

COLONEL WILLIAM A. PHILLIPS AND THE CIVIL WAR
IN INDIAN TERRITORY

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CHAPTER I

PHILLIPS BEFORE THE WAR

"There is no man in Kansas who did more for the cause of human freedom; no man living who has performed a greater work in the interests of free labor; no man living who has done more to crush out slavery and the hateful curse it left behind; no man living who had greater power with the pen than William A. Phillips. There is no one to take his place. The state of Kansas and the nation mourn his death."¹

This example of florid oratory of the 1890's overstates the importance of William Addison Phillips, but it indicates his close involvement in the early history of the state of Kansas.

Phillips was born in Paisley, Renfrewshire, Scotland on January 14, 1824, the son of John and Christan Phillips. Educated in the schools of his native country, he immigrated to the United States with his family in 1839. The family settled in Randolph County, Illinois, in the southern-oriented region called Little Egypt. Randolph County, nevertheless, seemed to have been Whig and anti-slavery in sentiment and this environment may well have influenced young

¹Daniel R. Anthony, "Memorial Discourse On the Life and Character of Hon. William A. Phillips. Delivered Before the State Historical Society at Topeka, at the Annual Meeting, January 16, 1894," Transactions of the Kansas State Historical Society, V (June, 1894), p. 106.

Phillips.²

Soon after arriving in the United States, Phillips demonstrated an ability for writing that served him all of his life. By the age of sixteen he was contributing short articles to the New York Tribune and various magazines of the day. In 1852 he became editor of the Chester (Illinois) Herald and continued in that position until 1855.³ This period provided him training and experience in the crafts of the journalist, and he put this to good use in the immediate years ahead.

The passage of the Kansas-Nebraska Bill in 1854 made the Territory of Kansas a center of national attention. Almost immediately it became a stage for the anti-slavery and pro-slavery forces to remove their rivalry from the halls of Congress to the actual homesteads of the frontier.⁴ Both sides viewed Kansas as a case in miniature of the problem that existed nationally, and each was determined that it should emerge victorious. Popular sovereignty was to be the policy followed in Kansas, and the territory was thus a laboratory to see if this expedient could provide an answer to the vexing question of slavery expansion. It is only logical that Phillips, a young and ambitious journalist, would choose the troubled Territory of Kansas for his assignment, and he went there in 1855 as a special correspondent for

²The early career of William A. Phillips is covered exhaustively in Murray P. Tripp, "The Early Career of William A. Phillips" (unpublished Master of Arts Thesis, University of Kansas, Lawrence, Kansas, 1943), p. 2-3. Tripp drew extensively on the articles of Phillips that appeared in the New York Tribune between 1855 and 1859.

³Ibid.

⁴Salina, Kansas, Republican Journal, December 1, 1893, p. 1.

the New York Tribune.⁵

From his arrival, Phillips became deeply involved in anti-slavery activity. His letters reach from the first constitutional convention at Topeka through the final convention at Wyandotte, and they indicate the steady growth of his devotion to the goal of keeping slavery out of the territory. The most important questions before the Topeka Convention were the endorsement of the Kansas-Nebraska Bill and popular sovereignty. Phillips made no secret of his views of these issues: "we will not enter argument on the doctrines of 'compromise, expediency, or necessity,' but would only say that if a year's operation of the Kansas-Nebraska Bill was sufficient to create an evil so great that the Free State men of Kansas were compelled to disfigure their Constitution and Bill of Rights with it, the 'peculiar institution' must be an insidious and encroaching leprosy, calling for its limitation within meets and bounds." He felt that the constitution that emerged from the convention was creditable and he supported it throughout its short existence. At the convention Phillips met the free soil leaders Charles Robinson and James H. Lane. Through these men Phillips would be drawn into the formal activities of the free soil movement.⁶

In November, 1855, following the Topeka Convention, Phillips went to Leavenworth to attend a Law and Order Convention, the purpose of which was to urge the enforcement of territorial laws and the overthrow of the free soil movement. Here the open contempt of

⁵Tripp, "The Early Career of William A. Phillips," pp. 4-5.

⁶Ibid., pp. 13, 17.

Phillips for the pro-slavery legislature and for the Federal officials in Kansas became apparent. Governor Wilson Shannon, he said, "is working heart and soul with those who are trying to plant slavery here." After the convention adjourned, Phillips remained in Leavenworth to attend the trial of Cole McCrea, a free soil man. His reports of the trial made clear that he also opposed and suspected the Federal courts in Kansas.⁷

Phillips was now actively involved in the free state movement. In November and December, 1855, free soil and pro-slavery men engaged in sporadic and small-scale fighting known as the Wakarusa War. During this time Phillips aided the free soil men and was even captured for a short period by the pro-slavery forces.⁸

By now Phillips was confirmed in his opposition to the slave forces and to all who in any way sided with them. He described Governor Shannon as having "acquirements not much above mediocrity and abilities far below it." In reporting the murder of a free soil man, Thomas Barber, he caustically asked: "I wonder if the Governor's eye fell on that relic of cold mortality, who only yesterday was a valuable citizen, esteemed and beloved, and today a martyr to the cause of freedom." Because the frequent hostilities in the territory often found their way into the courts, he continued in his hostility towards them. In the trial of one free state man he said that the grand jury contained "about as large an amount of Ruffianism as can generally be contained in that number of individuals," and that the court itself

⁷Ibid., pp. 15, 20-22.

⁸Ibid., pp. 29-30.

was "a scoff to all who visit it, a by-word and a reproach to the territory, and a disgrace to the administration to whom it owes its power." This hostility extended from institutions to individuals, and toward Judge Sterling G. Cato in particular. He explained that "Frank Pierce fished him up from some of those partially unexplored regions south of the Mason and Dixon line, where they produce such specimens." So complete was his bias that he extended it to include all Federal troops in the territory. In reporting the death of a soldier, he noted with a zealot's callousness that "after all, when a man hires himself out for \$12 a month to act as an instrument of despotism, he must hold himself to meet the chapter of accidents."⁹

Phillips emerged even more prominently as a leading publicist of the free state movement with the publication of his The Conquest of Kansas in the fall of 1859. This book, clearly a propaganda piece intended for readers in the North and West, related the history of Kansas Territory from the passage of the Organic Act until the close of July, 1856. The theme of the book was the wickedness of the pro-slavery forces and the resulting suffering of the free state party. Ominously, Phillips expressed the belief that the two forces could never live together in peace.¹⁰

At the same time that Phillips was becoming more involved in the free state cause, he was also moving towards the radical branch of that movement. Convinced that slave and anti-slave forces could never live together, he favored encouraging immigration from the free states

⁹Ibid., pp. 27, 36, 73, 90, 140.

¹⁰Ibid., p. 42.

since "once here neither the Federal General [Charles] Smith or Bogus General [George] Richardson will be able to get them out." This also meant a shift of allegiance from the moderate free state leader Robinson to the activist Lane. On March 10, 1857, Phillips attended a free state convention and was selected as chairman of the platform committee. This committee sponsored resolutions expressing opposition to participation in elections under the pro-slavery plan and declared the constitution framed by free state forces at Topeka to be the choice of the people. Already Phillips was warning of probable violence and advising that "war once begun will not end until there is neither bogus nor federal authority in Kansas." Increasingly he worried about maintaining free state unity and spoke scornfully of those whose ardor for the cause cooled as they became engaged in land speculation. In fact there was some basis for this fear when the unity of the free state advocates was slightly broken by the formation of the Free Soil Democratic Party.¹¹

By this time, Phillips was involved in Kansas politics, not only as an observer and journalist, but as an active participant. In June, 1857, he was elected a member of the free soil House of Representatives. He next interested himself greatly in a census the free soil forces were taking to combat a similar effort by the pro-slavery group. In July he was a principal speaker at the Topeka Convention and soon afterwards was selected an alderman of the city of Lawrence.¹²

A new governor, Robert J. Walker, was sent to the territory in

¹¹Ibid., pp. 48, 66, 68-69, 73, 76.

¹²Ibid., pp. 78, 80-82.

1857, but Phillips saw little change for the future. He prophesized that "a full recognition of all the bogus frauds is to be the basis for all the actions of our new Territorial Executive." An important meeting of free state supporters was held in August of 1857 at Grasshopper Falls to decide whether to trust Walker's promise that honest elections would be held. Although the ultimate decision was to trust the governor, Phillips opposed this decision and direly noted that "the action of the Grasshopper Falls Convention has revived the hopes of those who expect to carry matters by trickery and duplicity." Since the decision for participation had been made, he supported it. On December 2, 1857, he attended a meeting to plan for the coming election, and he served as a member of a committee that drew up a petition urging Congress not to admit Kansas to statehood under the Lecompton Constitution. Phillips saw the year 1857 draw to a close with little optimism. Even more he saw the inevitability of violence before the matter could be settled. He had little hope that free state supporters could win an election in the face of both Federal troops and "border ruffians." The division of free state advocates over the question of voting suggested to him trouble ahead.^{1 3}

His first concern in 1858 was the January 4 election. Although free state supporters won a majority in the legislature, Phillips was not optimistic. He believed that participation of free state people in territorial agencies might be used to give validity to the Lecompton Constitution and to federally appointed officials. He attended a meeting in February to determine future actions for free soil supporters

^{1 3}Ibid., pp. 70, 93, 96, 115-116, 119.

and expressed the opinion that the new territorial governor, James W. Denver, would probably be no better than his predecessors. In addition to these meetings, he was in attendance at a constitutional convention held at Leavenworth in April, and when the free state list of candidates for territorial offices was issued, he was listed as a candidate for a judgeship. The Fourth Kansas Territorial Legislature met on January 3, 1859, at Leecompton and then adjourned to Lawrence. Phillips was generally hostile to this group, although they were predominantly free state men. He noted that two free state legislatures had now met without abolishing slavery, which he thought to be their duty in response to the will of the people. The last of the constitutional conventions in Kansas met at Wyandotte in July, 1859. Phillips attended this meeting only as a reporter and this was his last assignment as a journalist. He felt that the aim of his journalism had been to secure Kansas for freedom, and that this had been accomplished with the Constitution that emerged from Wyandotte.¹⁴

Phillips was now ready to move onto a broader stage. The Republican Party of Kansas was organized at Osawatomie on May 18, 1859, and Phillips was the candidate of the radical wing of the party for president of the convention. Although defeated for this position by O. E. Learned, he was chosen chairman of the platform committee. In addition, he was chosen temporary and then permanent chairman of a meeting held at Lawrence in October to nominate candidates for state offices. When the state convention of the party was held on April 11, 1860, Phillips was chosen a member of the Kansas Territorial Central Committee and a

¹⁴Ibid., pp. 36, 127, 132, 136, 151, 156.

member of the delegation to attend the Republican National Convention to be held in Chicago. He favored the candidacy of William H. Seward of New York as the party's standard bearer, and sponsored a successful resolution to this effect. At the national convention he served as a member of the Credentials Committee and seconded Seward's nomination. Although the Kansas delegation held solid for Seward through the early balloting, Phillips joined in making Lincoln's nomination unanimous when the time came. He returned to Kansas as a member of the Republican National Committee.¹⁵

Thus, by 1860, Phillips had almost irrevocably committed himself to the cause of freedom, and his later conduct in the Civil War flowed naturally from his Kansas experience. Indeed, he had played a part in bringing about that conflict. His political and journalistic efforts had assisted in keeping the story of "bloody Kansas" ever before the attention of the North and he had served as an enthusiastic and active participant in maintaining free state unity and action within the territory.¹⁶

¹⁵Ibid., pp. 172, 185-186, 189, 191.

¹⁶See generally Richard J. Hinton, "Pens that Made Kansas Free," Kansas Historical Quarterly, VI (August, 1900), pp. 376-377.

