Indian Affairs to Florida in 1857 to secure the removal of the remaining Seminoles were to receive \$200 each for the services they rendered. Finally, as more of a bribe than anything else, the leader of the Southern faction, John Jumper, was to receive \$500 for his loyalty to the Confederacy, and \$1,250 to be equally divided among five of the other Southern supporters. The Confederacy also pledged \$100 to each of the thirty-four Seminole treaty delegates in view of their present faith and loyalty to the Southern cause.³⁵

The treaties were thus submitted to the Confederate Congress for

³⁴Ibid., pp. 438, 464, 685.

³⁵Ibid., pp. 522-524, Abel, The American Indian as a Slaveholder and Secessionist, pp. 164-166.

ratification. Several changes were made in all of the treaties before they were ratified, and these changes were eventually accepted by the Indians. The Creek treaty was amended concerning the Indians' rights in courts, but more important their representative to the Confederate Congress was limited in regard to his participation in debates. He could only take part in the deliberations if the question was one in which either nation was particularly interested. The Choctaw and Chickasaw delegate was likewise restricted, and their admission as a state was referred to the Confederate Congress by whose acts alone new states could be admitted. The amount of revenue from the sales of their land was also reduced, and their rights in courts were amended somewhat. The Seminole ratification was essentially the same in regard to the changes in courts and representation in Congress, but no change was made in the payments due them. Little change was made in the Cherokee treaty.³⁶

Many of the promises made in the treaties were never placed into effect or were only partially fulfilled. This was because the Confederacy was incapable in many cases of carrying out her commitments. Even so, this unfortunate situation did not decrease the loyalty of the Indians toward the South. In August, 1862, President Davis reported that the Indians had remained loyal to the South in spite of allegations by Federal agents. Perhaps this was due to the liberal nature of the treaties, which gave the Southern Indians many more benefits than had ever been promised by the United States, and they reasoned that the shortcomings of the Confederacy were due to the conditions created by

³⁶Official Records, Ser. iv, Vol. I, pp. 443, 465-466, 526-527, 686-687.

the war. They believed that once the South had successfully concluded the war, the treaty conditions would be wholeheartedly fulfilled.

CHAPTER III

THE INITIAL STAGES OF INDIAN-CONFEDERATE RELATIONS

The treaties between the Confederacy and the Five Civilized Tribes joined them in both offensive and defensive alliances. They also provided, however, for certain civil obligations to be performed by both parties. The Confederacy agreed to find a substitute for the United States postal service, the federal judicial system, and the other necessary civil duties required by society. Likewise, the Indians were obligated to provide a larger amount of civil duties than ever before. It was not long after the signing of the treaties that their implementation began. X

All of the agreements called for the furnishing of Indian troops for the protection of Indian Territory. These troops were to be used exclusively within the boundaries of Indian Territory, and were not subject to service elsewhere. The number of men to be raised varied among the tribes. The Creeks and Seminoles pledged a regiment of ten companies; the Chickasaws and Choctaws were to furnish one regiment. The Cherokees not only agreed to the raising of one regiment, but also to the furnishing of two reserve companies. All of these troops were to be mounted, and their officers were to be elected from among the troops. The Confederacy was to assume the burden of equipping and paying the forces. These Indian troops were to be granted the same †

pay and allowances as all other Confederate forces.¹

The troops raised by the Indians for service with the Confederate Army were organized as the First Regiment of the Choctaw and Chickasaw Mounted Rifles under the command of Douglas H. Cooper; a battalion composed of both Creeks and Seminoles, commanded by Chilly McIntosh, the Creek war chief, and John Jumper, the principal chief of the Seminoles; the First Cherokee Mounted Rifles under John Drew; and the Second Cherokee Mounted Rifles commanded by Stand Watie.²

The Confederacy next began to assimilate these forces into its military structure. The first military command of Indian Territory was created on May 13, 1861, when Brigadier General Ben McCulloch was given the command of the District of Indian Territory. In addition to the Indian troops raised within Indian Territory, the new district was also assigned one regiment of mounted troops from Texas under obligation for eighteen months, another regiment of mounted men from Arkansas who were to serve for the duration of the war, and a regiment of infantry from Louisiana who had enlisted for a year. Indian Territory remained an independent district until November 22, 1861, when it was reorganized into the Department of Indian Territory and Brigadier General Albert Pike of the Provisional Army of the Confederacy was given the command. Finally, by special orders of the Adjutant and Inspector General's office on January 10, 1862, the area was joined with a portion of Louisiana and Missouri, and all of Arkansas, to form the Trans-Mississippi District with Major General Earl Van Dorn com-

¹Official Records, Ser. iv, Vol. I, pp. 434, 457, 679.

²Cooper to Benjamin, January 20, 1862, *ibid.*, Ser. i, Vol. VIII, p. 5.

manding. Thus the Indian forces within Indian Territory were transformed into an integral part of the Confederate command structure.³

The Confederates in Indian Territory next turned to the destruction of the last remaining Northern forces within their midst. Early in the war the regular Federal troops had withdrawn, and the pro-Union Indians under the leadership of Opothleyahola, had gathered near present-day Eufaula. Hoping to remain neutral in the conflict, these X Indians assembled from 800 to 1,200 Creek and Seminole warriors, and between 200 and 300 Negroes, in addition to a large number of women and children. The South could ill-afford to ignore such a large force of potentially hostile Indians, and the decision was reached to disperse this force of Northern sympathizers.

Colonel Cooper took to the field with a force of about 1,400 men with the purpose of forcing these Indians back into the Southern fold. X His command consisted of the First Choctaw and Chickasaw Mounted Rifles, the Fourth Texas Cavalry, the Creek Regiment, and the Seminole Battalion. On November 15, 1861, these troops marched to Opothleyahola's camp, but found it abandoned. The loyal Indians had decided to flee northward to safety in Kansas. Cooper gave chase and four days later captured some prisoners who indicated that the Northern Indians were constructing a fort near the Red Fork of the Arkansas River. The Confederates hurriedly advanced to the location and launched a vicious charge. The action continued until darkness forced a halt, and during the night the loyal Indians slipped away toward

³Cooper to McCulloch, May 13, 1861, *ibid.*, Ser. i, Vol. III, p. 575; Adjutant and Inspector General's Office, Special Orders No. 234, November 22, 1861, *ibid.*, Ser. i, Vol. VIII, p. 690; Adjutant and Inspector General's Office, Special Orders No. 8, January 10, 1862, *ibid.*, p. 734.

the northeast. The following morning the Southern Indians entered the camp and captured some supplies and baggage. This engagement became known as the Battle of Round Mountain, and was indecisive for either side.⁴

Cooper was diverted momentarily from continuing pursuit because of a threatened Federal attack from Missouri. The Southern force moved to a position near Tulsey Town to meet the expected assault. While located in this area, they received word that Opothleyahola was planning an attack with a force of 2,000 troops. Cooper turned to meet this threat and found the loyal Indians encamped on Bird Creek on December 8, 1861. The next morning the Confederates launched their attack, and succeeded in driving the loyal Indians from their strongly fortified camp. In this engagement, the Battle of Chusto-Talsah, again no clear-cut victory was won by either side. The South was, however, slowly wearing down the resources of the loyal Indians. Though heavy casualties were suffered by both groups, the Confederates could depend on reinforcements and resupply from their base camps, and none of these facilities were available to the loyal Indians, whose numbers and supplies dwindled after each engagement.⁵

Cooper was once again forced to call off the attack because of a threatened rebellion by a faction of Cherokees, and to rest and re-supply his forces. He retired to near Fort Gibson where he was

⁴Cooper to Benjamin, January 20, 1862, *ibid.*, pp. 5-7; John Bartlett Meserve, "Chief Opothleyahola," The Chronicles of Oklahoma, Vol. IX, No. 4 (December, 1931), p. 446; Dean Trickett, "The Civil War in the Indian Territory, Part 4," The Chronicles of Oklahoma, Vol. XVIII, No. 3 (September, 1940), p. 269.

⁵Cooper to Benjamin, January 20, 1862, Official Records, Ser. iv, Vol. I, pp. 7-11.

surprised to learn that Colonel James McIntosh was taking the field with 2,000 men in pursuit of the loyal Indians. Cooper and McIntosh joined forces and planned a two-pronged attack which was designed to crush Opothleyahola's forces. McIntosh took the field ahead of Cooper and followed the loyal Indians to a position on Shoal Creek near the Big Bend of the Arkansas River. Here in the Battle of Chustenahlah, on December 26, 1861, the Confederates routed the loyal Indians and destroyed most of their supplies. The Northern Indians then fled disorganized toward Kansas and what they believed to be safety. The weather turned bitterly cold and during the night snow began to fall. The next day Stand Watie and his troops arrived on the scene and continued the pursuit, killing and capturing stragglers who found conditions too terrible to continue. Thus these three engagements had completely destroyed all remnants of Union military force within Indian Territory, and had sent the loyal Indians into a dreadful exile in Kansas. The South had secured military control over Indian Territory, and was then ready to enter into normal civil relations with their allies.⁶

The nearly unanimous decision of the Federal Indian agents within Indian Territory to side with the Confederacy gave the South a nucleus on which to build an efficient agency system among the Five Civilized Tribes. The Congress of the Confederate States at once began the necessary procedure for the establishment of a system of Indian agencies. On February 20, 1861, section two of a bill which created the Confederate War Department placed the care of the Indians under the

⁶Ibid., pp. 11-12; McIntosh to Cooper, January 1, 1862, *ibid.*, Ser. i, Vol. VIII, pp. 22-25.

Secretary of War.⁷

The Indians remained directly under the care of the Secretary of War until March 14, 1861, when the Bureau of Indian Affairs was created. Two days later President Davis appointed David Hubbard of Alabama the first Confederate Commissioner of Indian Affairs. It was eleven months later, however, before Robert W. Johnson of Arkansas, a member of the Confederate House of Representatives, introduced a bill calling for the organization of the Arkansas and Red River Superintendency of Indian Affairs. This bill was doomed to die in endless committees, and it was not until April 8, 1862 that the Confederate Congress passed the measure, which had been reintroduced by the then Senator Johnson.⁸

This act provided for the creation of the Arkansas and Red River Superintendency of Indian Affairs and the regulation of trade and intercourse with the Indians within its boundaries. It also called for a superintendent and six agents to handle the affairs between the Indians and the Confederacy. The agents were to be bonded in the amount of \$50,000 and were required to continue residency in Indian Territory during their term of office. They were prohibited from engaging in mercantile pursuit or any gainful occupation, and were not allowed to prosecute Indian claims against the Confederacy. The area of the superintendency was to include all of the Indian country annexed to the Confederacy, and was described as being located west of Arkansas and Missouri, north of Texas, and east of Texas and New

⁷Journal of the Provisional Congress of the Confederate States of America, Vol. I, p. 69.

⁸Ibid., pp. 142, 154, 640; *ibid.*, Vol. V. p. 210.

Mexico.⁹

The measure provided a salary of \$2,500 a year for the superintendent and \$1,000 a year for his clerk. In the selection of interpreters, applicants of Indian descent were to be given preference. The act left the control of trade within Indian Territory in the hands of the tribal authorities, but these privileges were greatly limited. Safeguards against fraud and graft were provided for in all payments due the Indians, and all land alienations were removed. All spirituous liquors were banned from the territory, as were all intruders. The Indians were allowed to retain their own customs of citizenship and adoption. Any foreign emissaries were designated as spies and were to be treated as such, and foreign interference in Indian affairs was prohibited. Indian Territory was temporarily attached to the western district of Arkansas for judicial purposes, and the South reserved for itself the right to apprehend all criminals other than Indians. Armed police were provided for in the absence of regular troops for the maintenance of order and the protection of citizens. The South also reserved the right of jurisdiction over cases involving counterfeiting and the fugitive slave laws, and eminent domain over all agency sites and buildings, and military installations. The law provided for the headquarters of the superintendency to be located either at Fort Smith or Van Buren, Arkansas, whichever the President chose. It also compelled the agents to make the payments due the Indians in either specie or treasury notes. With the implementation of this law the Confederacy was ready to assume its role of protector and ally of

⁹Ibid., Vol. II, pp. 51-52; Abel, The American Indian as a Participant in the Civil War, pp. 174-178.

the inhabitants of Indian Territory.¹⁰

Brigadier General Pike recommended an eleven point plan of operation to insure the success of the Confederate alliance with the Five Civilized Tribes. He communicated his suggestions to President Davis in early August, 1862. His major proposal encouraged the complete separation of Indian Territory from all military connection with Arkansas, an association he viewed as completely detrimental to the Indian's cause. Pike argued that the interest of Indian Territory would always be subordinate to the interests of western and north-western Arkansas, and the sorely needed troops, arms, and ammunition would be directed elsewhere. He also contended that the officer in command of the Indian Department must not be subject to the orders of officers who had no actual view of the conditions existing in Indian Territory. The area occupied by the command was so large and the communications so slow that its efficiency was hindered by its subordination to officers who were too far distant to act promptly in an emergency or to adequately exploit any military advantage.¹¹

Pike also pleaded for the necessity of more white troops to garrison Indian Territory. He pointed out that the force of approximately 1,300 mounted Texans and six pieces of artillery were wholly inadequate without the necessary infantry support, which was totally lacking. Pike suggested that the country be garrisoned by four full regiments of infantry, who would be well armed and from states other

¹⁰Ibid., p. 178; Journal of the Provisional Congress of the Confederate States of America, Vol. II, pp. 51-52.

¹¹Pike to Davis, August 1, 1862, Official Records, Ser. i, Vol. XIII, pp. 871-872.

than Texas or Arkansas. The reason given for this action was that troops from other than the surrounding states would not be so anxious to scurry to the relief of their own states, nor be so persistent in their demand for furloughs to visit their nearby homes. Pike suggested that one regiment from South Carolina, Georgia, Alabama, and either Mississippi or Louisiana be dispatched to provide Indian Territory with adequate military protection.¹²

The treatment of the Indian troops in the supply system of the Confederate Army was also bitterly protested. Pike advocated the immediate dismissal of any officer who seized supplies enroute to Indian Territory, and the direct shipment to the officials responsible for their distribution of all monies allocated to the Indians. He also advocated the immediate distribution of coats, pantaloons, shirts, shoes, and hats to the Indian troops. The full reimbursement of past due payments of the Indian troops and the instigation of a program designed to ease the severe shortage of medicine in Indian Territory was also urged. Pike likewise prodded the Confederacy to honor claims for supplies which had already been provided by the Indians.¹³

The regular army, Pike insisted, should place a competent brigadier-general in command of Indian Territory, and authorize him to enlist a regular force of infantry, cavalry, and artillery sufficient for its defense. This action would rid the country of the mounted volunteers who had become more of a nuisance than an efficient military force. Care must be taken, Pike declared, to carefully screen all

¹²Ibid., p. 872.

¹³Ibid., p. 873.

troops, so as not to include any of that class of men who would as soon shoot an Indian as a wolf. Principal supply depots should be established at Fort McCulloch and Fort Washita to adequately supply the troops within Indian Territory and to deter any Northern invasion. An auxiliary force of Indian troops should be formed in addition to the regular troops to provide adequate protection. Pike urged that special action should be taken to insure that no groups of white men would carry on predatory warfare in Missouri and Kansas from bases within Indian Territory. The guarantee that Indian troops should not be either asked or allowed to take part in military actions outside the limits of their own country should be enforced.¹⁴

Turning to the condition of the Indians after the war, Pike insisted that the South honor its commitments and provide adequate protection for the Indians from both white and red men. He suggested the establishment of heavily fortified posts complete with strong field works and artillery near the Grand Saline on Grand River, at Frozen Rock on the Arkansas River, on the south side of the Canadian River, and on the Blue River thirty miles from the Red River. Aside from these major posts, other frontier camps should be created in the Washita Mountains, in the Antelope Hills, along the Arkansas River, and at Tulsey Town. Pike contended that these posts and camps should be established immediately, and then maintained after the cessation of hostilities. He reasoned that they would then serve a twofold purpose, for not only would they deter any Federal invasion of Indian Territory, but they would continue to provide protection for the Indians after

¹⁴Ibid.

the end of the war.¹⁵

Pike encouraged the immediate appointment of a Superintendent of Indian Affairs, and of agents for the several tribes which had none. These men, he argued, should be of high character and intellect, should respect the Indians, and not alienate them by abuse or neglect. Care should be taken that neither these offices nor the Commissioner of Indian Affairs should be allowed to ignore their responsibilities or relax their labors.¹⁶

With the organization of the superintendency, the problem of selecting its director became apparent. Nearly six months was required for the Confederacy to choose a man for the job. This tardiness in filling the position resulted in some delay in the payments of annuities and allowances due the Indians. Though Pike had been instrumental in securing the Indian alliances for the Confederacy, Douglas H. Cooper became foremost among the aspirants for the position. Cooper, however, was determined not to divide the civil and military responsibilities of Indian Territory. Thus on August 8, 1862, Cooper asked to be placed in command of the military forces in Indian Territory, and also to be appointed the ex officio Superintendent of Indian Affairs. He contended that he was entitled to the post, for it was he who had prevented the seizure of the area by Federal forces and that Pike was totally unfit for the responsibility.¹⁷

¹⁵Ibid.

¹⁶Ibid., p. 874.

¹⁷Cooper to Davis, August 8, 1862, *ibid.*, Ser. i, Vol. LIII, pp. 820-821; James D. Richardson, comp., The Messages and Papers of Jefferson Davis and the Confederacy (2 vols., New York: Chelsea House, 1966), Vol. I, p. 238.

Cooper received his appointment on September 29, 1862. However, due to the charges against him which claimed that "habitual intoxication and notorious drunkenness" had resulted in his withdrawal without resistance in the face of Northern forces, his commission was withheld on the urging of Major General Theophilus H. Holmes. Holmes indicated that there were matters connected with Cooper's appointment which made it necessary to prevent him from taking immediate charge. Instead he ordered Major General Thomas C. Hindman to search for some competent officer to receive the commission, and in the meantime appointed Brigadier General John S. Roane to assume the duties of Indian Affairs Superintendent.¹⁸

These delays in the choice of a suitable superintendent for the Arkansas and Red River Agency did nothing to enhance the Southern chances of producing a workable alliance with the Indians. The Confederacy, by its own bureaucratic blundering and ineptness, seemed to be failing to formulate a clear and concise program which would bring success to its efforts in Indian Territory. Had the South followed the suggestions of Pike's proposals, perhaps the confusion resulting from the attempts at creating an Indian policy would have been avoided.

The Confederacy then began efforts to fulfill the civil functions required of them by the treaties. The functioning of these civil services of the South within Indian Territory were hampered by Federal military occupation and domination of large areas of the country

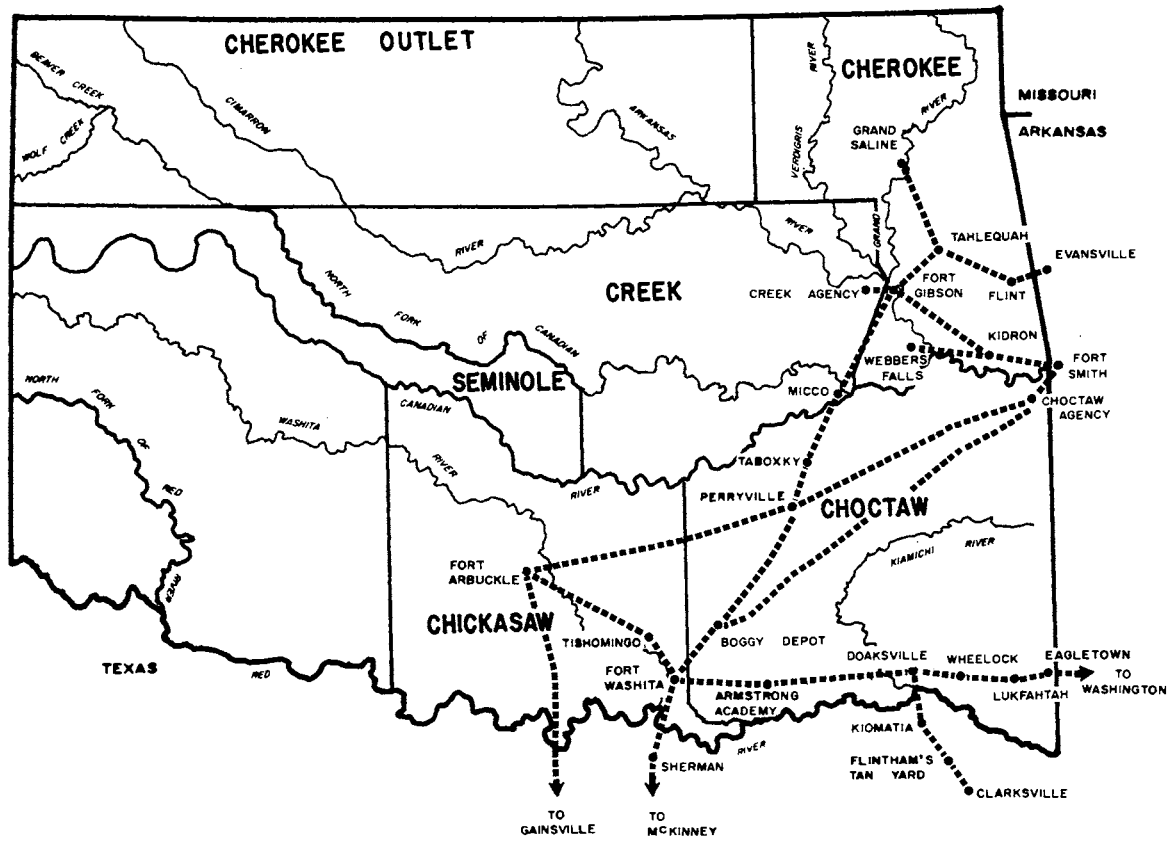
¹⁸Adjutant and Inspector General's Office, Special Orders No. 227, September 29, 1862, Official Records, Ser. i, Vol. XIII, p. 885; Randolph to Holmes, October 27, 1862, *ibid.*, pp. 906-907; Holmes to Cooper, November 3, 1862, *ibid.*, p. 908; Holmes to Hindman, November 5, 1862, *ibid.*, pp. 910-911.

throughout the course of the war. In addition, because of the subserviency of civilian control to the military, the South was never able to completely fulfill its role in civil matters.