CHAPTER II

THE WAR COMES TO INDIAN TERRITORY

Phillips received his appointment as a major in the United States Army on March 29, 1862, at Salina, Kansas. He was ordered immediately to Fort Leavenworth, Kansas, but was not appointed to a unit until June 2, 1862, when he was assigned to command the First Indian Home Guard Regiment, which had been organized on May 22, 1862. After some hesitation, the War Department had decided to organize two regiments of Indian Territory volunteers for three years or the duration of the war. Phillips was a natural choice to command one of these regiments, for he had advocated the acceptance of Indians into the army for some time.¹

Before Phillips became associated with Indian Territory troops, civil war had engulfed that area. Indian Territory was the home of the Five Civilized Tribes -- the Cherokee, Seminole, Creek, Choctaw, and Chickasaw -- who had commenced removal there in the 1830's. Although under Federal supervision, the Civil War meant an agonizing

¹Military Service Record of William A. Phillips, National Archives, Washington, D. C.; Cameron to Robinson, June 17, 1861, Transactions of the Kansas State Historical Society, VIII (1903-1904), p. 14; as early as 1857, Phillips had championed the Indian cause, castigating Indian policy and charging that "we pauperize them, unfit them for civilization and also for their old nomadic habits and means of self support." Phillips quoted in Tripp, "The Early Careers of William A. Phillips," p. 100.

choice of loyalty for these Indians since perhaps a majority of them were inclined by interest and sympathy towards the South. Many of the Indians had come from southern states, besides having married southerners and cherishing southern traditions. The Indian economy was also southern oriented. Many of the Indians were slaveholders and cotton was a major crop along the Red, Illinois, and Arkansas rivers. Finally, their nearest neighbors were Arkansas and Texas which were determined to make Indian Territory secede. At the outbreak of the war the Federal government had three military posts in the Indian Territory garrisoned: Fort Washita, Fort Arbuckle, and Fort Cobb. Colonel William H. Emory, newly appointed commander of these posts, was given broad discretionary powers since no one in Washington, D.C., could reach an intelligent decision as to the proper procedure to follow in the distant Indian Territory. With Texas seceded and Arkansas moving towards the same goal, Emory found his major supply routes closed. Since the Federal government gave no indication that it would relieve his difficult situation, Emory ordered the Federal troops to abandon these posts in April, 1861. This action removed the last authority of the United States from the territory, leaving the loyal Indians without protection.

Withdrawal of the troops profoundly effected the Indians. Taking advantage of this situation, the Confederate government sent Albert Pike of Arkansas to make treaties with them. Treaties were readily negotiated with the Choctaws, Chickasaws, and Seminoles, but only a faction of the Creeks would support the Confederacy. For a time Chief John Ross managed to keep the Cherokees officially neutral, but Colonel Stand Watie rallied support for the South and Ross was finally pressured to sign with the Confederates.

W.H. Emory
April 1861

Since most of the tribes were committed to the southern cause, Opothleyahola, the former leader of the Upper Creeks, and a Seminole town-chief, Halleck Tuskenuggee, assembled their followers and Union sympathizers and began moving towards friendly territory in Kansas. To prevent success in this venture, Confederate Colonel Douglas H. Cooper with a force of 1,400 men attacked this expedition of 6,000 Indians at Round Mountain on November 19, 1861. This engagement did not subdue the Federal Indians, and they were attacked again at Chusto-Talasa and at Chustenaahlah. When they finally reached the Verdigris River valley in Kansas in late December, 1861, they were disorganized and had lost almost all of their possessions on the flight. During the harsh winter that followed they suffered greatly for their allegiance to the Union.

Much sympathy was aroused in Kansas for these homeless, suffering, and loyal Indians. Since there was no danger of immediate invasion of Kansas, it was decided to organize an Indian Territory expedition to reclaim the homes of the refugees, expell the Confederate forces, and attempt to win back the lost Indian allies. Most of the Indians were eager to enlist in the military service, and two Indian regiments were formed in April and May to augment the Federal forces of Kansas infantry and cavalry and one regiment of Wisconsin volunteers which made up the expedition. This first Federal invasion force was known as the Indian Expedition, and was under the command of Colonel William Weer.

The expedition officially began its movement southward from Kansas on June 1, 1862, and the next day Major Phillips was named commander of its First Indian Home Guard Regiment. The first large scale contact with Confederate forces occurred approximately one month later at

Locust Grove, in northern Indian Territory near the Arkansas border, and resulted in a significant Federal victory. In this engagement Colonel Weer personally led detachments from the First Indian Regiment and the Ninth Kansas Cavalry Regiment to a Union victory. Due to false intelligence reports the expedition commander had dispatched elements of the First Indian Regiment under Phillips to reconnoiter Confederate troop concentrations along the Missouri-Indian Territory border. Consequently, the future commander of the Union Indian Brigade was not present at the Locust Grove action, though he later rejoined Weer, bringing some prisoners and livestock.²

After the engagement at Locust Grove, the expedition advanced into the heart of the Cherokee country, causing consternation among the Indians pledged to the Confederacy. Unfortunately, internal strife, resulting in the arrest of Colonel Weer for gross dereliction of duty by Lieutenant Colonel Frederick Salomon, lack of supplies, distended communication lines, and rumors of massed Confederate resistance forces, caused the Federal troops to withdraw to Kansas in July. Shortly before this retrograde movement, Phillips was relieved from duty with the First Indian Regiment, and on July 17, 1862, he was assigned to the Third Indian Regiment and promoted to the rank of colonel. This

²Joseph B. Thoburn and Muriel H. Wright, Oklahoma: A History of the State and Its People (4 vols., New York: Lewis Historical Publishing Co., 1929), I, pp. 305-312; Weer to Moonlight, July 2, 1862, U.S. War Department, War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (70 vols., 128 books in the U.S. Serial Set, Washington: Government Printing Office, 1880-1901), I, XIII, p. 460, hereinafter cited as Official Records, with the series designated by means of a small case Roman numeral, the volume number by means of a large case Roman numeral, and the part of a volume by means of "Pt."

new regiment was formed because of vast numbers of Indian enlistments during the summer of 1862. The commanders of the three Indian regiments had not received orders concerning the movement of the Indian Expedition back to Kansas. When they finally received copies of the withdrawal order three days after the movement had begun, they found that they were left to protect northern Indian Territory without adequate artillery or rations. Colonel Robert W. Furnas, the senior officer among the Indian regiment commanders, called a meeting to outline a policy for their immediate future. It was decided to consolidate the three regiments into a brigade with Colonel Furnas as commanding officer. It was further agreed that, under the conditions then existing in the Indian country, they would remain and attempt to hold the area north of the Arkansas River if they could secure additional artillery, infantry and supplies.³

This action split the forces of the Indian Expedition into two groups. Colonel Salomon's camp was located on Grand River at Hudson's Crossing, while the Indian Brigade under Colonel Furnas was stationed approximately forty-five miles south. Although this arrangement put the Indian Brigade in the rather difficult position of trying to hold and protect the northern portion of Indian Territory, it was preferable to completely abandoning the area and the Indians favoring the Federal cause without some measure of support and protection.⁴

³Military Service Record of William A. Phillips, National Archives; Annie Heloise Abel, The American Indian as Participant in the Civil War (Cleveland: The Arthur H. Clark Company, 1919), pp. 143-144; Furnas to Blunt, July 25, 1862, Official Records, i, XIII, p. 512.

⁴Salomon to Blunt, July 29, 1862, *ibid.*, p. 521.

Colonel Furnas continually sent out patrols to keep the Confederate forces under surveillance and to protect the expedition and the Indians of the area from raids. In late July, Furnas sent Phillips to scout the area between Tahlequah, Park Hill, and Fort Gibson. While on reconnaissance, Phillips met a Confederate force of Colonel Watie's Indians under Lieutenant Colonel Thomas F. Taylor at Bayou Menard about seven miles from Fort Gibson on July 27, 1862. Phillips earlier had proceeded about forty miles by a forced night march to Tahlequah and Park Hill. He had sent his command forward in three lines along as many roads that merged at Bayou Menard. Phillips himself led the advance southeast from Park Hill, while Lieutenant Louis Haneway led the advance on the right and Lieutenant James Phillips marched down the center from Tahlequah. At the junction of the road, the enemy coming towards Park Hill ran into Haneway's command, unaware of the division of Federal troops. Stopped in their advance by Haneway's gunfire, the Confederates attempted a charge, but this only positioned them between Phillips' converging arms. After a brief skirmish, the Confederates were "utterly routed and fled precipitately in great confusion," Phillips claimed, and he also maintained that only one Federal soldier was severely wounded, while thirty-two enemy lay dead on the field and twenty-five prisoners were captured. Colonel Taylor, the Confederate commander, was found among those killed. Colonel Phillips pointed out that he was "very much pleased with the conduct of the whole Indian force," although he had experienced some difficulty in restraining their reckless charges and in maintaining a proper reserve

guard for the supply wagons.⁵

This engagement alarmed both sides. Confederate commander Cooper subsequently ordered all detachments scouting on the north side of the Arkansas River to return immediately to the south side. Colonel Furnas, who had retired with his command to Baxter Springs, Kansas, just over the border, ordered Phillips to join him there. When Phillips arrived he brought with him a large number of cattle. He insisted that they be used to supply the brigade and not be sold to speculators; he also suggested that some be used to feed the refugees who had followed him. He said he would strongly resist any attempt to sell these animals. As the war progressed, Phillips was continually troubled by the problem of cattle disposal.⁶

While on a scouting expedition for Colonel Furnas, Phillips and his Indians next saw action at Neosho, Missouri, on September 3, 1862. Phillips and his troops had been on reconnaissance duty in that vicinity for several days keeping in touch with the enemy, occasionally skirmishing with them, and carrying out maneuvers designed to entice them to attack his force at an advantageous time and position. During this operation he killed three of the enemy and wounded one. Phillips wanted to strike the Confederate camps about the area, but was unable to because Colonel John Ritchie had refused to send the Fifth Kansas Regiment as reinforcements; lacking sufficient troops, Phillips' situation became critical. He did not know if the Confederates intended to recruit forces or divert Union troops from marching into Arkansas, but

⁵Phillips to Furnas, July 27, 1862, *ibid.*, pp. 181-182.

⁶Phillips to Furnas, August 6, 1862, *ibid.*, pp. 181-182. L

he maintained that as long as he remained in Neosho and sent scouts to Newtonia, Missouri, the road to and from Missouri would remain closed to the Confederates. Besides needing reinforcements, he complained, "my men suffer for want of clothing, shoes and blankets. The rocky roads kill my barefooted ponies." Because his position had become extremely precarious, Phillips began retiring from the area. Enroute he was joined by Colonel William R. Judson and the Sixth Kansas Cavalry.⁷

Being in the area, Phillips was ordered to hurry to Newtonia to reenforce Colonel Weer, since Confederate troops were attempting to outflank his force. When encountering the left flank of the Confederate forces on September 30, 1862, Phillips' regiment was able to block the Confederate flanking movement and the enemy withdrew. The Third Indian Home Guard Regiment pursued them until they were out of ammunition, when they returned under cover of Colonel Weer's artillery fire. This was the heaviest fighting of the afternoon, and the activities of Phillips' regiment had played a major role in checking the enemy advance. Three days later, through the combined efforts of the forces of Brigadier General John M. Schofield and Brigadier General James G. Blunt, the Confederates were pushed back into Arkansas.⁸

The Indians had fought admirably and proved to be worthy of the efforts of those who had advocated their acceptance into the army. They presented, however, unique training problems for their commanders.

⁷Phillips to Blunt, September 5, 1862, *ibid.*, pp. 614-615.

⁸Salomon to Schofield, October 1, 1862, *ibid.*, p. 287; Weer to Blunt, October 1, 1862, *ibid.*, p. 288.