All of the treaties provided that the Confederacy should construct and maintain post roads and carry the mail at reasonable intervals and at the same rates of postage between the principal locations within Indian Territory. The Postmaster General of the Confederacy, John H. Reagan, attempted to organize the Confederate postal system along the lines of the abandoned Federal system inside Indian Territory. From the beginning, however, the Confederate Postal Service was plagued by shortages of essential materials necessary for successful operation, and by pay for the personnel who maintained the service.¹⁹

To insure that the postal service would continue uninterrupted, Reagan gave the local postmasters extra authority to initiate temporary service until a regular system could be established. Apparently the first regular route began operation on January 10, 1862, in response to a bid proposal issued the previous September. The route was operated by John A. Shaw and ran from Clarksville, Texas, to Doaksville, Choctaw Nation. From this beginning a regular system was soon established which covered most of the Indian lands. The northernmost office was Grand Saline on the Grand River in present-day Mayes county, and from there the route spread southward, encompassing Tahlequah, Fort Gibson, and Webbers Falls. These offices were joined with the regular postal system in Arkansas at both Evansville and Fort Smith. The system continued southward through Perryville, Boggy Depot, and as

¹⁹George Shirk, "Confederate Postal System in Indian Territory," The Chronicles of Oklahoma, Vol. XLI, No. 2 (Summer, 1963), pp. 164-167.



(REDRAWN FROM
THE CHRONICLES OF OKLAHOMA
VOL. XLI, No. 2, p. 183)

POSTAL ROUTES IN CONFEDERATE INDIAN TERRITORY

far west as Fort Arbuckle. Another route began in Washington, Arkansas, and ran westward through Wheelock, Doaksville, the Armstrong Academy, and Fort Washita. The entire system in Indian Territory was linked to the postal service in Texas at Clarksville, Sherman, and Gainesville.²⁰

The Confederate postal system soon began to deteriorate, however, as successive waves of Union and Confederate armies swept over the area. The routes in the northern portion of Indian Territory soon ceased to function because of the reconquest of the Cherokee country by the North. The volume of mail on the southern routes decreased to such a degree that they also became practically nonexistent. Some regularity was maintained, however, by the incorporation of the Army Courier Service into the civilian postal system. The army system had been maintained separate of the regular postal service but it soon began to carry not only military dispatches but private correspondence also. It was by this makeshift arrangement that a semblance of postal service continued to operate throughout the war in the Confederate occupied portion of Indian Territory.²¹

Of all the civil functions promised in the Indian treaties, the one calling for the creation of a court system within Indian Territory itself was probably most widely hailed by the Indians. Because they had long experienced white man's laws as applied to the Indians on white man's ground, they were anxious to have control over their own judicial system. Articles XXXVII of the Choctaw-Chickasaw Treaty and Article XXIII of the Cherokee Treaty provided the framework for the

²⁰Ibid., pp. 164, 171-215.

²¹Ibid., p. 217.

court system that the Confederacy hoped to establish in Indian Territory.²²

In order to secure the enforcement of the laws of the Confederate States, and to prevent the Indians from being harassed by foreign courts, two judicial districts were established. The Tush-ca-hom-ma district, which was to meet semiannually, was located at Boggy Depot, in the Choctaw Nation, and the Chalahki district, which also met semiannually, was located at Tahlequah in the Cherokee Nation. These courts were to be regular district courts of the Confederacy with the exclusive power in criminal cases to try, condemn, and punish offenders who violated the law. They were also empowered to pronounce sentence and cause execution. They were to exercise the same judicial power as any other district court system in the Confederacy.²³

The Indian courts were to have jurisdiction in all civil suits and equity questions when the value of the suit was greater than \$500. These powers were not restricted to cases involving Indians alone, but were to include all cases between citizens of any state or territory of the Confederacy. All judges, clerks, marshals, and other officers of the courts were to be appointed by the Confederate Congress, but these positions were to be filled by citizens of Indian Territory whenever possible. The courts were restricted from trying or punishing any person who brought suit or committed a crime before the signing of the treaty. The courts were required to furnish court appointed counsel

²²Abel, The American Indian As a Slaveholder and Secessionist, pp. 177-178; Official Records, Ser. iv, Vol. I, pp. 455, 676.

²³Ibid.

for persons unable to afford to hire one themselves, and the cost of subpoenaing a witness and their mileage and fees were underwritten by the Confederacy. The judiciary was given the full faith and credit of the judicial officers of the same grade and jurisdiction in any of the Confederate states. These actions established for Indian Territory a workable judicial system, based on the same rights and privileges as white citizens of the Confederacy, and on equal terms with the other Southern states court systems.²⁴

Not only did the Confederacy give the Indians control over their courts, but the treaties also greatly increased the legal rights of the Indians. Extradition was provided for not only between the Indian nations themselves, but between the Indians and the other states of the Confederacy. These actions by the South virtually ended all discrimination based on Indian blood within the Confederate court system.²⁵

Thus the Confederacy had provided the Indians with a judicial system which gave them control over the courts and extended their legal rights. Like the other civil services which the South attempted to establish inside Indian Territory, this one also failed. The treaties provided that until these courts were actually in operation, the Indians would be placed under the jurisdiction of the District Court of Western Arkansas. Though this was meant as a temporary measure, the Indians never received the courts they were promised. This inability of the Confederacy to fulfill its obligations to the Indians was blamed on the disturbed condition of the country. Whatever the reason, the

²⁴Ibid., pp. 455-456, 676-678.

²⁵Ibid., pp. 432-433, 454-456, 518-519, 677-678.

question of the courts remained a source of dissatisfaction among the Indians throughout the war.²⁶

The Indians were not subject to taxation in their relationship with the Confederacy, and were further guaranteed that they would not have to bear any of the cost of the present war or any future war in either land or otherwise. These measures removed the Indians from any obligation of the war debts incurred by the South. Thus, being relieved of the burden of taxation, the Indians did not tax themselves, but instead relied on the few revenue raising measures allowed in the treaties.²⁷

The Indians were allowed to tax all licensed white traders importing goods into Indian Territory. This tax was not to exceed one and one-fourth percent. This type of import tax was based on the initial cost of the products and the license was not required of citizens of Indian Territory who engaged in trading. All goods offered for sale by an unlicensed person, along with all wines and liquors, were subject to seizure. The Indians were also permitted to collect a fee of one dollar per head of all cattle which were pastured on their lands.²⁸

The main income of the Indians continued to be the annuities paid to them by the Confederate government. The Creeks received \$24,500 in perpetual annuities per year, the Choctaws \$9,000, the Chickasaws \$3,000, the Seminoles \$25,000, and the Cherokees \$10,000. These

²⁶Ibid., pp. 455-456; Scott to Seddon, December 1, 1861, *ibid.*, Ser. i, Vol. XLI, Part IV, pp. 1088-1089.

²⁷Ibid., Ser. iv, Vol. I, pp. 434, 457, 520, 679.

²⁸Ibid., pp. 430-432, 451-452, 518.

annuities, however, were not the sum total of the financial aid which the Indians received each year from the South. All of the Five Civilized Tribes received money for the establishment of schools, the development of blacksmith facilities, and the increase of agricultural production. When these payments along with the interest on bonds held by the Confederacy are considered together, the revenue of the Indians reached great proportions. The Creeks received \$7,000 for educational purposes, \$7,640 for agricultural projects and blacksmith shops, and \$32,820 for interest on their bonds. With these allotments the total paid to the Creeks by the South rose to \$71,960.²⁹

The other tribes received the same special allotments. The Choctaws received \$600 for the support of their Light Horsemen, \$600 for blacksmiths, \$320 in lieu of the permanent provision for iron and steel development, and \$25,000 in interest. This made their total \$35,520. The Chickasaws were entitled to \$22,616.89 in various assorted allotments, in addition to sharing in the special allotments of the Choctaws. Therefore their total reached \$25,616.89. The Confederacy paid the Seminoles \$3,000 for the support of their tribal schools, \$2,000 for agricultural development, \$2,200 for blacksmith facilities, plus an additional \$1,000 for the erection of two school-houses. These sums, along with their interest, made the total due the Seminoles \$45,000. The Confederacy granted the Cherokees \$4,500 for a permanent orphan fund, \$17,772 for educational purposes, and \$43,372.36 in interest on state bonds. The Cherokees were also to receive the interest paid on \$5,000 per year for their orphan fund. With these

²⁹Ibid., pp. 435-437, 457-461, 521-522, 680-685.

allotments, it would seem as if the Indians had greatly benefited from their alliance with the Confederacy.³⁰

This aid, which the South promised the Indians, would have been very beneficial to the Indians had the Confederacy been able to honor its commitments. The progress of the war, however, made it practically impossible for the South to fulfill its obligations in regard to financial aid. By the summer of 1862, the South began to default on its annuity payments, much to the dissatisfaction of the Indians. Later in the war attempts were made to rectify the situation, but by this time payment was made in nearly worthless script or in cotton for which there was no market.³¹

To permit the Indians to participate fully in the government of the Confederacy, the Creeks and Seminoles were allowed jointly one representative in the House of Representatives. The Choctaws and Chickasaws were also allowed one representative to be elected alternately from either tribe, and the Cherokees were entitled to a single delegate. These representatives were to serve two year terms, must be twenty-one years of age, and under no legal disability. The Creek and Seminole delegate had to be a member of either nation. The Cherokee representative was required to be a native born citizen, and the Choctaw and Chickasaw member had to be a tribal member by birth either on the father's or mother's side.³²

The election of the delegates was to be held at the times and

³⁰Ibid.

³¹Pike to Hindman, June 8, 1862, *ibid.*, Ser. iv, Vol. XIII, p. 941.

³²*Ibid.*, Ser. iv, Vol. I, pp. 435, 452-453, 520-521, 679-680, 687.

places designated by the Indian agents, or in the case of the Cherokees, under the conditions which were prescribed by the principal chief. All future elections were to be held in accordance with the laws of the Confederate States. In case of a vacancy due to death or resignation, an election was to be held to determine the replacement who would serve out the unexpired term. The new representative was to fulfill the same requirements as the one he replaced and, in the case of a united tribal representative, the replacement must be elected from the same nation as the one he replaced. In either case the agent was to declare the person who received the greatest number of votes to be the duly elected representative.³³

The delegates were to insure that the Indians would be able to secure the rights they were entitled to without the intervention of their agents. The delegates were allowed to propose and introduce measures for the benefit of the Indian nations. They were also permitted to speak on other questions under consideration, subject to restriction which might be placed upon them by the Confederate House of Representatives.³⁴

This was perhaps the most successful of the civil functions which the South attempted to implement in Indian Territory. The Indians were very enthusiastic at the opportunity of having a voice in the Confederate government. The prescribed elections were held and the duly elected delegates hurried to the Southern capital to assume their duties. The first Indian delegate to appear was Robert M. Jones, a

³³Ibid.

³⁴Ibid., pp. 435, 443, 452, 465, 520, 527, 679, 687.

Choctaw, representing the Choctaw and Chickasaw nations. He was given his seat in the House of Representatives on January 17, 1863. Jones was followed the next year by Elias C. Boudinot, representing the Cherokees, who was admitted on January 8, 1864, and S. B. Callahan, the Creek and Seminole representative, who was seated on May 30, 1864.³⁵

These delegates offered the Indians their best method of stating their grievances and insuring themselves of consideration in the policies followed by the Confederacy. Apparently the Indians used their representatives with a great degree of success. Through them they were able to secure for the various nations substantial sums of money to relieve the suffering resulting from the course of the war. It was in this function that the South came closest to fulfilling its obligations to the Indians.