Phillips frequently remarked of the difficulties arising from the language barrier, particularly at drill when the Indians tended to speak in local dialects. He partially solved this problem by requiring the Indians to learn English, in which all commands were given. He also commented on the chronic tendency of Indian soldiers to be absent without leave, and spoke of their "besetting sin" as laziness. On the other hand, he praised them as being "brave as death, and active to fight" and making first-class riflemen. Their appearance was not particularly martial, but this did not prevent them from shooting straight, and they were in their element when fighting in the brush and timber where they were able to take deliberate aim.⁹

In October, 1862, Kansas troops were reorganized into the Army of the Frontier under the command of General Schofield. In this new organization Phillips became the commanding officer of the Third Indian Brigade which was composed of the three Indian regiments, the Second Indiana Battery, and the Hopkins' Kansas Battery. This brigade was a part of the First Division commanded by General Blunt. After this reorganization, Union efforts were concentrated towards the removal of Confederates from Arkansas.¹⁰

On October 21, Blunt located Cooper's force at Fort Wayne, a former United States Army post in the Cherokee Nation. Blunt was able to make a surprise attack, although confused communications resulted in a part of his force lagging behind. He attacked the Confederate

⁹Phillips to Curtis, January 19, 1863, *ibid.*, i, XXII, Pt. 2, p. 58.

¹⁰General Order, Department of Missouri, October 12, 1862, *ibid.*, i, XIII, p. 730.

camp of approximately 2,000 men just at dawn. Because of the element of surprise, Blunt was able to keep the situation under control until the rest of his force arrived. At this point the Confederate forces attempted a complicated outflanking maneuver in preparation for a counterattack. As the troops of General Cooper advanced, units from Colonel Weer's brigade, the Sixth Kansas Cavalry, and the Third Indian Regiment arrived and combined their efforts to halt the Confederate counterattack. The Confederate forces began retreating in great confusion, with Phillips and his Third Indian Regiment pursuing for about seven miles until their horses tired and they had to stop. General Blunt then camped at Camp Bowen, about ten miles southwest of Bentonville, Arkansas. Phillips, with the best mounted men of the First and Third Indian regiments, left camp to reconnoiter the area around Fort Gibson, Park Hill, and Tahlequah to determine if any of Cooper's force were north of the Arkansas River.¹¹

Blunt firmly believed that the Confederates were alarmed at the advance of the Union army. He reasoned that since the rout of Cooper at Fort Wayne, many of the Indians in the Confederate army had dejectedly discarded their arms and had gone home with the intention of joining the northern forces. He also stressed the importance of the occupation of the Indian country as far south as the Arkansas River. Blunt's purpose in this policy was twofold. First, he hoped to occupy this section of Indian Territory to secure it from reoccupation by Confederate forces. Second, the third Indian Regiment was made up

¹¹Blunt to Schofield, October 22, 1862, *ibid.*, p. 325; Blunt to Schofield, October 28, 1862, *ibid.*, p. 326.

largely of Cherokees who understandably wanted to remain near their homes, and Blunt joined Phillips in all possible excuses to justify this. Phillips' forces also performed a useful function in operating the salt works on the Illinois River and supplying this commodity for the First Division and the inhabitants of the area.¹²

There was but little time to settle down. After receiving information that Confederate troops were assembling in large numbers at Cane Hill, Arkansas, Blunt marched his division, including Phillips' unit, to that area and attacked the Confederate troops under Brigadier General John S. Marmaduke on November 28, 1862. Since the enemy occupied a sheltered position provided by extremely rough terrain around Cane Hill, Blunt began the attack with an artillery barrage. Despite this, the Federal infantry and cavalry ultimately had to depend on heavy rifle fire to drive the Confederates from their position and force them into retreat toward a mountain pass. Upon reaching the mountains, the Confederates again set up their artillery and continued firing on the advancing troops. Although Phillips himself makes no mention of this battle, his unit was among those used to storm the new position. Blunt related that "the regiment . . . rushed up the steep acclivity, contesting every inch of land, and steadily pushed the enemy before them, until the crest was reached, when the rebels again fled in disorder." During the storming, the Indians had fought dismounted due to the rough topography and were highly successful in routing their southern opponents.¹³

¹²Blunt to Schofield, November 9, 1862, *ibid.*, p. 785.

¹³Blunt to Curtis, December 3, 1862, *ibid.*, i, XXII, Pt. 1, p. 45.

As 1862 drew to a close there was apprehension that Confederate Major General Thomas Hindman would invade southwest Missouri. Blunt ordered all the troops in his division to Rhea's Mill, located about eight miles north of Cane Hill. Phillips and his Third Indian Regiment were continually in use as scouts. During the battle of Prairie Grove, Arkansas, on December 7, 1862, Colonel Phillips' Third Indian Regiment and part of the First Brigade under Brigadier General Salomon guarded the road to Rhea's Mill and some supply wagons which Blunt had left there.¹⁴

Blunt next planned an expedition to Van Buren, Arkansas. The day before his division was to leave Rhea's Mill, he ordered Colonel Phillips to take 1,200 Indian troops, two companies of the Sixth Kansas Cavalry, and a section of artillery and go to Fort Gibson in the Cherokee Nation. From there he was to attack the troops under Colonel Cooper at Fort Davis, a Confederate post located nearly opposite on the south bank of the Arkansas River. Phillips arrived near Fort Gibson on December 27, 1862. He discovered that the enemy seemed to be scattered over the country in small bands of one to four hundred and that Confederate General Hindman had been relieved from command and replaced by Lieutenant General Joseph E. Johnston. Phillips found his orders to clear the countryside of enemy difficult to carry out. Besides the scattered condition of the enemy forces, recent rains had caused the streams to rise and made fording them impossible; a continuing problem was the lack of adequate forage for his horses. He planned to move toward Webber's Falls, south of Fort Gibson, in order

¹⁴Blunt to Curtis, December 20, 1862, *ibid.*, p. 73.

to locate the enemy. He also hoped to evacuate as many Indian families from the area as possible, but Colonel Watie had taken most of the horses and wagons in the area, leaving Phillips without any means of providing necessary transportation.¹⁵

On December 27, 1862, Phillips made contact with the enemy and drove the Confederates toward the Canadian and Red rivers, and crossed the Arkansas River with his entire force at Frozen Rock Ford. After a short skirmish, the Union soldiers captured and destroyed Fort Davis, burning the barracks, stables, and commissary buildings. Following this action, Phillips' command pursued the forces under Cooper and Watie towards Scullyville and Fort Smith. The destruction of Fort Davis was an impressive victory and Phillips pressed his advantage to enter into negotiations with Colonel D. N. McIntosh and some of his Creek soldiers concerning their defection from the Confederacy. Unfortunately, he was unable to meet with McIntosh, the leader of the Confederate Creeks, because he was ordered to Arkansas to guard Blunt's flank. He did ascertain that the Choctaws were the only Indians that had provided real military assistance to the Confederacy and that they were disgusted and dissatisfied. Hopefully, they could be won over by the proper efforts, and he believed he had already begun this effort by burning Fort Davis. This action was intended not only to root out the enemy army but also as a show of force to impress the Confederate Indians. Phillips specifically pointed out this action as something

¹⁵Wiley Britton, The Union Indian Brigade in the Civil War (Kansas City, Missouri: Franklin Hudson Publishing Co., 1922), pp. 155-156; Phillips to Blunt, December 25, 1862, Official Records, i, XXII, Pt. 1, pp. 873-874.

more than wanton destruction. He had wisely dissuaded the Creeks from making immediate Federal demonstrations because he felt it unwise to invite such acts before the United States could adequately protect them. During the same period, he communicated with several parties who belonged to a secret Union League in western Texas. Captain F. W. Niner, a prominent member of Cooper's staff, was an influential member of this league. More than half of Colonel J. G. Steven's and Colonel A. M. Alexander's Texas regiments were also members, as well as many other regiments.¹⁶

Before seeing combat action in 1863, Phillips' command was reorganized. In November, 1862, the Department of Missouri had been divided into districts to increase military efficiency. General Blunt received command of the Kansas district and General Schofield was named commander of a district in southwest Missouri. In January, 1863, Schofield reorganized Blunt's First Division, creating the Third Brigade which was to be commanded by Phillips. This new unit, sometimes called the Indian Brigade, was composed of three Indian regiments, a battery of artillery, and one battalion of the Sixth Kansas Cavalry Regiment. Of the Indian regiments, the First was composed largely of Creeks; the Second and Third were principally made up of Cherokees. Phillips believed that the Creek unit was in poor condition and that they did "their details slowly, sometimes desert a post, or a party when sent on duty;" he hoped that one or two good officers could remedy this situation and that the regiment would be made more effective.

¹⁶Phillips to Curtis, January 19, 1863, *ibid.*, i, XXII, Pt. 2, pp. 61-62.

The Second regiment lacked necessary officers, but was a useful force. The Third, which was Phillips' own, was organized by his suggestion and had sergeants picked from white regiments. This unit was well drilled and had seen a great deal of active service; to this point it was the only Indian regiment that was an effective fighting unit.¹⁷

From his experience, Phillips had several recommendations for the Indian regiments. He pointed out that one error in all of the Indian regiments was not requiring officers to be fully responsible for property and the execution of orders. He suggested that it would be wise to have white men as the captain, first lieutenant, and orderly sergeant of each regiment, with an Indian as second lieutenant. He felt it a blunder to put officers of poor ability in an Indian regiment since the Indians would try to imitate their officers. For this reason, men of good character were essential for these positions. Phillips also complained that a number of Indian soldiers were unmounted. They had their own horses originally, but by this time many of the horses had died and about one hundred of his men were on foot; he asked that necessary remounts be supplied by the Federal government by spring.¹⁸

In the first month of 1863, Phillips' Indian Brigade was detached from the First Division and stationed on the western border of Arkansas where it could be of service to Indian Territory. Its duties were to occupy, as extensively as possible, the line of the Arkansas River and Indian Territory northeast of it. It was also to provide all possible

¹⁷General Order, Department of Missouri, November 2, 1862, *ibid.*, 1, XIII, p. 777; Phillips to Curtis, January 19, 1863, *ibid.*, 1, XXII, Pt. 2, pp. 56-58.

¹⁸*Ibid.*

protection to loyal Indians and thus enable them to occupy their homes and plant crops for the spring; assist loyal families in furnishing substance to each other by transporting these items to desolated areas; remove to Kansas the families that could not be saved from starvation; and make peace with the Confederate Indians when this could be accomplished. As a precaution, the main force of the brigade was to be concentrated, and it was to hold itself ready to join the army in Arkansas or Missouri if necessary. Phillips' supplies were to be drawn from Fort Scott, Kansas, independently of the rest of the army, and he was to be supplied a wagon train to haul them. For reenforcements, Phillips was placed in command of the forces of the Eighth and Ninth districts, which included western Arkansas and Indian Territory.¹⁹

By the end of January, 1863, Phillips was carrying out these instructions by holding the line of the Arkansas River and providing assistance to destitute Indians. It was not an easy task, he reported, because there was "no forage and little food." The past summer had been one of drought and poor crops and the Confederate commander Cooper had destroyed the scanty food produced at that time. Phillips found the Cherokee Nation little short of a desert, with the food supply totally inadequate to feed the population. To relieve this desperate refugee situation, he provided flour, which he produced by operating Hilderband's Mill. In addition, he requested the government to supply seed so that the people could plant crops. He also sent scouting parties to maintain surveillance over General

¹⁹Schofield to Phillips, January 11, 1863, *ibid.*, p. 33. This letter confirms instructions Schofield personally gave Phillips on January 8, 1863.

great stuff

Marmaduke and to keep straggling bands of the enemy on the other side of the Arkansas River.²⁰