It seemed as if the Confederacy had very little success in establishing the civil functions which were so necessary for the operation of normal government agencies in Indian Territory. Though the programs outlined for the country were well organized and developed, they could never be adequately initiated and maintained. This difference in paper planning and actual execution was the result of many factors. Perhaps the most relevant of these was the continuing devastation of Indian Territory as the opposing armies advanced and retreated across the country. The dislocation and confusion resulting from the military campaigns made it virtually impossible to establish a civil government with any degree of effectiveness. The Confederacy was also hampered by financial problems from the onset of the Civil War. The

³⁵Ibid., Ser. iv, Vol. III, pp. 1189, 1191.

financial crisis inside Indian Territory, however, was no greater than throughout the South. When the Confederacy was able to do so, it honored its commitments to the Indians, and the Indian delegates in the Confederate House of Representatives succeeded in making their pleas heard. The Indians were not ignored by the South, but it became physically impossible early in the war for the South to fulfill most of its civil functions in Indian Territory.

CHAPTER IV

DEGENERATION OF INDIAN-CONFEDERATE RELATIONS

By the close of the first year of the Civil War, the Confederates in Indian Territory had succeeded in driving all Federal forces from the area. This military superiority, however, was to be short lived. On March 6, 7, and 8, 1862, the South suffered a severe defeat in the Battle of Pea Ridge. After this engagement the main Southern army withdrew to eastern Arkansas, and the Indian forces which had participated in the battle retreated to Indian Territory. Upon their return Colonel Watie was sent on a raiding expedition into Missouri, and Brigadier General Pike retired with the remainder of the Indian troops to Fort McCulloch in the Choctaw Nation. This removal of the Confederate forces from the Cherokee Nation opened the way for a Federal invasion of that area.¹

The North was soon to take advantage of the situation, and on June 28, 1862, the first Federal invasion of Indian Territory was launched under the command of Colonel William Weer. Moving down into Indian Territory from Kansas, the Federal force surprised the Confederates under Colonel John Drew and Colonel Watie near Locust Grove.

¹W. R. L. Smith, The Story of the Cherokees (Cleveland, Tennessee: The Church of God Publishing House, 1928), pp. 204-205; Woodward, The Cherokees, pp. 276-278; Gary N. Heath, "The First Federal Invasion of Indian Territory," The Chronicles of Oklahoma, Vol. XLIV, No. 4 (Winter, 1966-1967), p. 409.

In the ensuing engagement the Confederates were forced to withdraw, and the Federals captured their supply train and many of Drew's regiment, who deserted to the North. Pike blamed this desertion by the Indian troops on the treaty violations, which had taken them outside Indian Territory, the ridicule of the Indians by the white troops, their lack of pay, proper clothing and ammunition, and the jealousy of Drew's men for the Indians under Watie's command.²

Colonel Weer decided that this was an opportune time to approach John Ross, the Principal Chief of the Cherokees, in an attempt to convince him to return to the Northern fold. He dispatched a communique on July 7, 1862, asking Ross for a meeting to discuss the possibility of rejoining the North. Weer, who had been informed that Ross was inclined to the loyalist faction, was greatly disappointed when his offer was declined.³

After Ross' answer the Federals continued their advance to Tahlequah, which they encountered no difficulty in capturing. Weer seized Ross, his family, and all the important Cherokee records, which were sent to Kansas. Ross was later paroled and moved to Philadelphia, where he carried on his duties as Principal Chief of the Cherokees. After the Federal success in capturing Tahlequah, the expedition began to fall apart. Weer was accused by the second in command, Colonel Frederick Salomon, of either insanity or plotting treason. On July 18, 1862, Salomon arrested Weer. To add to the confusion, three of the

²Ibid., pp. 412-417; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 309; Woodward, The Cherokees, p. 278; Smith, The Story of the Cherokees, p. 205.

³Ibid.; Woodward, The Cherokees, p. 279.

loyal Indian regiments withdrew to the Northern reaches of the Cherokee Nation to be closer to their supply depot. These actions brought the Northern military efforts to a complete halt, and on July 19, the Federals began a withdrawal to Kansas. The expedition, which had encountered so much success, ended in a complete failure.⁴

Pike was replaced by Colonel Douglas Cooper on July 28, 1862. Cooper called for all able bodied Cherokees between eighteen and thirty-five to enlist in the Confederate Army. This move increased the dissatisfaction among the fullblood element of the Cherokees, and the agitation for a policy of neutrality once more began to appear.⁵

It was during this period that the Federal commanders in the West began viewing Indian Territory as the key to the isolation of Texas from the remainder of the Confederacy. During the months of September and October, 1862, the North was successful in capturing most of northwestern Arkansas. At the end of this campaign, Brigadier General James G. Blunt and his command of the Army of the Frontier began a new invasion of Indian Territory.⁶

In the meantime, Cooper had moved the Confederate forces north from Fort McCulloch to the Cherokee Nation in preparation for an

⁴Heath, "The First Federal Invasion of Indian Territory," The Chronicles of Oklahoma, Vol. XLIV, pp. 417-419; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 309; Woodward, The Cherokees, pp. 278-281; Angie Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, No. 4 (April, 1932), p. 255; Edward Everett Dale, Cherokee Cavaliers (Norman, Oklahoma: University of Oklahoma Press, 1939), pp. 101.

⁵Smith, The Story of the Cherokees, pp. 205-206.

⁶William J. Willey, "The Second Federal Invasion of Indian Territory," The Chronicles of Oklahoma, Vol. XLIV, No. 4 (Winter, 1966-1967), pp. 420-421.

offensive into Kansas. On October 22, 1862, Cooper was surprised and X completely defeated by the Union forces under Blunt near old Fort Wayne. This decisive Federal victory was due to the withdrawal of the Texas troops from Cooper's command just prior to the engagement, and the failure of the remaining Indian troops to arrive in the area, as had been ordered. The engagement allowed the Federals to gain control X over all of Indian Territory north of the Arkansas River. It also enabled many of the loyal Indians, who had been forced to flee to Kansas, to return to their homes.⁷

After this defeat the Confederates withdrew to Fort Davis, the Southern military headquarters, which was located directly across the Arkansas River from Fort Gibson. The North made no immediate attempt to exploit its military advantage, and the only action occurring during the remainder of 1862, was the capture and destruction of Fort Davis on December 27, 1862.⁸

Early in 1863, the North resumed the offensive. On April 18, a union force under the command of Colonel William A. Phillips occupied Fort Gibson. On April 25, another action took place at Webbers Falls, which prevented the Cherokee Confederate Legislature from conducting its scheduled meeting there. Phillips continued to pursue the re-treating Confederates, who withdrew to Fort Smith, Arkansas.⁹

Major John A. Foreman was soon dispatched to escort a Federal

⁷Ibid., pp. 420-423; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, pp. 310-311.

⁸Willey, "The Second Federal Invasion of Indian Territory," The Chronicles of Oklahoma, Vol. XLIV, p. 423.

⁹Ibid., pp. 423-424.

wagon train coming from Kansas to resupply Phillips. This force was ambushed by a Confederate column under Watie at Cabin Creek near the Grand River. Once again the Federals were able to force the Southerners to withdraw, and Colonel Phillips secured the necessary provisions to carry on his campaign in the area.¹⁰

Once it had obtained the necessary supplies, the North planned a major campaign to drive the Confederacy from Indian Territory. Cooper had taken up a position at Elk Creek on the Texas Road, and on July 17, 1863, the Federals assaulted the Confederate forces. This engagement, called the Battle of Honey Springs, was a complete Northern victory, and insured Federal military superiority in Indian Territory.¹¹

Following their victory at Honey Springs, the Federals continued to press the Southerners, and on August 25, 1863, defeated them once again at Perryville in the Choctaw Nation. In this engagement the North captured many badly needed supplies stored there by the Confederacy. These two engagements practically eliminated organized Confederate military power in Indian Territory, and the North turned its attention toward the capture of Fort Smith, which surrendered on September 2, 1863, after but a brief skirmish.¹²

Following this series of defeats in the summer of 1863, the Southern Indians withdrew to the Choctaw and Chickasaw nations, and even into northern Texas. The North gradually consolidated its control

¹⁰Ibid., pp. 424-425.

¹¹Ibid., pp. 425-427; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 312.

¹²Willey, "The Second Federal Invasion of Indian Territory," The Chronicles of Oklahoma, Vol. XLIV, pp. 427-428.

over the rest of Indian Territory. The Confederate military operations during the remainder of the war generally consisted of a series of raids into the Northern held territory. On May 10, 1864, Watie was appointed a brigadier general, and on February 14, 1865, he assumed command of all Indian troops in Indian Territory. It was under him that some of the more successful raids occurred. On June 15, 1864 he ambushed and captured a Federal steamboat on the Arkansas River. The last important engagement in Indian Territory occurred at Cabin Creek, on September 18, 1864, when Watie again ambushed and captured a Federal wagon supply train. Watie and his men carried off \$1,500,000 worth of Northern supplies. This victory elated the Confederate Indians, but it had no influence on the outcome of the war in Indian Territory. The remainder of the war was spent on guerrilla raids by both sides, which increased the amount of destruction.¹³

The inability of the Confederacy to adequately protect Indian Territory, or to initiate most of the obligations required by the treaties, produced a great amount of dissatisfaction among the Cherokees. They had not all agreed on the Southern alliance in 1861, and thus dissension began to grow. The violation of the treaty stipulations by the use of Indian troops in the battle of Pea Ridge in Arkansas, the withdrawal of Brigadier General Pike to the Choctaw Nation, and the Southern defeats at the battles of Vicksburg and Gettysburg, stirred the disheartened Cherokees into action.¹⁴

¹³Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, pp. 315-318.

¹⁴Dale, Cherokee Cavaliers, pp. 101-102; Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, p. 256-257.

The Cherokee National Council met at Cowskin Prairie in February, 1863, and repudiated their alliance with the Confederacy. The Southern faction of the Cherokees refused to accept the decision of the National Council, and elected Watie to the position of Principal Chief. The Cherokees began to lose faith in the Southern cause, as the grand alliance of Indians and the Confederacy began to fall apart.¹⁵

Soon after the second Federal invasion of Indian Territory, the loyal Indians, who had been driven out two years previously, began to return to their homes. The Southern sympathizers fled before the overwhelming Union forces, and by August, 1863, there was scarcely a Southern family in the occupied area. Having no other place to turn to, the Southern refugees fled to makeshift camps along the Red River in the southern part of Indian Territory or sometimes even into Texas.¹⁶

The migration of the Southern Indians first carried them to the northern portions of the Creek and Choctaw nations. They had fled their homes without adequate food, clothing, or shelter. The Confederate commander, Major General Thomas C. Hindman, without official authorization, began the practice of supplying the Indian refugees from the army commissariat. This procedure was followed by his successor, ~~X~~ Brigadier General Samuel B. Maxey. It was this unauthorized action by the two Confederate generals which prevented large scale starvation among the Indians.¹⁷

The Confederate Cherokees themselves took what action they could

¹⁵Dale, Cherokee Cavaliers, p. 102.

¹⁶Ibid., p. 101; Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, p. 256.

¹⁷Ibid., p. 257.

to aid those fleeing from the Northern invasion. They held a convention during the months of May, June, and July, 1863, which attempted to organize the relief effort. The convention ordered a census taken, and appointed Captain J. L. Martin to supervise the relief work. On May 30, 1863, a law was passed, which created the office of commissioner to supervise all relief efforts. Martin was also appointed to this office, and placed under a \$75,000 bond. He was charged with the duty of locating the refugees in a suitable place, safe from Federal invasion.¹⁸

Martin established a refugee camp on Blue River about ten miles from its mouth near Niles Mill in the Choctaw Nation. In a letter to Watie, he described the location as healthful, and near an abundance of good water, timber, and adequate summer and winter ranges. Martin also informed Watie that Brigadier General William Steele had promised to furlough all of the Indian troops who had families and friends to look after in the refugee camp. This he declared would allow the refugees to construct the necessary homes, and greatly aid the relief effort. He also stated that even though the refugees had been reduced to half rations, once established in their new location, they should receive full rations from supplies in Texas.¹⁹

In 1864, the commissioner's job was taken over by James Mackey, who found the task so great that he appealed directly to Cooper for aid. The Confederate military authorities cooperated with the refugees

¹⁸Ibid.; Morris L. Wardell, A Political History of the Cherokee Nation (Norman, Oklahoma: University of Oklahoma Press, 1938), p. 163.