In an attempt to instill ambition and initiative in the Indian troops, Phillips provided that any Indian captain or other company senior officer could assume responsibility for his unit whenever he felt competent to the task. In training the Indians, Phillips issued a series of orders which indicate the strict discipline that he expected and maintained in his command. No man could leave the camp except under orders or with a pass that was signed by his company commander and approved at headquarters. A very strict record was kept of all forage, and all foraging parties were required to have a commissioned officer with them at all times. All companies had drill, parade, and leadership training: "Company drill, 10 o'clock; batallion drill, 11 o'clock; dress parade, 4 o'clock, regimental school of commissioned officers, 7 to 8 o'clock, Mondays, Wednesdays, and Fridays; company school of non-commissioned officers, 7 to 8 o'clock, Tuesdays, Thursdays, and Saturdays; Sundays, inspection and dress parade in the afternoon; no drill." Phillips specified that details of foot soldiers were to achieve formations in five minutes, with ten minutes allowed for mounted men. Any man absent from his detail was deprived of coffee and sugar for a specified length of time and could also be given extra duty. Phillips dealt with another perennial problem by issuing an order prohibiting any intoxicating liquor in the Third Brigade. If anyone was found with alcohol, the whole regiment would be held

²⁰Phillips to Curtis, January 19, 1863, *ibid.*, pp. 55-56; Phillips to Curtis, January 29, 1863, *ibid.*, p. 85.

responsible. Phillips explained that "the efficiency and existence of the Indian command depends on the enforcement of this order, and an especial appeal for it is made to all officers."²¹

A meeting of the Cherokee Council was scheduled for February. Phillips learned that the acting chief, Thomas Pegg, would be present and that the Cherokees proposed to rescind the ordinance of secession and that demonstrations of loyalty to the Federal government would very likely follow this meeting. In early February, Phillips moved his main command ten miles northeast to be near forage and to protect the gathering Indian council. The move was also dictated by the knowledge that Colonel Watie hoped to disrupt the meeting; Phillips hoped that the actions of the council would have a good effect on the other Indians. He emphasized that this was "precisely the same legislature that was compelled, under a despotic pressure, to pass an ordinance of secession and the voluntary rescinding of it is more significant." In fact, the meeting proved to be an important one. With Lewis Downing acting as president of the council and Pegg as acting chief, the council abrogated its treaty with the Confederacy, appointed a delegation to represent the nation before the United States government, deposed all officers of the nation disloyal to the government, and abolished slavery in the nation. Although Phillips himself was not present at the meeting, he detailed a command of one hundred men to protect it.²²

²¹General Order No. 6, January 14, 1863, *ibid.*, pp. 58-59; Special Order No. 12, January 15, 1863, *ibid.*, pp. 59-60; Special Order No. 19, January 18, 1863, *ibid.*, p. 60.

²²Phillips to Curtis, February 4, 1863, *ibid.*, pp. 96-97; Thoburn and Wright, Oklahoma: A History of the State and Its People, I, p. 343.

Despite this encouraging action, February was a difficult month and Phillips was increasingly concerned that "the extreme want of the people below here steadily assumes a more serious cast." He also had problems of poor transportation and inadequate supplies for his own forces. He complained that his movement was hampered "for want of transportation, as my brigade train has broken-down teams of the First Division." Since January 7, Phillips had received only about twelve days' rations for his brigade and this was an intolerable situation since the rest of his supplies had to be acquired from the country.²³

In spite of these difficulties, Phillips maintained his forces in functioning order. "My purpose," he explained, "has been to keep the enemy across the Arkansas River, to demoralize them there as much as possible by secret agents, and to feed the destitute and starving people of an overrun and war-ridden country." To carry out these goals, he had been very active in cleaning out bushwhackers who might attack his transportation. He assured his superiors that the only thing that prevented his movement to the Arkansas River was lack of supplies, but added that if he could have 200 wagons for supplies he could take and hold Fort Smith or go to Fort Gibson before the enemy could reenforce it. If he was to remain in the Indian country he hoped to secure two well-drilled regular infantry companies to serve as an example since, as he had previously pointed out, Indians had a tendency to imitate white soldiers.²⁴

²³Phillips to Curtis, February 4, 1863, Official Records, 1, XXII, Pt. 2, pp. 96-97.

²⁴Phillips to Curtis, February 6, 1863, *ibid.*, p. 101.

Throughout February Phillips cautiously watched the maneuvering Confederates and discovered that about 300 half-breeds and whites of the Cherokee Nation had forsaken Watie and were on the north side of the Arkansas River. He said they had refused to go south of the river and did not appear to want to fight. He was wary of General Cooper who had left Shelbyville and was above North Fork Town on the Canadian River, but his effective force was small and appeared to be only making time. He finally located Watie at Briartown and found that Lieutenant Colonel Robert C. Parks, at Webber's Falls, had the remnant of Colonel Watie's force.²⁵

By mid-February Confederate activity seemed to be on the increase, although Phillips was safe because of poor road conditions. He wanted to move within supporting distance of Fayetteville, Arkansas, since he feared that renewed Confederate activity might be an attempt to open the Arkansas River so that supplies could be sent to Fort Smith, where there was great suffering. Despite Confederate activity, Phillips was confident that most of their influence had been eliminated in the Cherokee Nation because he had been sending supplies to care for the civilians.²⁶

Phillips wanted to move his command southwest and complained about a lack of instructions from his superiors. Although he had received no orders from General Samuel R. Curtis, he had been informed by Colonel M. LaRue Harrison that General Schofield had removed the Tenth Illinois Battalion from Fayetteville. Phillips thought it

²⁵Ibid.

²⁶Phillips to Curtis, February 15, 1863, *ibid.*, pp. 111-112.

strange that orders to weaken his force were not sent to his headquarters; because the Arkansas force was inexperienced, this removal was particularly discomfoting. He also noted that he had not received the 200 wagons that he had requested.²⁷

The move southwest was not approved by General Curtis, who informed Phillips that "yours is my extreme command post and I regard it as very important. Great diligence and prudence are necessary to your security and success. I approve of your course so far, and hope you will continue to keep watch and ward against a wily and unscrupulous foe." Curtis concluded that the valley of the Arkansas River could not be occupied until the Federal forces had full possession of the navigation of the river and he expected to have that by the following winter.²⁸

In late February, Blunt told Phillips that he must keep his command in as good condition as possible and be prepared for active service as soon as there was sufficient grass to move a large body of troops. In the meantime, Blunt said Phillips should "endeavor to destroy all bands of guerrillas in western Arkansas and the Indian Territory. Send scouts to penetrate as far south as practicable, to ascertain the feeling and disposition of the people. Endeavor to open communication with the Indians of the different tribes who have been misled into the rebel service, and encourage them to abandon their hostility to the government, promising them pardon and protection when they do so." He concluded by stating that it was his desire to get the

²⁷Phillips to Curtis, February 17, 1863, *ibid.*, pp. 114-115.

²⁸*Ibid.*, p. 114.

unfortunate refugees back to their homes as soon as possible and did not see why that time could not be next spring. He said that Phillips could assure the Indians of seed for their crops, and added, "I shall leave all the details to be managed by you, knowing that they will be left in good hands."²⁹

Phillips continued to be hampered by a lack of supplies, and additional wagons for commissary transportation had not arrived. He also tried to impress on his superiors that it would be in the interests of the service and the government to clothe and feed the Choctaws and Creeks who might easily be won to Union allegiance. Had supplies been forthcoming, Phillips' task would still have been a complicated one, for the small size of his command was a serious restriction. In late February, 1863, Phillips had ninety officers and 2,480 enlisted men present for duty, with an aggregate present and absent of 4,949. These figures give a realistic indication of the difficulty which Phillips had in keeping his Indian soldiers present. His command at this time consisted of the First, Second, and Third Indian regiments, the First Arkansas Cavalry, four companies of the Sixth Kansas Cavalry and the Third Kansas Battery.³⁰

As March began, Phillips, following Curtis' instructions, remained at Camp Curtis, Arkansas. He hoped to move soon because the forage in the area was exhausted, and this was injurious to the livestock. He hoped to advance into the Arkansas River valley and asked permission

²⁹Blunt to Phillips, February 23, 1863, *ibid.*, pp. 121-122.

³⁰Phillips to Curtis, February 26, 1863, *ibid.*, p. 126; "Abstract," *ibid.*, p.127.

of Curtis to move his forces to Fort Gibson. Besides lack of forage, he pointed out that if Indian recruits south of the Arkansas River were not organized by the Union within the next few weeks they would be secured by the enemy. He felt sure that the Confederacy wanted possession of northwestern Arkansas in order to conscript. He believed that he could move safely, since his scouting activities had given him a good idea of Confederate force locations. Marmaduke's units were being recalled, Major W. H. Brook's brigade was in Van Buren, Arkansas, with about 1,200 men, and the force at Fort Smith was only the residue of five infantry regiments consisting of 600 to 900 men. The Confederates held Clarksville, Arkansas, but their communications with Fort Smith were hampered by Phillips' scouting activity in the area. The Confederates were able to keep the forces at Fort Smith informed of Phillips' movements through spies at the Federal hospital at Cane Hill. Therefore, on March 2, 1863, Phillips ordered that the hospital be moved north of the Arkansas River. Phillips also had knowledge of Confederate boat movements on the Arkansas River and desired permission to capture those that tried to move up the river.³¹

Colonel Phillips found an ally in General Blunt, who agreed with him that all the area north of the Arkansas River should be occupied as soon as possible to prevent the Confederates from reorganizing in that region. He concurred with Phillips that it would be better to live on half rations than delay the occupation of the area. This placed Phillips in a delicate situation, since General Curtis' order

³¹Phillips to Curtis, March 2, 1863, *ibid.*, pp. 137-138; Phillips to Blunt, March 3, 1863, *ibid.*, p. 140; Phillips to Curtis, March 3, 1863, *ibid.*, pp. 141-142.

ran counter to those of Blunt. In a quandry, he wrote to Curtis: "General Blunt's instructions, while they do not order, seem to indicate that I should prepare to go forward. Your dispatches forbid it."³²

Phillips hoped to persuade Curtis to agree to his plan, and his arguments were many. He was already in supporting distance of Fayetteville and Hildebrand's Mill; the refugees in Kansas were impatient to return home; clearly the interests of the government suffered by any delay in their return; finally, Phillips asserted, the Confederates were trying to furnish corn for the Indians south of the Arkansas River. He then insisted: "I can take Fort Smith and drive everything out of the Indian Nation."³³

Phillips keenly felt that the whole Indian Territory should be secured at an early date. He realized that the Indians in the Union force were impatient and irritated that the refugees still had not been sent back to their lands. He also knew that March was the planting season for the Indians and that it was, he emphasized, "not only as a question of justice to them, but as policy as to holding and occupying the country, makes the restoration and raising of a crop desirable. Absent refugees will not give us the Indian Territory, save as an army covers it. The gates of Texas may be opened through the Indian country, in a country of friends, if it is judiciously and actively done. I feel that I am but doing my duty as an officer of the government in urging instant action in such matters It would, indeed be a

³²Blunt to Phillips, March 9, 1863, *ibid.*, pp. 147-148; Phillips to Curtis, March 9, 1863, *ibid.*, p. 149.

³³Phillips to Blunt, March 19, 1863, *ibid.*, p. 162; Phillips to Curtis, March 19, 1863, *ibid.*, pp. 162-163.

great misfortune if any disaster should now happen to us in the Indian Nation."

Phillips had now moved from Bentonville to a little nearer Fayetteville and felt that he was capable of conducting the invasion since the discipline of the Indian forces had greatly improved. The First Indian Regiment, which Phillips said he had "almost dispaired of," was now "being drilled and taught everyday and is learning rapidly."³⁴

While Phillips was urging his superiors to action, Colonel Harrison concluded an agreement with Confederate commanders to enable Indian families to move out of the lines of either force with all their property. Phillips rejected these negotiations, for he concluded that if it had been proper to enter negotiations at all, it should have been through his headquarters. He informed Harrison that the proposals were dangerous to the interests and dignity of the government. In the first place, Phillips thought the Confederates were evidently preparing for a stampede to the Red River, the southern boundary of Indian Territory, and he did not want disloyal citizens to crowd into Texas to support this move. He also reminded Harrison that he had disobeyed orders by allowing Confederate officers, under a flag of truce, to come within his lines. For these reasons, Phillips put an end to the negotiations. "Harrison is a man I think well of," said Phillips, "but a little weak. I think he can be got to do good work."³⁵

By late March, 1863, Phillips had knowledge that the Confederates

³⁴Phillips to Curtis, March 20, 1863, *ibid.*, pp. 165-167.

³⁵Harrison to Crosby, March 21, 1863, *ibid.*, pp. 170-171; Phillips Harrison, March 21, 1863, *ibid.*, pp. 171-172; Phillips to Blunt [March 21, 1863], *ibid.*, p. 170.

still held Clarksville but they were not in any point on the Arkansas River above this. In early April, the first of the Union Indian refugees arrived from Kansas and Phillips, now at Park Hill, appointed a committee to allot land districts, which greatly pleased the Cherokees. By this time a considerable portion of his command was at Fort Gibson and these troops had driven with them a large amount of livestock from the Arkansas River valley to keep the Confederates from getting it.³⁶

Phillips' troubles with Harrison continued, so he instructed him to recall his command to Fayetteville and keep them at this location constructing defensive earthworks to secure his position. He ordered Harrison to see that his men be put in effective fighting shape as quickly as possible, and added: "I urge that the most active exertions on the part of your whole command be made, so that you do not embarrass me." He caustically told Harrison that active service was near and he regretted that he found his command in such poor condition. Harrison felt these instructions unwarranted and informed General Curtis that he lacked supplies of all kinds and that there was much sickness among his men. He further explained that he had never received guns for the artillery and that his ammunition was inadequate. Although he needed no new troops for a successful movement on Van Buren or Fort Smith, supplies of all kinds, especially horses, were required and he asked permission to go to Springfield, Missouri, in person to secure them. Despite these complaints, he expressed the desire to participate in the coming campaign.³⁷

³⁶ Phillips to Blunt, April 2, 1863, *ibid.*, pp. 190-191.

³⁷ Phillips to Harrison, April 2, 1863, *ibid.*, p. 191; Harrison to Curtis, April 1, 1863, *ibid.*, pp. 192-193; Phillips to Harrison, April 2, 1863, *ibid.*, pp. 193-194.

Preparations were not increasing in Indian Territory on both sides. Phillips observed that the Confederates were concentrating their forces across the Arkansas River from his command at Fort Gibson. This suited his purposes since it would save his force the trouble of hunting for them. As soon as he attacked the Confederates on the south bank of the Arkansas River, he planned to recruit two more regiments. By April 8, 1863, he was thirty miles from Van Buren. The enemy had been crossing the river to run off stock, so he sent a large scouting party to drive the stock north. The refugees at Park Hill also needed his attention, and he intended to go there immediately and put matters into shape. He estimated the enemy at about 6,000 and assumed that they would contest Fort Smith. Even though he had been ordered not to cross the river, he felt this would be necessary in order to raise the two regiments and bring an end to Confederate raids north of the river. This plan was vetoed by General Blunt, who then ordered Phillips to hold his position until instructed otherwise. Blunt did give Phillips permission to make dashes at the enemy on the north side of the river when this could be done with advantage and safety. In accordance with these orders, Phillips swept the north side of the Arkansas River clean, and his forces engaged in two successful encounters, one at Lindsay's Prairie, Arkansas, and the other at the mouth of the Illinois River. At Lindsay's Prairie a detachment of Phillips' command met a full company of guerrillas, killing the captain and seven of his men with the remainder being wounded or captured. The other skirmish resulted in the complete rout of the Confederate band. The Confederates had attempted to surprise Phillips and his

force, but were badly defeated. The commanding officer and several men were killed while others drowned attempting to swim the Illinois River.³⁸

On April 18, 1863, the Indian Brigade finally reoccupied Fort Gibson, although Phillips himself was not present at the precise moment. He had sent a battalion of the Second Indian Regiment and one company of the Sixth Kansas Cavalry to explore the area and to determine the strength of the enemy. The commander of this small detachment easily took the fort upon finding it secured only by a small enemy force of about 200. Phillips arrived later with a force of 2,000 men.³⁹

Fort Gibson was considered a necessity for all military operations in the area. A ceremony upon its capture by the Federal forces of Phillips consisted of the flag raising and several speeches. Phillips himself gave one of the speeches in which he told of the humane policy of the government towards the Indians, and its determination to fulfill its covenants with them in a liberal spirit. He also spoke of enemy activities south of the Arkansas River and added that it would be necessary for every person to do his part.⁴⁰

Phillips prepared the fort for permanent occupation by ordering the construction of elaborate fortifications enclosing about fifteen acres. This area was large enough to contain all his troops in case of an attack. The area also included the Grand River, thus preventing

³⁸Phillips to Blunt, April 8, 1863, *ibid.*, p. 205; Blunt to Phillips, April 11, 1863, *ibid.*, p. 210; Phillips to Blunt, April 12, 1863, *ibid.*, pp. 211-212.

³⁹Britton, The Union Indian Brigade in the Civil War, p. 209.

⁴⁰*Ibid.*

his troops from ever being cut off from a water supply. Phillips worked out a system of pickets which prevented the enemy from approaching within three or four miles of the camp without its knowledge.⁴¹

These had been difficult months for Phillips. At times it seemed as if he were alone in his efforts to win Indian Territory from the Confederacy; yet, with little encouragement or assistance, he had welded his difficult Indian charges into effective fighting units and had prosecuted the war in the Indian country as vigorously as possible. In addition, he had given significant aid to his superiors in operations outside of Indian Territory.

The capture of Fort Gibson was Phillips' most outstanding victory. He had marched his forces into enemy-occupied Indian Territory and had taken possession of its most important fort. He had penetrated further west than any other Federal commander and had held two of the enemy's generals and their forces at bay. Despite lack of supplies, absence of adequate instructions from his superiors, and difficulties that attended any commander of Indian forces, he had conducted himself with efficiency and had shown considerable initiative in seeking to protect the unfortunate inhabitants of Indian Territory and reclaim the area for the United States.

⁴¹Phillips to Blunt, April 27, 1863, Official Records, 1, XXII, Pt. 2, p. 256; Thoburn and Wright, Oklahoma: A History of the State and Its People, I, p. 344, n. 13.

CHAPTER III

OVERCOMING THE CONFEDERATES IN INDIAN TERRITORY

Phillips' occupation of Fort Gibson was a source of great concern to the Confederate command since it was an ominous indication of the Federal build-up in Indian Territory. In an urgent call for reinforcements, Confederate General Steele reported that "Phillips . . . is moving about the country north of the river, with about 2,000 troops of all kinds, doing us much damage in unsettling the faith of the Indians in our ability to protect them." Besides the loss of territory, Phillips' presence actually endangered Confederate control of the Indians who were losing faith in the power of Confederate arms. Indeed, a few days after Phillips' arrival at Fort Gibson a flag of truce came in from a group of Creek Indians who had been identified with the Confederates. They wished to know on what terms they would be received. They wanted to renew their allegiance to the Federal government and some of their able-bodied men wished to enlist in the Union Army. Phillips replied that the government did not wish to exercise vengeance and that those Indians who wished to renew friendly relations with any of their friends in his command could do so without any fear of punishment or ill treatment so long as they observed in good faith the changed relations. In less than a week, more than one hundred Creeks and Seminoles came to Fort Gibson and many of these enlisted immediately in the First and Second Indian Regiments. This

was the kind of success the Confederates feared most.¹

In a calculated attempt to counteract Phillips' achievements and to prevent his reenforcement, the Confederate forces planned an attack on Fayetteville, Arkansas. Harrison, the Federal commander at Fayetteville, heard of the impending attack and appealed to Phillips for aid. Phillips replied that he was carrying on operations in the Creek Nation north of the Arkansas River and could not send troops to support him, adding "if you are threatened, move westward and join me." The Confederate forces, numbering approximately 2,000 under General Cabell, did attack Harrison's position, but were repulsed after four hours of heavy fighting. The aftermath of this affair indicated one of Phillips' most troublesome problems, a confused chain of command that provided him with no single superior officer. General Curtis, commander of the Department of Missouri, censured Phillips' failure to go to the aid of Harrison. Phillips, somewhat chagrined, complained to General Blunt about the whole situation. In the first place, he said, his orders conflicted. Blunt's orders indicated that he was to move to Fort Gibson, while Curtis ordered him back to Arkansas or ordered Harrison to him. In accordance with this, Phillips said that he had ordered Harrison to proceed to the prairie near Hilderbrand's Mill where he could support him. Phillips emphasized that the situation was very embarrassing because of the conflicting orders and that if he were to be responsible for Harrison's supplies and position, he had to have control of his movements. With Steele at Fort Smith

¹Steele to Lane, April 18, 1863, Official Records, 1, XXII, Pt. 2, p. 827; Britton, The Union Indian Brigade in the Civil War, pp. 215-216.

and Cooper at Scullyville, Phillips pointed out that only his presence at Fort Gibson prevented the whole country from being overrun, and this would still result if he left. If he could get Harrison to join him, Phillips assured Blunt they could hold and incapacitate these Confederate forces. In conclusion, Phillips reiterated his often stated opposition to the plan to move his unit back to Arkansas.²

Phillips learned of a meeting called for the Confederate faction of the Cherokee legislature; these Cherokees were to gather at Webber's Falls on April 25, 1863. The Confederates considered this meeting important enough to detail Colonel Watie's regiment for its protection, and Phillips was determined to prevent the assembly. On the evening of April 24 he took 600 men from the three Indian regiments and the Sixth Kansas Cavalry and crossed the Arkansas River, marching thirty miles down the south side. This swift movement caught the Confederates unaware at dawn, and they fled with only the slightest defense. The casualties were light on both sides, and Phillips pursued the enemy for a short distance before turning back and totally destroying their camp. Recrossing the Arkansas River and marching towards Evansville, Arkansas Phillips received information that there was a Confederate force of nearly 1,000 men under Cabell. But Phillips was denied another victory, for this force, hearing of the result of the action at Webber's Falls, hastily retreated to Fort Smith.³

²Phillips to Harrison, April 18, 1863, Official Records, 1, XXII, Pt. 2, pp. 224-225; Britton, The Union Indian Brigade in the Civil War, p. 218; Curtis to Phillips, April 20, 1863, Official Records, 1, XXII, Pt. 2, p. 230; Phillips to Blunt, April 24, 1863, *ibid.*, pp. 247-248.

³Britton, The Union Indian Brigade in the Civil War, pp. 221-222; Phillips to Curtis, April 26, 1863, Official Records, 1, XXII, Pt. 1, pp. 314-315.

Regardless of Phillips' successes, General Curtis still considered Arkansas more important than Indian Territory and pressed Phillips to move his forces there. Phillips thoroughly opposed this plan and reasoned with Curtis: "I desire to appraise you of the embarrassment of the Indian Command, and the bad effect on the whole Indian Command and the country a movement into Arkansas would cause, leaving the families just brought in here to the mercy of Cooper, Steele, and Stand Watie." Again, he asked Blunt, who generally agreed with Phillips' estimate of the importance of Indian Territory, to intercede with Curtis and explain the ruin that would befall the Indians if he were not there to protect them. Blunt complied with the request and advised Curtis: "if the management of affairs in Western Arkansas and Indian Territory is to be left to my judgment and discretion, not one foot of ground shall be given up that we now occupy until driven from it by superior force." He emphasized that the Confederates had been defeated and a large area had been taken. Pointedly, he reminded Curtis that if the country was abandoned the Indians would become demoralized and many would join the Confederate forces. Curtis was evidently unimpressed by this unsolicited advice and Blunt subsequently advised Phillips that it was Curtis' policy for him to fall back, although "he [Curtis] must take the responsibility of ordering it." He told Phillips that he had ordered the First Kansas Colored Regiment, numbering 1,000 men, to Baxter Springs to support him. Blunt advised Phillips not to "give up the country until forced to do so by superior force, or ordered to do so by General Curtis."⁴

⁴Phillips to Curtis, April 27, 1863, *ibid.*, Pt. 2, p. 258; Blunt to Curtis, April 29, 1863, *ibid.*, pp. 260-261.