¹⁹Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, pp. 257-258; Martin to Watie, September 22, 1863, Dale, Cherokee Cavaliers, pp. 138-140.

as much as they could, but the conditions of the Southern Indian troops were not much better than that of the refugees themselves. The civil government also aided the refugees to some degree. In addition, an appropriation totaling \$238,044.36 was made by the Confederate Congress to help defray the cost of caring for the refugee Indians. However, a portion of the sum was never delivered due to the disorganized administration of the Confederate and Indian governments. Even when the annuities were paid, the Confederate currency had depreciated so much that its value was seriously diminished.²⁰

Other refugee camps were established as the mass exodus of Southern Indians continued. These camps were located on the Kiamichi, Blue Boggy, and Washita rivers in the Choctaw and Chickasaw nations, and at Bonham and Sherman in northern Texas. Many of the families fled even farther South to old friends' homes well inside Texas.²¹

Peter P. Pitchlynn, the Principal Chief of the Choctaws, appealed to the people of Texas to come to the aid of their Indian allies, and help relieve the suffering at the hands of the Federal troops. Watie, from Nail's Crossing in the Choctaw Nation, also called for the Texas citizens to supply what aid they could. His message was printed by the Northern Standard and accompanied by an editorial calling for the attention of the readers, and urging them to bring their surplus provisions to Clarksville, Texas. From here the supplies would be taken to the needy refugees in Indian Territory. The editorial praised the

²⁰Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, p. 256; Wardell, A Political History of the Cherokee Nation, pp. 163-164.

²¹Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, pp. 313-314.

Indians for keeping the Federal forces out of northern Texas, and preventing a repetition of the destruction suffered by northern Arkansas or southern Louisiana. The newspaper called the Indians allies and friends to the end.²²

Elias Cornelius Boudinot, the Cherokee representative to the Confederate House of Representatives, had been attempting to prod the Southern government into more positive action. He met with the Confederate Indian Commissioner, S. S. Scott, and Lieutenant General Edmund Kirby-Smith in an attempt to gain funds for the relief work among the refugees. These attempts were unsuccessful, however, and Boudinot secured a loan on his own responsibility for \$10,000 for the aid of the Indians. He also indicated that in two months he would be able to secure an additional \$40,000 from the Confederate Treasurer. Returning to Richmond, Boudinot introduced a bill calling for a loan of \$100,000 by the Confederate government to the Cherokee Nation. The measure was passed and signed into law on January 22, 1864. It authorized the Confederate Indian Commissioner to hand the money over to the authorities appointed by the Cherokee relief convention of 1863.²³

Boudinot warned Watie that the loan should be kept at the lowest possible sum. He argued that the loan would have to be paid back in full, and the growing inflation and depreciation of Confederate currency would destroy the face value of the money. He urged that the

²²Ibid., pp. 314-315.

²³Ibid., p. 313; Boudinot to Watie, November 4, 1863, Dale, Cherokee Cavaliers, pp. 143-144; Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, p. 258-259.

Cherokees spend as little of the money as possible until the currency was stabilized, and then the Indians could benefit from its full value.²⁴

The conditions in the refugee camps continued to deteriorate. There was widespread suffering, food became scarce, prices continued to rise, and disease was uncontrolled. Many of the Southern Indians died in the camps as a result of sickness, exposure, and starvation.²⁵

Boudinot also proposed a measure to enlist more white men in the defense of Indian Territory by offering 160 acres of vacant Indian lands to all white Southerners who were willing to enlist in the Indian Brigade. The total number of volunteers was limited to 1,000 and all Cherokees and white men then serving in the Confederate Army could take advantage of the offer. The land could be occupied within one year after the end of the war, and comprised the territory in the eastern portion of the Cherokee Nation, north to the Spavinaw River and west to the Texas Panhandle. This proposal was approved by a special committee made up of Lieutenant Colonel J. M. Bell, Hooly Bell, Joab A. Scales, S. Brown, a Doctor Adair, D. R. Nave, and M. C. Frye. It was subject, however, to the approval of the citizens of the Cherokee Nation in a referendum, but the vote was never held.²⁶

The conditions became so terrible that Watie and his command escorted some of the more destitute families to Texas. Immediately after the beginning of the journey the weather turned bitterly cold. The

²⁴Ibid., p. 259.

²⁵Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 313.

²⁶Wardell, A Political History of the Cherokee Nation, p. 163.

trip took six weeks, but in spite of the conditions surrounding it, there were no deaths.²⁷

The Confederacy continued to furnish what rations it could, and the money secured by Boudinot aided somewhat. More refugees were arriving daily, however, and their needs continued to grow proportionately. Time was beginning to run out, and in the summer of 1864, the Cherokee National Council sent J. L. Martin and Lucier Bell to Louisiana to purchase cotton and wool, which the refugees could use to make the badly needed clothing. With the fall of Vicksburg a year earlier to the Federals, however, any large shipment of supplies across the Mississippi River into Indian Territory became virtually impossible.²⁸

The general condition of Indian Territory in 1864 was one of suffering and confusion. Captain Roswell W. Lee, the Assistant Superintendent of Indian Affairs of the Arkansas and Red River Superintendency, was faced with the difficulty of bringing governmental supervision to the various tribes. In his report of the activities of the superintendency, Lee argued against the continued taxation of the refugee Indians by the Texas government as an unjust requirement. He also discussed the problem of procuring clothing and other necessities for the Southern Indians. In an attempt to ease their situation he urged the sale of cotton on the Mexican market, and the use of the revenue this would raise for the purchasing of supplies for the

²⁷Ibid., p. 164; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, pp. 313-314; Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, p. 259.

²⁸Ibid., p. 260

Indians. He also reported the beginnings of depredations by the various members of the Five Civilized Tribes upon themselves.²⁹

In the matter of supplying the Indians through the commissariat of the army, Lee suggested several changes. He argued that the present system involved a vast amount of labor, inconvenience, and uncertainty to a large number of people scattered over a great deal of territory. He suggested, that should the present system be continued, a large independent wagon train be organized at Warren, Texas, for the purpose of supplying the Creeks, Cherokees, Chickasaws, and a portion of the Choctaws. This wagon train should be under the complete control of the agent for that depot, and not subject to diversion or interference by any other Confederate official. He contended that the remainder of the Choctaws could be supplied by the stores located at Doaksville in the Choctaw Nation.³⁰

Lee's report also disclosed the great number of Southern Indians who had been forced to seek shelter in the refugee camps. He reported along the Washita and Red rivers a total of 4,671 Creeks totally dependent upon the Confederacy for the necessities of life. The Cherokees had settled along the Blue River and at Goodland, west of Fort Towson, and numbered 2,906 men, women, and children. The Choctaws and Chickasaws were more fortunate than the Creeks and Cherokees, in that they had not been forced to flee from their homes. Lee reported, however, that 584 Chickasaws and 1,400 Choctaws were dependent upon

²⁹Lee to Maxey, August 20, 1864, Allen C. Ashcraft, "Confederate Indian Department Conditions in August, 1864," The Chronicles of Oklahoma, Vol. XLI, No. 3 (Autumn, 1963), pp. 271-274.

³⁰Ibid., pp. 274-275.

their agent for food. The Seminoles had settled near Oil Springs, about fifty miles west of Fort Washita. They were being fed by private contractors, and numbered 574 in addition to 441 Creeks who had settled with them. Thus, the Red River Superintendency was responsible for the care and feeding of a total of 10,676 men, women, and children.³¹ X

To care adequately for this vast number of Indians, Lee had appointed several additional staff members for the superintendency. L. C. Eliason was named the Superintendent of Issues, J. S. Stewart the Inspector of Refugee Camps, and A. C. Eliason the Clerk of the Superintendency. In addition, several men were appointed as Issuing Agents for the various tribes. The agents for the Creeks were O. L. Graham and F. R. Young, and for the Cherokees they were Joe L. Martin, W. Crump, G. W. Gunter, and J. M. Adair. For the Chickasaws J. C. Robinson was appointed, and the Choctaws received Basil LeFlore, J. P. Kingsbury, and Mitchell McCurtain. Charles R. Ricketts was appointed to the position for the Seminole Nation. These men were responsible for the issuing of provisions to the refugee Indians. Lee also reported that the Seminole agent, Reverend J. S. Murrow, had moved the agency to Fort Washita. Of the remaining agents, Lee stated that Major J. G. Vore of the Creeks, Douglas H. Cooper of the Choctaws and Chickasaws, and the Cherokee agent, were all in the service of the Confederate Army, and could not devote their full time to their duties.³²

As if conditions were not bad enough, the following year, in the March of 1865, Lieutenant James Patterson, the Acting Inspector General

³¹Ibid., pp. 275-280.

³²Ibid., pp. 280-283.

for Indian Territory, filed an even bleaker report of the conditions of the Southern Indians. He reported a total of only \$29,305.74 on hand within the superintendency to supply the necessary requirements of the Indians. There was also a shortage of clothing and camp equipment. Available to the Confederacy throughout Indian Territory was 400 pounds of bacon, 9,478 pounds of beef, 1,137 pounds of meal, 486 pounds of soap, 50 pounds of candles, 200 pounds of leather, 1,200 pounds of iron, and 300 pounds of steel. These totals were wholly inadequate to supply both the needs of the army and the Indian refugees.³³

Toward the end of the war the South attempted to fulfill some of its obligations to the Indians. Elias Cornelius Boudinot secured the passage of an act by the Confederate Congress to pay the back annuities in cotton. He also planned to attempt to secure passage of an act which would appropriate an additional \$50,000 for aid to the Cherokees. The Confederacy, however, was never to adequately supply necessities to the Indian refugees, and the plight of these Indians continued until the final Confederate surrender.³⁴

During the Civil War in Indian Territory, most of the Confederate troops were ill equipped and suffered from shortages of food. Much of the time the material they possessed was virtually useless, and their own officers described them as having so little ammunition that they did not count for much. These deficiencies, moreover, were not their only shortcomings. Although Southern Indian troops found it

³³Paterson to Battle, March 31, 1865, Allen C. Ashcraft, "Confederate Indian Territory Conditions in 1865," The Chronicles of Oklahoma, Vol. XLIII, No. 4 (Winter, 1964-1965), pp. 421-428.

³⁴Wardell, A Political History of the Cherokee Nation, pp. 167-168.

difficult to perform under the regulations of the Confederate Army, they gave up their ancient means of fighting for more conventional methods. Because they had the privilege of electing their own commanders, discipline was extremely lax among the Indian troops. Their officers, for fear of losing their position, were guilty of neglect in the enforcement of regulations.³⁵

Albert Pike, who had secured the treaties of alliance with the Confederacy, had also assumed military command of the area in 1861. He faced the problem of raising and equipping the Indian forces in an area ill prepared to support such units. Indian Territory was almost entirely agrarian, and the industrial and transportation facilities were greatly limited. Not only was Pike faced with an almost insurmountable problem of supplying his troops, but much of the material sent to the area was commandeered for use by the white troops along the route of shipment.³⁶

The Southern supply effort was hampered from the beginning by a combination of misfortunes. The most obvious of these was a lack of adequate funds to purchase the necessary war material. The Confederate currency depreciated so rapidly, that many people became increasingly reluctant to accept it as payment. Also, the transportation system of the Trans-Mississippi Department was wholly inadequate to handle the problem of mass shipment of large amounts of war material. Rail and

³⁵Willey, "The Second Federal Invasion of Indian Territory," The Chronicles of Oklahoma, Vol. XLIV, p. 428.