While he remained in Indian Territory, Phillips encountered many difficulties, such as the problems that arose from the exchange of prisoners. Phillips complained that in the last exchange only two Union prisoners had reached Federal lines, and these had to swim the Arkansas River. These prisoners, he emphasized, should have been released within Union lines. This situation was somewhat complicated by the government's policy toward the Confederates. Under the law of nations, the war was a rebellion and all those taking part in it were subject to execution as insurgents; thus far the Union had treated them only as belligerents. Phillips said that he wanted to maintain humane treatment of prisoners, but that if the enemy did not reciprocate he was prepared to change his course of action.⁵

Another problem that constantly troubled Phillips was obtaining supplies. By late April, 1863, his forces were suffering from lack of bread. His command was on very short rations, and it was essential that a supply train be prepared immediately. He even felt that a possible conspiracy might exist to keep him from receiving his supplies. In the first week of May Phillips explained to General Blunt that conditions were very distressing among those who depended on the United States government for support. The country was too exhausted to furnish anything and Phillips found that recruiting was hampered by the lack of supplies. In near despair, he pleaded: "in fact, my command, instead of being better off, is worse off than the rebels. Some officers at Fort Scott must be worse than careless. I appeal to you and to the Government through you, against a system which seems bent on

⁵Phillips to Cooper, April 28, 1863, *ibid.*, ii, V, pp. 530-531.

crippling and injuring the Indian command." Although he was prepared to suffer privation, he reasoned that "a command that has behaved so well deserves better than to be half starved." Perhaps to sweeten these complaints, Phillips informed General Blunt that the Indians had so fortified Fort Gibson as to make it impregnable, and that he proposed to change the name of the post to Fort Blunt, and added: "if it is a compliment worthy of the hero of the Southwest, I feel sure that the Army and the people will unite with me in paying it."⁶

In May, 1863, Confederate activity increased in Indian Territory, due largely to a gradual build-up of their forces across the Arkansas River from Fort Blunt. Phillips could expect no support from General Blunt, who had all he could do to control the Confederates that were concentrating in the area between Kansas City and Fort Scott. Blunt admitted at this time that after he had sent a military escort to accompany a paymaster to Phillips, there was not a mounted Federal soldier within twenty miles of Fort Scott. In order to protect property, Blunt had been forced to the expedient of authorizing settlers to form posses.⁷

Soon Phillips was complaining to Blunt that his supply wagon train, which he had directed to return immediately, had been sent to Missouri after corn. "I learned positively," Phillips reported, "that it had not started some time after its arrival at Fort Scott, and that language in the last degree disrespectful to me was freely uttered

⁶Phillips to Blunt, May 1, 1863, *ibid.*, i, XXII, Pt. 2, p. 266; Phillips to Blunt, May 9, 1863, *ibid.*, pp. 276-277.

⁷Blunt to Phillips, May 30, 1863, *ibid.*, pp. 297-298.

in Fort Scott, and a determination expressed by certain officials to starve me out." Phillips reminded Blunt that when he took over the Indian Brigade he was also placed in control of the supply train by a formal order from General Schofield. Phillips pointed out that his directions for the return of the wagon train had been in every instance trampled upon and disobeyed, and that he had not been supplied one-third of what he required. In ultimatum terms he declared that he had suffered as long as he could and that any more interference would ruin his command.⁸

For the previous ten days, Phillips declared, his soldiers had had very little bread, and this had visibly weakened their effectiveness in the field and on the Fort Blunt fortifications, besides producing an actual increase of sickness caused by partial starvation. Phillips refuted complaints that he interfered with the supply trains and in poor temper he added that if he had interfered, censure should not come from a captain, major or a quartermaster. In a burst of oratory, he told Blunt: "I believe you know that it is true when I say that perhaps no commander was ever more beloved by his men than I am by my Indian Command. Acting under the inspiration I gave them, they had attempted and accomplished almost impossibilities. They are suffering now, but they bear with a heroism I admire, while it grieves me. That they should do so is no reason why I should continue to see them suffer. I would be utterly unworthy of the command I hold unless I uttered my most earnest protest and made every possible effort against the action of those men at Fort Scott, so damaging, impolitic and

⁸Phillips to Blunt, May 15, 1863, *ibid.*, pp. 283-284.

wicked; deliberately to starve a heroic command to death is surely the most culpable of crimes."⁹

Phillips strongly hinted that the trouble with the supply train might be deliberately brought about by those who had cause to hate him. He had often found it necessary to follow the trains and strip from them horses and stock stolen from the Indian Nation. He had also prevented gamblers and loafers from coming into his command and he had punished petty liquor venders who had tried to bring liquor to the Indians in his area. He told General Blunt that "with the deepest regard for the government interests, I have done all this, and have done it with a hand of iron. If I have offended any parties by doing so, I think I can assure you that I have no desire to serve the government a moment longer than I can do so honestly and with honor."¹⁰

On May 20, 1863, a Confederate force consisting of five regiments under Colonel J. T. Coffee crossed the Arkansas River five miles southeast of Fort Blunt and proceeded to the hills undetected. When the stock from the fort was taken out to graze, the enemy attacked the guard, consisting of a unit of Phillips' Creek soldiers, capturing almost 300 horses and mules belonging to the Sixth Kansas Cavalry, and an undetermined number of cattle. Phillips sent Major J. A. Foreman with all available forces to move everything back within the fortifications of Fort Gibson. Foreman was driven back by the Confederates. Phillips then moved against the enemy with two battalions of Indian infantry and, supported by the forces already in the field, slowly

⁹Ibid.

¹⁰Ibid., p. 284.

pushed the enemy back. Contesting every inch of the ground, the Confederates were finally driven back to Webber's Falls where they crossed the Arkansas River. Phillips recorded this action as a victory; this is a doubtful conclusion since the lost stock was not recovered. In this engagement Phillips found that it was still difficult to make the Indians obey and accept responsibilities; three of his Indian pickets had deserted their posts without notice, thus enabling the Confederates to move in on his flanks.¹¹

By the end of May, Phillips' position at Fort Blunt had become critical. Fayetteville and Fort Blunt were becoming increasingly difficult to supply so long as the Confederates controlled much of the Arkansas River area. The only hope for improvement lay in General Schofield's plan to move troops into the western counties of Missouri and to transfer these counties to Phillips' command. Blunt congratulated Phillips on routing the enemy in his last engagement and expressed his regret about not having sufficient troops. Blunt also said he would do all in his power to help maintain his present position because he realized fully the disastrous consequences that would follow the abandonment of Indian Territory. His only immediate aid was the newly organized First Kansas Colored Regiment and the promise that six companies from the Second Colorado Infantry Regiment on their way to Fort Scott would be sent on to Fort Blunt with two pieces of artillery.¹²

¹¹Phillips to Blunt, May 22, 1863, *ibid.*, Pt. i, pp. 337-338; Britton, The Union Indian Brigade in the Civil War, pp. 230-232; Britton, Memoirs of the Rebellion on the Border, 1863 (Chicago: Cushing, Thomas, and Co., 1882), pp. 256-259.

¹²Schofield to Blunt, May 30, 1863, Official Records, i, XXII, Pt. 2, p. 296; Blunt to Phillips, May 30, 1863, *ibid.*, pp. 297-298.

On May 31 Phillips was aided by the arrival of his supply train which had come through enemy attack. The evening before the train arrived, Phillips set out to meet it with about 1,000 soldiers, all the men he had available. On the march to meet the train, Phillips had seen fresh enemy trails where the prairie grass had been tramped down by horses' feet; convinced that there was a Confederate force on each side of the road, he directed that his troops be distributed to march on each side of the train with strong advance and rear guards. The Confederates attacked from higher ground, thus making good targets for the Federal soldiers who were on lower ground enveloped in darkness. Phillips' men defeated every effort of the enemy to break any part of his line and took the offensive, vigorously charging and routing the Confederates without the loss of a single wagon or team from the train. Although there was not a Confederate report of this engagement, it appears that "there were from twelve to fifteen hundred Texan and Indian mounted troops" under the command of Watie. The Confederates left twenty-six men dead, while the Federal loss was seven killed and twenty-five wounded. The Union Indians were highly pleased with their success.¹³

The arrival of the supply train only temporarily relieved Phillips' isolated position, and he began to express doubts as to the concern or ability of his commanders to properly supply and support him. Harrison's sudden evacuation of Fayetteville at this time placed Phillips

¹³Phillips to Blunt, May 31, 1863, *ibid.*, p. 298; Britton, The Union Indian Brigade in the Civil War, pp. 238-240; Blunt to Schofield, June 8, 1863, Official Records, i, XXII, Pt. i, pp. 341-342; Britton, Memoirs of the Rebellion on the Border, 1863, pp. 267-269.

in an even more precarious position, since the enemy could then occupy western Arkansas, thus constituting a much greater threat to future supply trains. It was evident that the Confederates were beginning to sense Phillips' position. They were becoming fully aware that he could not maintain his force at Fort Blunt unless he received supplies. Consequently, forces were assembled by Steele whose primary object was to prevent supplies from being delivered, thus forcing Federal withdrawal from the area.¹⁴

In mid-June this plan to sap the strength of Phillips' force by depriving it of supplies was placed in operation. Phillips was aware of the assembling of Confederate forces in the hills around the Illinois River. He mistakenly thought their object was to strike the First Kansas Colored Regiment at Baxter Springs, and he sent Major Foreman with a strong detachment from the Third Federal Indian Regiment to follow the Confederates. Phillips instructed Foreman to attack if his force was equal or superior in number; if he was greatly outnumbered, he was to follow until the enemy force attacked the unit at Baxter Springs and then engage them from the rear. Both Federal and Confederate forces were seriously hampered in their movements by land conditions and their weakened horses. There had been heavy rains in the area and flooding rivers had rendered most of the fords impassable. This particularly hindered the Confederate plans since their force had separated after crossing the Illinois River, planning to rejoin for the attack on the Federal supply train. The high waters prevented

¹⁴Britton, The Union Indian Brigade in the Civil War, p. 240; Steele to Cabell, June 16, 1863, Official Records, 1, XXII, Pt. 2, p. 874.

their planned concentration. The unit under Colonel D. N. McIntosh, which was being followed by Foreman, had again been divided in an attempt to disguise the size of the force. This endangered McIntosh's position, since it left either of the smaller units vulnerable to an attack by Foreman. Foreman finally engaged one of the divisions as it attempted to cross the Arkansas River at Grand Saline. Upon receiving information that McIntosh had split his force into two units, Phillips sent part of the Second Indian Regiment, under Colonel Stephen Wattles, to trap the withdrawing enemy troops. General Cooper, camped five miles from Phillips, perceived his intention and sent a group of Texas and Choctaw soldiers to make a demonstration in front of Fort Blunt to hold this unit back, but Cooper's attempt was unsuccessful.¹⁵

Wattles did not make contact with the enemy until June 16 at Greenleaf Prairie, approximately eighteen miles north of Fort Blunt. At first Wattles succeeded in forcing the enemy from their position, but the retreating Confederates suddenly turned on their pursuers and the Federal units fled to the protection of their artillery near the Arkansas River, six miles to the rear. With Foreman still behind the Confederate force, the Federal units were in a position to trap them, but Foreman was unaware of Wattles' position and returned to Fort Blunt. Phillips was distressed with Foreman's lost opportunity, but felt that he was still in a position to destroy the Confederate force. He then sent out an additional 500 mounted men to reenforce Wattles.