³⁶Malone, The Chickasaw Nation, p. 410; William T. Windham, "The Problem of Supply in the Trans-Mississippi Confederacy," The Journal of Southern History, Vol. XXVII, No. 2 (May, 1961), pp. 152-153.

water facilities were practically nonexistent, and most of the material was moved by slow wagon trains. Even these trains became undependable in the later stages of the war as many were subject to attack by guerilla bands, which roamed the area. It seemed that even nature hampered the Southern cause. In 1861, a scorching drought engulfed Texas, and the Mississippi River overflowed its banks. These two acts destroyed much of the badly needed food in Texas, Arkansas, and Louisiana. With the capture of Vicksburg, and the control of the Mississippi River by the North, the entire area was virtually cut off from the remainder of the Confederate states. As the war progressed, increased raids by Federal forces hindered the quartermaster operations.³⁷

With the isolation of the area from the rest of the South, the Confederacy attempted to produce the necessary materials in the Trans-Mississippi Department itself. The leading officials of the area gathered at Marshall, Texas, in August, 1863. They passed a resolution giving the military commander the power to establish an organization to relieve the supply problem. Lieutenant General Edmund Kirby-Smith, as the commanding officer of the Trans-Mississippi Department, immediately began to organize subsistence, quartermaster, cotton, ordnance, and clothing bureaus in an attempt to supply the needs of the area.³⁸

The Clothing Bureau set up shops to produce shoes, hats, trousers, shirts, and tents. It also secured the production of cloth by the Texas state penitentiary. The bureau was never completely successful,

³⁷Ibid., pp. 152-154.

³⁸Ibid., pp. 154-155.

for it could not secure the necessary material required for the production of the badly needed goods. The Quartermaster Bureau was hampered by the lack of transportation. In the summer of 1863, it had only about seventy ox wagons for the movement of supplies, and half of these were in the shops for repairs at any one time. With these meager resources, it faced the problem of supplying the entire Confederate Army west of the Mississippi River and the thousands of Indians who had been forced into the refugee camps.³⁹

The basis for the problem was a lack of money. In 1864, the Trans-Mississippi Department was \$20,000,000 in debt, and needed an additional \$1,000,000 a month to meet the current needs. The Subsistence Bureau near the end of the war relied on the policy of impressment to secure the needed foodstuffs, because the merchants refused to accept Confederate paper money. Also, a special tax law was passed in which taxes could be paid in produce. However, these two measures became so misused that Kirby-Smith prohibited their application except by specifically authorized officials.⁴⁰

The South relied upon the Cotton Bureau to furnish the badly needed specie. This office was to purchase cotton produced in the Trans-Mississippi Department, ship it across the border to Mexico, and sell it for a profit. However, it soon became ineffective because of the increased price of cotton caused by speculation, and the bureau was finally closed on February 1, 1865.⁴¹

³⁹Ibid., pp. 156-157.

⁴⁰Ibid., pp. 157-158.

⁴¹Ibid., pp. 158-161.

For the most part during the later portion of the war, the Trans-Mississippi Department was forced to rely upon trade across the Mexican border and on blockade runners to supply its needs. Far down on the list of priorities were the Indian troops, for the military supplies were not evenly distributed throughout the command. Most of the material went to the troops stationed in Texas, and what was sent to Indian Territory was confiscated by the white troops along the route.⁴²

The working and living conditions of Indian troops were unfavorable at the beginning of the war, and continued to deteriorate. As early as 1862, Cooper complained that the Indian troops had "been in the service for several months without pay, and not being supplied with clothing, tents, and blankets." Of the supplies which had been sent to the Indians, he reported that he had received only "about 1,900 pairs of shoes out of 8,000, some 900 suits of clothing out of 7,000, a small portion of the socks and drawers...about 1,000 shirts out of 4,000, about 75 tents out of 1,000, and none at all of the small arms." The other material ordered had been commandeered enroute, along with \$160,000 in cash intended for his command. This practice of seizing the materials intended for Indian Territory was to cause a very serious break in the Confederate command structure of the area.⁴³

Albert Pike was probably unsurpassed in carrying on negotiations with the Indians, but as a military leader he was hopelessly inept. Major General Van Dorn was Pike's superior Confederate officer in

⁴²Ibid., pp. 167.

⁴³Pike to Headquarters, Department of Indian Territory, May 4, 1863, Official Records, Ser. i, Vol. XIII, pp. 820-821, 823.

Indian Territory because of his command of the Trans-Mississippi Department, of which the Indian country was a part. Pike assumed his command on January 10, 1862, and immediately the question of the seizure of the supplies intended for the Indians was raised. On September 20, 1862, Pike complained to President Davis that in clear violation of the treaty agreements the Indian troops had been ordered to Arkansas. He also stated that his entire supply of guns and ammunition were ordered to be retained at Fort Smith, and that the boxes of clothing and shoes destined for Indian Territory had been opened and the white troops allowed to help themselves to the contents.⁴⁴

Pike charged that this action was unaccompanied by any notice or apology required by the rules of courtesy and military etiquette. If these events were not enough, two infantry regiments of white troops, raised in Arkansas for use in Indian Territory, were ordered to return to Arkansas. This action, Pike argued, left him with a regiment of mounted Texans, one regiment of infantry, and one company of artillery to defend Indian Territory.⁴⁵

Major General Thomas C. Hindman replaced Van Dorn on May 26, 1862, but the condition of the Indian troops did not improve. Immediately he ordered Pike to send to Arkansas a six gun battery of his artillery, and the remainder of his white infantry. Pike was also ordered to advance from Fort McCulloch north to near Fort Gibson. He believed that this move needlessly exposed his forces to Federal attack. These actions left Pike with insufficient forces to adequately

⁴⁴Pike to Davis, September 20, 1862, *ibid.*, p. 861.

⁴⁵*Ibid.*

defend Indian Territory.⁴⁶

Pike stated that he had made the treaties with the Indians, and he felt personally bound to the promises and pledges he had made. He reminded Davis that the Confederacy had assured the Indians that it would risk its last man and dollar to defend them. Pike stated that:

upon my soul I think the course of General Van Dorn in seizing the supplies of this command, taking the troops raised for service here, and coolly telling me to maintain myself independent of his army, when he was abandoning the Indian frontier and Northwestern Arkansas, and that of General Hindman in taking away all the infantry and our only full and efficient artillery company, were totally unwarantable and a great outrage upon the Indians, whose country was thus left a prey to the enemy.

Pike continued by stating the:

difference between General Hindman's views and mine is a radical one. He is an Arkansas politician, looking for future civil honors as the reward of a successful defense of his State, and his sole object is to effect her deliverance and safety. The Indian country to him is nothing, except so far as it affects the safety of Arkansas.

In his conclusion he stated that he had resigned because he was no longer useful in the defense of Indian Territory. He considered himself a "mere automation, to obey orders sent from a distance, unable to comply with my promises to the Indians, weary, disheartened, disgusted, plundered at every turn and effort I made rendered unavailing by malign influences from without."⁴⁷

On August 3, 1862, Pike also informed Davis that because of the actions of Hindman ordering him from his position at Fort McCulloch to Fort Gibson, the Comanche and Kiowa Indians had turned against the

⁴⁶Ibid., p. 862.

⁴⁷Ibid., pp. 864-868.

Confederacy. He feared that they were preparing to raid and devastate the Texas frontier and the Leased District. Pike stated that had the advice of Brigadier General Ben McCulloch been heeded, and the advice of Hindman and Van Dorn ignored, there would have been a sufficient force remaining in Indian Territory to hold it for the South.⁴⁸

Earlier, on July 31, 1862, Pike had made the announcement of his resignation to the Five Civilized Tribes. He explained that the action was necessary because he had been ordered to Arkansas, instead of being allowed to organize a defense of Indian Territory. He also stated that the actions of the commanders of the Trans-Mississippi Department had stripped Indian Territory of its military power. Pike promised to continue to work for the funds due the Indians, and do all in his power to insure that the obligations of the treaties were carried out by the Confederacy. He concluded by stating:

whatever may be told you about me, you will soon learn that if I have not defended the whole country it was because I had not the troops with which to do it; that I have cared for your interest alone; that I have never made you a promise that I did not expect, and had not a right to expect, to be able to keep, and that I have never broken one intentionally nor except by the fault of others.⁴⁹

Pike, however, did not end his troubles with the Confederacy when he resigned. While awaiting the acceptance of his resignation, he journeyed to Cook and Grayson counties in Texas. While he was there, a group of Northern sympathizers was organized. This movement was quickly crushed by the Confederate forces in the area, but with the

⁴⁸Ibid., pp. 868-869.

⁴⁹Pike to the Chiefs and People of the Cherokees, Creeks, Seminoles, Chickasaws, and Choctaws, July 31, 1862, *ibid.*, pp. 869-871.

arrest and trial of forty-six of the conspirators, Pike became implicated in their actions. While they were awaiting execution, the Unionists swore that Pike would join them as their commander.⁵⁰

Pike in the meantime had returned to Indian Territory to aid in the settlement of the Comanche and Kiowa uprising. While engaged in this action, he had gained the praise of the Confederate Indian Commissioner S. S. Scott. When he completed his investigation of the revolt, Pike traveled to Tishomingo in the Chickasaw Nation.⁵¹

During the period of the processing of Pike's resignation, J. S. Roane had been ordered by Hindman to assume the duties of superintendent. Douglas H. Cooper had recently been appointed to this office, but Hindman refused to recognize his authorization, and ordered his arrest for drunkenness. Hindman then ordered Roane to:

detach from Brigadier General Marmaduke's Missouri Cavalry a bold, firm, and discreet officer, with 50 well-armed and well-mounted men, with instructions to go rapidly in quest of Brig. Gen. Albert Pike to Fort McCulloch, Fort Washita or wherever else he may be, whether in the Indian Territory, Texas, Louisiana, or Arkansas, to take Brigadier-General Pike into personal custody, and conduct him, without delay, to the headquarters of Maj. Gen. T. H. Holmes, commanding the Trans-Mississippi Department, at Little Rock, Ark.

The officer in charge of the operation was instructed to treat Pike with as much courtesy as the execution of the order would allow. He should use all force necessary, however, for carrying out the order, even to taking life.⁵²

⁵⁰Wardell, A Political History of the Cherokee Nation, p. 147.

⁵¹Ibid.

⁵²Ibid., p. 146; Newton to Roane, November 3, 1862, Official Records, Ser. i, Vol. XIII, pp. 980-981.

The following day the orders were changed to provide for an additional 200 men to take part in the mission. Pike was soon overtaken and captured at Tishomingo on November 14, 1862. At the end of that year the affairs of Indian Territory were in great confusion, with many quarrels and misunderstandings among the military officers, together with no reliable replacement for Pike.⁵³

The South then faced an almost unsolvable problem in Indian Territory. Commissioner Scott personally took over Indian affairs for Indian Territory and succeeded in securing the annuities for the Five Civilized Tribes in 1863 and 1864. In February, 1863, Scott was appointed as permanent Commissioner of Indian Affairs, and on January 8, 1863, Brigadier General William Steele was appointed the commander of the Military District of Indian Territory. This reorganization separated Indian Territory from the District of Arkansas and placed it as an independent command within the Trans-Mississippi Department. Steele chose as his headquarters Fort Smith, Arkansas.⁵⁴

With his new position as military commander of Indian Territory, Steele was also appointed ex officio superintendent for the Arkansas and Red River Superintendency. He was given very little support by other Confederate officials in his command area because of resentment created by the handling of the Pike and Cooper cases. On February 9, 1863, Major General Kirby-Smith relieved Lieutenant General Theophilus

⁵³Newton to Roane, November 4, 1862, *ibid.*, p. 981; Wardell, A Political History of the Cherokee Nation, p. 146.

⁵⁴*Ibid.*, p. 147; Steele to Cooper, January 8, 1863, Official Records Ser. i, Vol. XXII, Part II, p. 770; George Shirk, "The Place of the Indian Territory in the Command Structure of the Civil War," The Chronicles of Oklahoma, Vol. XLV, No. 4 (Winter, 1967-1968), p. 470.

Holmes as commander of the Trans-Mississippi Department, but did not take active command until March 7. Holmes remained in command until July 27, 1863, when he was replaced by Major General Sterling Price. On March 18, 1863, Indian Territory was added to the District of Arkansas under the command of Holmes.⁵⁵

Indian Territory was again removed from the District of Arkansas, and placed under Brigadier General Steele's command on October 14, 1863. Steele was replaced as both commander of the district and ~~ex officio~~ Indian superintendent by Brigadier General Samuel B. Maxey on December 11, 1863. Maxey proved to be highly efficient in both his military responsibilities and the supplying of Indian refugees. Cooper, however, had never officially been removed from his post as Indian agent by the Confederate government. Cooper carried his complaint to President Davis, and on July 21, 1864, Indian Territory was reorganized as a separate district within the Trans-Mississippi Department and Cooper appointed as commander.⁵⁶

Brigadier General Maxey, though he did not want the position, continued to function as Superintendent of Indian Affairs. Finally, the

⁵⁵Ibid.; Adjutant and Inspector General's Office, Special Orders No. 33, February 9, 1863, Official Records, Ser. i, Vol. XXII, Part II, p. 787; Headquarters, Trans-Mississippi Department, General Orders No. 1, March 7, 1863, *ibid.*, p. 798; Headquarters, Trans-Mississippi Department, General Orders No. 23, March 18, 1863, *ibid.*, p. 803; Wardell, A Political History of the Cherokee Nation, pp. 148-149.

⁵⁶Ibid., p. 148; Shirk, "The Place of Indian Territory in the Command Structure of the Civil War," The Chronicles of Oklahoma, Vol. XLV, p. 471; Headquarters, Trans-Mississippi Department, Special Orders No. 154, October 3, 1863, Official Records, Ser. i, Vol. XXII, Part II, p. 1045; Headquarters, Trans-Mississippi Department, General Orders, No. 61, December 11, 1863, *ibid.*, p. 1094; Adjutant and Inspector General's Office, Special Orders No. 171, July 21, 1864, *ibid.*, Ser. i, Vol. XLI, Part II, p. 1019.

Confederate Indian Commissioner recommended that Major General Kirby-Smith replace Maxey with a bonded officer to act as superintendent. Smith responded by appointing Robert C. Miller to supervise the disbursement of Indian funds, but the continued lack of a regularly appointed Indian supervisory official caused much confusion for the Confederacy in Indian Territory.⁵⁷

Cooper was not satisfied with only the military command of Indian Territory, and traveled to Richmond, Virginia, to personally plead his case to President Davis. He argued that to adequately govern the area he must have authority over both the military and the Indians. If Davis would agree to such a move, Cooper argued that it should be done as soon as possible or the war would end before anything could be accomplished.⁵⁸

Cooper was successful, and on February 14, 1865, Brigadier General Stand Watie was appointed commander of all Indian troops inside Indian Territory. At the same time Cooper was appointed as Superintendent of Indian Affairs for the Arkansas and Red River Superintendency, and commander of all military forces in Indian Territory. On February 21, 1865, Kirby-Smith relieved Maxey and placed Cooper in active command of the District of Indian Territory. This action finally united the military commander and the responsibility for the Indians under one man, but the action came too late to be of any great service to the

⁵⁷Wardell, A Political History of the Cherokee Nation, pp. 148-149.

⁵⁸Ibid., p. 149.

Confederate cause in Indian Territory.⁵⁹

The Confederacy was doomed, and Southern resistance in Indian Territory was virtually at an end by the spring of 1865. The desertions of Indian troops continued to increase as the men, seeing the end of the war near at hand, hurried home to aid their families. Food in the country was practically exhausted, and guerrilla warfare had devastated large sections of the area. Cooper suggested that Watie send a wagon train to Gainsville, Texas, in an attempt to secure badly needed supplies for Indian Territory and relieve the suffering of the refugee camps.⁶⁰

On January 23, 1865, a joint resolution of the Confederate Congress praised Watie for his exploits during the war, but resolutions could not change the course of the war. General Robert E. Lee surrendered the Army of Northern Virginia, which had been the mainstay of the Confederacy, on April 9, 1865. His surrender was soon followed by the other Confederate military commanders. On May 26, 1865, Kirby-Smith surrendered the Trans-Mississippi Department, and a few days later Cooper capitulated with the remainder of the white troops in Indian Territory. On June 19, Peter Pitchlynn and the Choctaw forces laid down their arms. They were followed by Governor Winchester Colbert and the Chickasaws on July 14, 1865. Watie became the last

⁵⁹Ibid.; Shirk, "The Place of Indian Territory in the Command Structure of the Civil War," The Chronicles of Oklahoma, Vol. XLV, p. 471; Headquarters, Trans-Mississippi Department, Special Orders No. 40, February 14, 1865, Official Records, Ser. i, Vol. XLVIII, Part I, p. 1387; Headquarters, Trans-Mississippi Department, Special Orders No. 45, February 21, 1865, ibid., p. 1396.

⁶⁰Dale, Cherokee Cavaliers, p. 193; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," The Chronicles of Oklahoma, Vol. XXXI, p. 318.

Confederate of general rank to surrender, and on June 23, 1865, had capitulated at a meeting with Federal officials at Doaksville. Most of the Indian troops did not bother with the formalities of surrendering to Northern officers, but simply returned home to their families.⁶¹

The war had finally come to an end in Indian Territory, even though its outcome had been decided several years before. The military defeats suffered by the Indians in the campaigns of 1863 were never overcome. The lack of concern by the Confederacy for the condition of the Indian troops, brought about by the suspicion of many Southern commanders on the reliability of their performance, had condemned them to fight against an overwhelming superior Northern force.

In spite of all the lucrative promises of the treaties, the South was soon to desert the Indians to their own means when the choice was to be made between Indian and white troops. Many of the agreements were broken outright. The Indian forces were ordered out of their homeland to engage the Northern forces in Arkansas, leaving their own land defenseless. Annuities, necessary to provide the needs of the Indians, were sometimes paid, but more often than not were ignored by the Confederacy. When they were paid, however, it was in practically worthless paper money or cotton for which there was no market.

The leaders of the Confederate government in Richmond regarded Indian Territory as not worth defending, but as a means to provide a buffer area which would allow the protection of Texas and her important gulf ports. To secure this goal, the South was willing to sacrifice

⁶¹Ibid., pp. 318-319; Journal of the Provisional Congress of the Confederate States of America, Vol. IV, pp. 429, 486; ibid., Vol. VII, pp. 465, 495.

the Indians. After the successful Federal invasion of Indian Territory, there was never a chance for its inhabitants to receive many of the promises of the South. Many of the Southern Indians, moreover, were then driven from their homes, and forced to live off the charity of the Confederate government. The promises made in such good faith by Pike were ignored by the South when the question of the survival of the Confederacy was concerned. The Civil War was an unfortunate experience for the inhabitants of Indian Territory, and its effects were compounded by the actions of individual Confederate commanders in the area.

CHAPTER V

SUMMARY AND CONCLUSIONS

Why did the Five Civilized Tribes cast their lot with the Confederate States of America? Although they were linked culturally, economically, and personally with the Southern states, these same states only a few years previously had ejected them from their boundaries as unfit to live beside their white populations. This forceful removal of the Indians from their ancient homes had continued until as late as 1857, when the last of the Seminoles were brought to Indian Territory. This was but four years before the outbreak of hostilities. Even Texas, who desperately coveted an Indian alliance to protect its Northern border from Federal invasion, had waged a vicious war of extermination against the Cherokees during the period of the Texas Republic. Yet, these same Southern states were able to persuade the Indians to enter into a treaty of alliance which placed a major burden of the Civil War in the West on their shoulders.

To be sure, the "peculiar institution" of the South had some influence on the Indians. Along the Red River, in the Choctaw and Chickasaw nations, cotton culture had become deeply entrenched, and even among the Cherokees, slaves were an important part of society. Even the missionaries, who had a great amount of influence over the Indians, ^{not true} fell silent on the issue with the split of the churches over the question some years before the war. Slavery, though predominant

in Indian Territory, was not the major factor in the Indians siding with the Confederacy. Stemming from slavery, however, was the fear that the abolitionists would seize power in the Federal government. The Indians deeply feared the thoughts of such men as William H. Seward, who had suggested the opening of Indian Territory to white settlement in order to prevent the further extension of slavery into the area.

Perhaps the greatest reason for the decision of the Indians was the combination of their personal ties with the South and the influence of their Indian agents. Through the process of intermarriage many Southern whites had gained tribal membership, and when the Indians moved to the West most of these individuals accompanied them. Many influential tribal leaders were the result of these marriages, and these men were more closely tied to the Southern culture than to their Indian heritage. Those Indian agents appointed by the Federal government were mostly Southerners, and thus their political allegiance belonged to the South. These men propagandized the Southern cause among the Indians, and convinced them that the only hope of maintaining their tribal culture was the generous treaties offered by the South.

The willingness of the Confederacy for an Indian alliance, however, was also a significant factor. Early in the war the North had hurriedly abandoned Indian Territory, and left it militarily defenseless. The Federal government could see no important benefits in an Indian alliance. On the other hand, the South actively coveted the Indians as allies, and was willing to promise them many of the things they had long desired. Because of these actions, Albert Pike encoun-

tered no real difficulty in securing Indian alliances for the Confederacy. The major problem was the Cherokees, but with the abandonment of the area by the North, the failure of John Ross' policy of neutrality, and the financial pressure exerted by the South, this was easily overcome.

The treaties which the Confederacy offered the Indians far surpassed any promises of the Federal government. The South guaranteed territorial and political integrity, and complete control over the distribution of their lands. The tribes were promised unrestricted self-government and full jurisdiction over all persons and property inside Indian Territory. Statehood, one of the major features of the treaties, would allow the Indians to maintain their voice in the Confederate government. This was a condition which the Federal government would not offer, but was promised by the South subject to the development of adequate political institutions. This would guarantee to the Indians a method of insuring themselves of the same rights and privileges promised to the white citizens of the Confederacy.

The South also promised not to desert the Indians as the North had during the early months of the war, and to provide adequate protection from both internal and external dangers. Perhaps the greatest boon in the Southern treaties for the Indian allies was the promise of a separate judicial system within Indian Territory. The Confederacy promised the establishment of two district courts in the country, which would remove the Indians from the judicial control of the whites. In the matter of annuities, the South promised to assume the obligations of the Federal government. The total promised to the various members of the Five Civilized Tribes was approximately \$250,000 a year,

which was to be used for such tribal benefits as education, orphan homes, and economic development. The Confederacy also guaranteed to instigate such social necessities as a postal system and a method of law enforcement.