¹⁵Phillips to Blunt, June 20, 1863, *ibid.*, Pt. 1, pp. 348-350; Wiley Britton, The Civil War on the Border, (2 vols., New York: G. P. Putnam's Sons, 1890-1904), II, p. 89.

This was a workable plan, but it failed when Wattles, hearing of Foreman's return, lost his courage and returned to Fort Blunt, distinctly disobeying Phillips' orders to maintain his position. This disobedience infuriated Phillips, who relieved Wattles of his position on the spot. The Confederates had escaped, and Phillips could not claim a victory, but his troops had prevented the planned Confederate attack on his supply line. During the course of these operations, General Blunt came to Fort Blunt and assumed command on June 11, 1863.¹⁶

Two weeks later the Confederates made a second attempt at Cabin Creek to halt the supply train and reinforcements coming to Fort Blunt. General Steele now decided upon a coordinated operation consisting of the forces from the Elk Creek camp under Colonel Watie and a brigade of mounted troops from Texas and Arkansas under Brigadier General William L. Cabell. Upon receiving notice that his desperately needed supply train had departed from Fort Scott, Phillips sent Foreman with 600 men to Baxter Springs to reinforce the train's escort. The train was then being escorted by the First Kansas Colored Infantry Regiment under Colonel James M. Williams and was to remain permanently at Fort Blunt.

The Confederate plan called for the Cherokee unit under Colonel Watie, which had taken its position on the main road on the south side of Cabin Creek, to ambush the supply train and hold it in place while Cabell's force destroyed the escort and captured the 200 wagons of

¹⁶Wattles to Phillips, June 20, 1863, Official Records, 1, XXII, Pt. 1, pp. 349-350; Britton, The Civil War on the Border, II, pp. 89-90. Steele had changed commanders of the force at Elk Creek to Watie, who had a reputation for being a skillful tactician. By July the Fort had been turned back to Phillips and Blunt had returned to Fort Scott.

food and ammunition. The success of the maneuver depended on Cabell's force being able to ford Grand River. Here the plan faltered, for high waters prevented this move. Watie realized that Cabell had not been able to cross Grand River, but he decided to attack the supply train alone, hoping at least to prevent its arrival at Fort Blunt. His unit, numbering 1600 men, dug entrenchments on the south bank of the river and awaited the arrival of the Federal force. The supply train arrived on July 1, but was only partially surprised by the Confederate attack. When Federal troops attempted to cross the creek, they were pushed back by Confederate fire; Foreman was severely wounded and this frightened the Indians who retreated. In a second attempt a crossing was effected and the Confederate soldiers were pushed back from their concealed position. Pursuit of the enemy was abandoned since the Federals regarded getting the supply train to Fort Blunt as their initial function. The Confederate force retreated in haste to their camp on Elk Creek, and in this procedure many of the frightened Indians were drowned as they attempted to cross Grand River; Phillips pointed out that the bodies of these men and their horses had floated down stream past Fort Blunt. The engagement at Cabin Creek was a Federal victory, for the supply train arrived at Fort Blunt unharmed. Federal losses were light, with approximately twenty killed, as compared to more than 100 Confederates killed and wounded in addition to those drowned.¹⁷

¹⁷Phillips to Blunt, July 7, 1863, Official Records, I, XXII, Pt. 1, pp. 378-379; Britton, The Civil War on the Border, II, pp. 92, 95, 97; Steele's General Report, February 15, 1864, Official Records, I, XXII, Pt. 1, p. 32; Williams to Phillips, July 7, 1863, ibid., pp. 379-381; Foreman to Phillips, July 5, 1863, ibid., p. 382.

Phillips had now developed an excellent intelligence system through which he could keep informed as to the condition and location of the enemy forces. His chief lead was a man he had sent to join the Confederate forces in Indian Territory. In addition, Phillips also rewarded civilians for information, one of whom was a woman he bribed with whiskey. He commented that he believed her "thirst . . . would serve as an incentive to keep up the channel of communication."¹⁸

Since additional supplies and reinforcements had arrived safely at Fort Blunt, the strength of the Federal forces now passed from defensive to offensive. On July 11 Blunt reached Fort Blunt from Fort Scott with the announcement that he would lead a major offensive against Confederate forces concentrated on the south side of the Arkansas River at Elk Creek, twenty-five miles south of the post. Upon arrival, Blunt was tendered an elaborate reception at which Phillips presided and gave a highly complimentary account of the achievements of the general. In response, Blunt thanked the soldiers and complimented Phillips and his troops for their perseverance in holding Fort Blunt under adverse conditions.¹⁹

Blunt learned through intelligence reports that the Confederates planned an attack on Fort Blunt on July 17 with the combined forces of Cooper and Cabell. Blunt decided to forestall this by attacking Cooper's command of about 6,000 troops before it could be reinforced by Cabell's units of approximately 3,000 men. Blunt separated his available forces into two brigades. The First Brigade was to be commanded

¹⁸Phillips to Blunt, July 7, 1863, *ibid.*, Pt. 2, pp. 356-357.

¹⁹Britton, The Union Indian Brigade in the Civil War, pp. 267-269.

by Colonel William R. Judson and consisted of the First Kansas Colored Infantry, the Second Indian Regiment, the Sixth Kansas Cavalry and two howitzers, the Third Wisconsin Cavalry and two howitzers, and four guns of the Second Kansas Battery. The Second Brigade was commanded by Phillips and was composed of six companies of the Second Colorado Infantry, the First Indian Regiment, and Hopkins Kansas Battery.²⁰

In two columns the Federal troops crossed the swollen Arkansas River and moved toward the enemy. Blunt ordered the Federal forces to attack at 10:00 a.m. on July 17. The First Brigade under Phillips formed the right column of this attack. With the left column cooperating, he covered the Confederate's entire front. Without halting, the Federal troops moved forward in line of battle to the edge of the timber, near Elk Creek, where there was heavy fighting for two hours. At this time the center of the enemy line, which constituted their heaviest force, broke and began to retreat; the Union soldiers pushed them back each time they attempted to make a stand. The victorious Federal forces pursued the enemy past the main Confederate camp and into the supply depot at Honey Springs, where the Federal troops were halted and reorganized. That evening Cabell arrived in the vicinity, but when he discovered the disorganized condition of Cooper's command, no counterattack was planned. During the night the Confederate forces withdrew towards the Red River. Of the 9,000 troops involved the Federal dead numbered about twenty, while the Confederates had

²⁰Britton, The Civil War on the Border, II, pp. 115-116; Cabell to Duvall, December 7, 1863, Official Records, i, XXII, Pt. 1, p. 604; Blunt to Schofield, July 26, 1863, ibid., p. 447; Britton, The Union Indian Brigade in the Civil War, p. 273.

approximately 130 killed. This Federal victory proved to be the largest single engagement fought in Indian Territory during the Civil War.²¹

Following this battle there was little activity in Phillips' area throughout the remaining months of 1863. By the end of November, most of the Federal troops were withdrawn from Indian Territory. Fort Smith, Arkansas had been occupied in September by Blunt, and Phillips and the Third Indian Brigade remained at Fort Blunt as occupation troops. Phillips was not left without problems. This period of inactivity seemed to have an adverse effect on the discipline of the Indian troops. To correct this, Phillips issued a circular. Roll call was to be taken every day, at which time general orders would be read and explained, and inspections were to be made regularly. Commanders failing to make their official reports would be arrested and their companies turned over to other officers. There were to be no stragglers whenever a company was out scouting, and all contraband taken was to be turned over to the commander of the expedition. If rules were violated or duties neglected, the offender was to receive double the amount of hard duty.²²

During December there was still only limited action. Phillips sent Foreman and a battalion of the Third Indian Regiment to Rhea's

²¹Britton, The Civil War on the Border, II, pp. 121-122; Britton, The Union Indian Brigade in the Civil War, p. 282; Blunt to Schofield, July 26, 1863, Official Records, I, XXII, Pt. 1, pp. 447-448; Abel, The American Indian as Participant in the Civil War, p. 312.

²²William A. Phillips, "Circular to Troops at Fort Gibson," December 1, 1863, William A. Phillips File, Kansas Historical Society, Topeka, Kansas.

Mill in Arkansas, approximately sixty miles northeast of Fort Blunt, to operate the mill and produce meal and flour for the soldiers. Upon receiving information that Watie was preparing to attack Foreman, Phillips dispatched Captain A. C. Spilman with 300 reinforcements for Foreman. Spilman's force encountered and routed Watie's units, all on horses, on the way to Rhea's Mill; Spilman did not pursue, since most of his men were not mounted.²³

On January 1, 1864, the Indian Brigade was transferred to the Department of Kansas, which included Kansas, Colorado, Nebraska, Indian Territory and Fort Smith, Arkansas. General Curtis was placed in command with headquarters at Leavenworth, Kansas.²⁴

Even after Fort Smith was occupied by Federal forces and Phillips controlled the area around Fort Blunt, Confederate resistance was still frequent in Indian Territory. This led Phillips to plan an expedition to drive out and destroy the enemy south of the Canadian River. The expedition was to be made up of the First Indian Regiment and the Fourteenth Kansas Regiment, amounting to approximately 1500 Union soldiers plus some artillery. Not unlike General William T. Sherman, Phillips instructed his soldiers to "make . . . footsteps severe and terrible." He told his men: "Do not begin firing in battle until you are ordered. When you aim, aim low about the knee or at the lower part of a man's body on horseback. Never fire in the air. Fire slowly and never until you see something to shoot at that you may hit. Do not waste your

²³Britton, The Union Indian Brigade in the Civil War, p. 332; Spilman to Phillips, December 18, 1863, i, XXII, Pt. 1, pp. 781-783.

²⁴Britton, The Union Indian Brigade in the Civil War; General Orders No. 1, January 1, 1864, Official Records, i, XXXIV, Pt. 2, p. 7.

ammunition. Do not straggle or go away from the command. It is cowards only that leave their comrades in the face of the enemy. Nearly all the men who get killed are stragglers. Do not be afraid. We have always beaten them, We will surely win. May God go with us." In this manner Phillips prepared his men for his best known and most controversial campaign, his march through Indian Territory south and west of the Arkansas River. From the military standpoint, he was to clear the area of the enemy and bring it under Federal control. A significant secondary consideration was to offer the amnesty terms of President Lincoln's proclamation of December, 1863, to the Confederate Indians, obtain a repudiation of the Confederate treaties with the tribes, and gain active Federal support among these Indians.²⁵

Phillips' strategy was to send side parties from his main column to clear Confederate camps and to strike the enemy before he could concentrate. By February 8 Phillips had swept the whole upper Canadian River valley of Confederates. Disappointingly to this point, the disloyal Indians had only flirted with his proposals of peace. Thus he planned to adopt sterner measures so that the next time they were offered they would be accepted. By this time the Federal forces had in various skirmishes killed nearly 100 of the enemy and had taken twenty-five prisoners. Phillips moved with 450 troops to meet the Confederate force assembled at their Middle Boggy camp, near present-day Atoka. A sharp engagement resulted in which Phillips was completely

²⁵Phillips to Curtis, February 16, 1864, 1, XXXIV, Pt. 1, p. 106-108; William A. Phillips, "Circular to Troops at Fort Gibson," December 1, 1863, William A. Phillips File, Kansas State Historical Society.

victorious, killing forty-seven of the enemy and capturing an ox train of confiscated wagons, equipment, and horses. From Middle Boggy, Phillips marched twenty-one miles south to Camp Kahi on the South Boggy Creek, totally laying waste to anything the enemy could use. He had hoped to strike the Confederates at Camp Kahi, but upon his arrival he found that they had fallen back in terror to the Red River.²⁶

By the end of February Phillips had cleared all the Canadian River valley and its tributaries, plus the upper Seminole country, of enemy resistance. He left no supplies or forage in the area he covered that would help the enemy in a movement to Arkansas. The result was that the Confederate Indians were disheartened and discouraged, and the only opposition remaining concentrated on the Red River further south than Phillips marched.²⁷

In addition to the military activity on his February, 1864, march through Indian Territory, Phillips played a vital diplomatic role. He carried with him many copies of Lincoln's Amnesty Proclamation, printed in the native languages of the Five Civilized Tribes, which he distributed among the people. He did this even though he personally doubted the application of Lincoln's proclamation to Indian Territory. As further encouragement, he wrote many letters to the leaders of the Confederate Chickasaw, Choctaw, and Seminole tribes. To each he wrote: "I do not think you desire to see your people utterly ruined.