In exchange for these promises, which far outweighed the benefits in the previous treaties with the Federal government, the Indians were asked to join in both an offensive and defensive alliance with the South, and to furnish what seemed an insignificant number of Indian troops to augment the Southern forces inside Indian Territory. These troops were not even to be used outside the boundaries of Indian Territory. These seemed generous terms indeed. In return for what seemed to be nominal military aid and a shifting of allegiance from the Federal government to the Confederate government, the Indians were promised benefits which they had previously only dreamed of.

Through its diplomatic skill, the influence of its negotiators, and the subjugation of the Union elements of the tribes to the will of the Southern supporters, the South had gained its coveted alliances with the Indians. The Confederacy then began to implement measures for the fulfillment of the treaty obligations. Perhaps the most successful of all these Southern efforts was the establishment of a postal system in Indian Territory. John H. Reagan, the Postmaster General of the Confederacy, simply integrated the already existing Federal system in Indian Territory into the established routes of the surrounding Confederate states. Once again the South benefited by the practically unanimous decision of the Federal postal officials inside Indian Territory to go with the Confederacy.

In answer to the promise that was most looked forward to by the

Indians, the Confederacy established two district courts. One was located at Tahlequah and the other at Boggy Depot. Until these courts could begin to function, Indian Territory was temporarily attached to the judicial system of Arkansas. Just how long this temporary measure was to last became apparent as the war progressed.

First among the aspirants for the position of Indian superintendent was Albert Pike. He was a man trusted by the Indians, and he placed their treatment foremost in his mind and actions. Pike was not to assume the job, however, as it went to Douglas H. Cooper. Cooper was also prevented from immediately assuming his responsibilities by the actions of Major General Theophilus H. Holmes. The controversy surrounding the question of who would be responsible for the Indians lasted until early 1865, too late in the conflict for a unified office of commander and Indian superintendent to accomplish anything for the benefit of the Indians.

At the time of his rejection, Pike submitted an eleven-point proposal designed to make Confederate effort in Indian Territory a success. The majority of the points of this plan were ignored by Southern officials in Richmond. The most important of these was the plea not to subordinate Indian Territory to the needs of surrounding states. This Pike thought would render worthless his efforts to form the Indian-Confederate alliances. It was unfortunate that Pike's plea was ignored, for had it not been, perhaps the Southern effort would have enjoyed more success. Throughout the war Indian Territory was alternately attached to one Confederate command after another. Only briefly did the country function as an independent department. The result of this action was not only the subordination of the Southern

Indians to the will of officers who had no actual view of the conditions of Indian Territory, but the continual draining off of badly needed men and material for use in other theaters of the war. Although Indian Territory was but a small cog in the vast military machine of the Confederacy, the result of these actions was the early reconquest of the area by the North, and the beginning of a deplorable era of guerrilla warfare which added even more destruction to the country.

As the South was floundering in its efforts to fulfill its treaty obligations, the Indians were wholeheartedly flocking to the Confederate colors, and the last remaining Northern influence was being driven from the country. The South enrolled the First Regiment of Choctaw and Chickasaw Mounted Rifles, the First Cherokee Mounted Rifles, the Second Cherokee Mounted Rifles, and a battalion composed of Creeks and Seminoles into its military establishment. These troops were promised the same pay and privileges of all other troops in the service of the Confederacy. Initial military success came when the last of the Northern Indians under Opothleyahola were driven from the country in 1861, and the Confederates reigned supreme over the territory.

This period of harmony was to be short lived, however, as early in 1862 the South began to suffer serious setbacks in the West. The first defeat came in northern Arkansas, where the Indian troops, regardless of the promises of the treaties, took part in the Battle of Pea Ridge. After this the Indian units withdrew to the Southern portion of Indian Territory, and a Federal force was initially successful in occupying the Northern portion of the country. Forced to withdraw because of internal bickering among the commanders of the expedition, the Federals once again abandoned the area to the Confeder-

acy. The next year the North once again invaded the area, and this time the conquest was permanent. The military strength of the South in Indian Territory had been broken.

The failure of the Southern Indians to adequately protect their homeland was due primarily to the rift between the Confederate commanders over the supplies necessary to carry on the war effort. The senior Confederate officers for the area were located in Arkansas, and their chief concern was the safety of that state. Because of this, most of the arms, ammunition, and supplies necessary for the Indian troops to carry on their efforts against the North never reached them. Instead, they were confiscated by the various commanders while enroute to Indian Territory. This was not the policy of Confederate officials in Richmond, but more the action of Southern commanders who used this method to replace their own depleted supplies, and to do what they believed necessary to wage a successful war in their theaters of operations.

With the reoccupation of northern Indian Territory by the Federals, there was a mass exodus of Southern supporters from the area as the Northern Indians returned to their homes. The Southern Indians had no place to go except to the refugee camps established along the southern border of Indian Territory. The conditions of these refugee camps and the inability of the South to adequately care for their inhabitants was perhaps the most disgraceful event of the relations between the Confederacy and the Five Civilized Tribes.

The Southern refugees suffered horribly in these miserable camps. The South was unable to provide the necessities needed for the survival of many of the Indians, and some perished as a result of exposure,

starvation, and disease. The Indian governments themselves were also unable to provide the necessary supplies, and though relief efforts were begun they were never fully able to overcome the sufferings of the Southern Indians. There were many other areas of the South where the white citizens of the Confederacy suffered the same hardships undergone by the Indian refugees. Vast areas of the South were also desolated and their inhabitants were no better off than the citizens of Indian Territory. Perhaps this explains in part the apparent lack of concern by the South for the Indians in the refugee camps.

With the capture of the Mississippi River by the North the entire Confederacy west of the river was cut off. Not only was Indian Territory isolated, but Texas and Louisiana were severed also from the South. The major difference was that Texas and Louisiana still had some measure of a supply route left open in the blockade runners of the Gulf who slipped past the Northern fleet. In addition, those states were better suited to carry on a war than Indian Territory. Their industry had developed to some degree, and in the case of Texas, its farming area was not desolated by warfare. The Indians were not so fortunate. They were isolated from practically every supply source, and their chief method of resupply was the painfully slow wagon trains which sometimes managed to work their way north from Texas. As supplies became even more scarce, however, the Texans became more reluctant to ship their badly needed goods to the Indians. Also, the drought and floods which swept over most of Texas and Louisiana early in the war destroyed much of the surplus food which could have been used to feed the suffering Indians.

With declining Confederate military success, the civil functions

as required by the treaties with the Indians also began to fall by the wayside. The two district courts promised never fully materialized, and the Indians remained tied to the judicial system of Arkansas. With the capture of Fort Smith and the continued Federal success in Arkansas, all pattern of organized legal procedure disappeared from the Southern portion of Indian Territory. The same misfortune fell to the Confederate postal system. As the Northern armies occupied more and more of the Indian country, the Southern mail routes suffered proportionately. Finally, the system was abandoned and all mail delivery was handled by the Confederate Army Courier Service. Even the Indian agencies established by the Confederacy began to fall into disuse, because most of the Indian agents also held commissions in the Confederate Army. These men continually devoted more and more time to military efforts and less and less to the welfare of their Indian wards. The failure of the Confederacy to successfully establish the necessary civil functions in Indian Territory was directly linked to the military defeats of the South. It was impossible to establish a satisfactory civil government within the areas occupied by Federal forces. Even if the country was not held by the Federals, the establishment of civil functions was handicapped by the threat of Federal invasion and the disruption created by the influx of Southern refugees into the area.

Perhaps in its haste to gain the much desired Indian alliance, the Confederacy was guilty of promising much more than it could ever deliver. In return for the needed buffer territory to protect Texas from a Northern invasion, the South seemed willing to offer such bountiful promises that it would be impossible either for the Indians

to refuse or the South to honor them. Perhaps also the failure of the Confederate treaties could be blamed on Albert Pike and his successors. Pike had worked with the Indians for most of his adult life, and was deeply concerned with their treatment. He found a method to gain for the Indians what had for so long been denied by the Federal government. It is evident that if Pike's way had prevailed, the Indians would never have suffered because of the want of white troops from the neighboring states, and he resigned his commission partly because he could not fulfill this and other treaty stipulations. The promises made by him were not honored by his successors. The blame for this cannot be laid entirely on the central government in Richmond, for it was so ~~concerned with its own existence~~ after 1863 that it had little time to carefully investigate and act on charges of mismanagement in Indian Territory. Nor can the blame be laid on the hands of the various regional commanders who had the power to end the pilfering of the supplies intended for Indian Territory. Like many commanders of the Civil War, not all were professional military men, and their lack of appreciation for the total war effort was subordinated to the more realistic needs of the men under their direct command.

Indian Territory was ill prepared for war. The majority of the area was agricultural, and there was virtually no industry to provide the necessities for sustaining a military force in the field once the Indians were separated from the remainder of the Confederacy. The Indians themselves were divided over the conflict. This disunion, coupled with the inadequate supplies of the Indian troops, made it necessary for a large number of white troops to be used by the South in Indian Territory if it were to hold the area. But being in an

exposed position on the extreme western flank of the Confederacy, the territory was soon threatened by superior Federal forces. The South would have had to divert a vast amount of men and material from other areas to counter the Northern threat. The Confederacy, its very heart threatened by the advancing Federal forces in the East, could ill-afford the necessary men and supplies to hold Indian Territory, and still maintain itself in the East. So Indian Territory became expendable, and was left virtually to its own methods of defending itself against the advancing Northern forces.

Why then did the Confederate Indians remain loyal to the South until the end? Surely a peace settlement with the North in 1863, when the war was still in doubt, would have been more advantageous than continuing the struggle until the point of unconditional surrender in 1865. Perhaps the answer in part lies in the intertwining political struggles within the tribes themselves. Jealous of their new found power, the Southern Indians were not willing to submit to the control of the Northern factions which they had driven from their homes. The matter can be traced back even farther to the tribal divisions over the removal to Indian Territory earlier in the century, but more than likely the answer can be found in great part in the treaties. Promised more advantages than ever before by the Confederacy, the Indians had so much to gain by continuing the war, and relying on some military miracle to defeat the Federals in the East. Such a victory by the South would have secured for the Indians more benefits than they had dared imagine. With enforcement of the Southern treaties following a negotiated peace settlement, the Indians would have enjoyed virtual political autonomy, and methods of securing the rights and privileges

which had for so long been reserved for the white man under the United States government. These treaties would have prevented a repetition of the events which led to the expulsion of the Indians from their homes some years previously. Thus, the Southern Indians were willing to undergo the horrors of war on the chance that a Confederate victory would bring them the generous benefits promised by the treaties. Whatever the reasons, the Confederate Indians steadfastly maintained their guarantees in the treaties and remained loyal to the Confederacy to the end.

The Indians had become caught up in the same fever which made the Southern states secede. Rational logic, which would have indicated the negotiation of more beneficial treaties with the North designed for keeping the Indians loyal, was ignored. The bountiful treaties offered by the South were hard for the Indians to resist, and the South had no trouble in finding ambitious leaders among the tribes to take up the Southern cause. The Civil War was an unfortunate experience for the Five Civilized Tribes of Indian Territory, for when peace came they were prevailed upon by the harsh reconstruction treaties of the United States instead of the generous treaty promises of the Confederate States.

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