²⁶Phillips to Curtis, February 24, 1864, Official Records, 1, XXXIV, Pt. 1, p. 108; Phillips to Curtis, February 14, 1864, *ibid.*, Pt. 2, pp. 329-330; Phillips to Curtis, February 29, 1864, *ibid.*, Pt. 2, pp. 467-468.

²⁷Phillips to Curtis, February 24, 1864, *ibid.*, Pt. 1, pp. 108-109.

I believe that you do not wish the little remnant of their children to curse the day when you were their head. I think you know that neither you nor the rebels can overthrow the government of the United States. The President of the United States has once more offered mercy, pardon and peace. I strike hard, but not because the government is cruel, but because everything must be destroyed that stands in the way of the glorious American republic. If you accept soon, you may be preserved, if you do not, you and your people will be blotted out in blood. If you want peace let me know."²⁸

After Phillips' command reached a point near the Red River, approximately 165 miles southwest of Fort Blunt, he reorganized and collected his troops and marched back to Fort Blunt. He had covered 400 miles, killed 250 enemy men, while only four of his soldiers were wounded. He had lived off the land and left the enemy nothing. Even though the expedition cleared much of Indian Territory of resistance, it had mixed success, for it served only to strengthen Confederate resistance in some areas. Following Phillips' February march, the Confederate Indians held conventions at Tishomingo and New Hope to decide whether to accept the pardon offer or remain loyal to the South. The Seminoles, Creeks, and Chickasaws declared that they did not want to fight the Federal government anymore. But due to the influence of General Samuel B. Maxey, the new Confederate commander of Indian Territory, and General Cooper, many Indians -- especially the Choctaws -- decided to make another stand. Because of this action, Phillips

²⁸Annie Heloise Abel, The American Indian Under Reconstruction (Cleveland: The Arthur H. Clark Company, 1925), p. 22; Phillips to Jumper, February 15, 1864, Official Records, i, XXXIV, Pt. 1, p. 111.

planned to clear out the Choctaw Nation in April, 1864, due to their resistance to his peace advances. He grew unusually vindictive and advised against making terms with them until they had been made to deeply regret their defection.²⁹

By the spring of 1863 the fate of Indian Territory was almost settled, for Federal control of the area had largely been accomplished. The superior resources of the Union had all but overwhelmed the sporadic Confederate attempts to hold the Territory. Equally important was the growing disillusionment of the Indians pledged to the Confederate cause. The Federal Indian Expedition of 1862 and the second invasion of 1863 had badly damaged Indian confidence in the Confederacy. Phillips' occupation of Fort Gibson in April, 1863, was a death blow to their hopes.

Preparations were then carried out at Fort Gibson for a major effort to clear the region of Confederate forces immediately south of the Arkansas River. This climaxed in the battle of Honey Springs, where the Federal troops completely routed the enemy. Following the engagement at Honey Springs in July of 1863, there was little activity in the area around Fort Gibson. Phillips' forces were the only Federal troops in Indian Territory, and this made offensive military action by the United States impossible. Phillips took this opportunity to organize, train, and discipline his troops, and he constantly worked to remedy the weaknesses of his Indian soldiers. There were several small skirmishes during December, 1863, but no significant military

²⁹Phillips to Dole, March 22, 1864, U. S. Department of the Interior, Report of the Commissioner of Indian Affairs for the Year 1864 (Washington: Government Printing Office, 1865), p. 328.

action was taken until February of 1864 when Phillips made his unique march through central and southern Indian Territory. During this operation, he successfully cleared the country of Confederate forces and some civilian opposition.

But the conduct of the war in Indian Territory had not made a proud record for the Union. An unusual amount of bickering had taken place between the Union commanders responsible for operations in the area. It is to Phillips' credit that he was seemingly the only Federal officer who was sincerely concerned with the fate of the war-torn and suffering inhabitants of the Territory. It is also notable that he was one of the few champions of Indian soldiers. The Union commanders usually showed little respect for the Indian as a fighting man. He was an excellent scout and was perfectly suited to the guerilla operations that went on in Indian Territory. This fact went largely unappreciated by Federal officers other than Phillips. He had been steadfast in his belief that Indian Territory should not be abandoned and he had wisdom to realize that the Indian himself could be used to effect this goal.

CHAPTER IV

THE WAR CLOSES IN INDIAN TERRITORY

By early 1864 the Civil War was slowly approaching its close in Indian Territory, but the year provided no respite for Colonel Phillips. In many ways it was one of the most trying periods of the conflict for him, as he found opposition from within Union lines as difficult to combat as that from the Confederate foe. Hostility towards the Indian Brigade, present from its creation, was intensified and further aggravated by personality conflicts. Another latent problem that took on new seriousness was that of cattle stealing. By autumn even nature -- in the form of a backward spring, summer drought, and the scourge of insects -- retarded the crops and magnified the difficult problem of maintaining and providing for the refugees clustered around Fort Gibson.

Due to waning Confederate power and Phillips' distribution of Lincoln's proclamation and his own letters to the chieftains, the Indians held councils at Tishomingo and New Hope in March of 1864. At Tishomingo delegates from the Confederate Choctaw, Creek, Seminole, Cherokee, Caddo and Osage tribes engaged in bitter discussion as to what plan should be followed. Swayed by the influence of General Samuel B. Maxey and General Cooper, they finally resolved to make one more stand on the Red River. This disappointing decision caused

Phillips to become vindictive towards the Choctaw who he considered the most powerful of the group. He advised against making any terms with them until they had been made to rue their defection, and declared: "I have thought that to sweep out the Choctaw nation of rebels would leave very little, and that fragments." At the New Hope Convention, another faction of the Choctaw tribe voted to send a delegation to Washington to negotiate for their return to the Union. Though Phillips had done as much as any man to reclaim these Indians to their former loyalty, he opposed this delegation. He was convinced that this action of the convention represented only a minority of the nation, and insisted that "the Choctaw nation, as a nation, is still de facto rebel, and about the only Indian nation that can be said to be so at the present time." Despite this opposition for a knowledgeable source, the United States Senate recognized the validity of the New Hope Convention delegation and promised protection from the Federal government.¹

Internal problems multiplied and overlapped to drive Phillips near despair. During his absence from Fort Gibson during the February expedition, efforts were made by Blunt to disband the Indian Brigade. Despite victories in battle and Phillips' continuous and intelligent efforts to improve efficiency and discipline, the Indian Brigade remained less than a model of military effectiveness. Undoubtedly, much blame for their lack of progress can be attributed to a prejudice which many professional army men held toward them. To the professional,

¹Abel, The American Indian Under Reconstruction, pp. 21-22, 26, n. 31; Phillips to Dole, March 22, 1864, Annual Report of the Commissioner of Indian Affairs for the Year 1864, p. 328.

Indian soldiers were almost a contradiction in terms, and any success they enjoyed was counted as only luck while failures were magnified beyond proportion. The Indians could vaguely sense this; despised, disappointed, and discouraged, they at times grew mutinous and difficult to manage. However, Phillips enjoyed some support in his efforts to protect his men. His commander, General Curtis, not only realized the problem Phillips faced, but keenly appreciated his own need of the Indian Brigade. On visiting Fort Gibson during Phillips' absence, he affirmed that he would not consider the question of disbanding the Indian troops and even suggested steps to strengthen them. Although "dismounted, decimated, undisciplined, and poorly armed," he noted that the Indian command constituted the only troops he had below Fort Scott, Kansas, and his only force in Indian Territory serving as a buffer to Texas.²

Phillips renewed his efforts to deal with problems of discipline and morale. By now an old refrain, he again asked for a regiment of white infantry. These white troops would, he reasoned, besides acting as examples for the Indians, handle clerical duties, furnish part of every picket, guard prisoners, arrest stragglers, and help maintain discipline. He hoped that each company would have at least two white officers, since the Indian officers were useless as businessmen and unsuccessful in maintaining discipline; however, he opposed dismissal of the Indian officers as a group because he felt they were valuable in

²Abel, The American Indian Under Reconstruction, p. 38; Britton, The Union Indian Brigade in the Civil War, p. 280; Curtis to Phillips, February 11, 1864, Official Records, i, XXXIV, Pt. 2, pp. 301-302; Curtis to Stanton, February 28, 1864, ibid., p. 462; Curtis to Blunt, March 8, 1864, ibid., pp. 533-534.

battle. He also repeated his complaints about faulty supplies. He urged that his troops receive supplies at least equal to white troops since they had also seen hard and effective service. Although he had maintained his troops in Indian Territory when others sent in for special purposes had been withdrawn, his men had always suffered from a shortage of food and clothing. Phillips further recommended that the Third Indian Regiment be mounted as riflemen on government horses. Finally, he desired to report directly to General Curtis since he felt that the general, unlike other officers, knew and cared something for the Indian Brigade.³

Although no white regiments were ever supplied, Curtis attempted to supply Phillips' troops more adequately. He ordered that additional supply trains be sent from Fort Scott to Fort Gibson and that flatboats of corn to be sent down the Grand River from Neosho, Missouri. He stressed that he wanted the Indian troops to be improved as much as possible and added that he would try to see that these men were supplied as rapidly and adequately as any white troops. As a further expression of his good will, he even ordered that any of his officers who spoke contemptuously of the Indians would have to resign or have charges preferred. Phillips' own attempts to solve the supply problem led to the use of ox trains. He sent to Fort Scott 100 yoke of oxen paired with as many mules and wagons as were available. The oxen were used because there was a shortage of mules and also because they were able to haul more. Some of these animals were on loan from the loyal Creeks and if purchased would cost the Federal government from \$20.00

³Phillips to Curtis, March 7, 1864, *ibid.*, pp. 525-527.

to \$40.00 per yoke. Phillips urged Curtis that this be done since immediate supplies were essential to his existence in the Fort Gibson area. Phillips also advertised that if any Indian in the area brought in a bushel of grain he would receive payment. Curtis approved Phillips' action and said he would support him in all his requisitions, although he cautioned him to remember that supplies were scarce everywhere. The supply problem was never completely solved and remained a constant impediment to Phillips' efficiency.⁴

Improvements in the Indian command in 1864 were also hampered by a long developing feud between Phillips and General Blunt which came into the open, making Phillips' position exceedingly difficult. Blunt had taken the position as early as the fall of Fort Smith in September of 1863 that the Indian Brigade should be mustered out of service because he felt that its military usefulness was negligible. This position may have been dictated as much by political as military reasoning, for Blunt had received his military commission through Senator Lane of Kansas. Phillips had gained prestige in political circles in Kansas to the detriment of Blunt and Lane, and disbanding the Indian Brigade would perhaps destroy or at least curb this growing power. During Blunt's short service in Indian Territory he had managed to greatly weaken the effectiveness of Phillips' command by having many of his troops removed, thus making it impossible for Phillips to accomplish anything beyond working on fortifications in and around

False
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Removal of troops was
decision of higher
authority than Blunt
Blunt lost his job bc
he fought this
Reorganization

⁴Curtis to Phillips, March 9, 1864, *ibid.*, pp. 537-539; Britton, The Union Indian Brigade in the Civil War, p. 381; Phillips to Curtis, March 7, 1864, Official Records, 1, XXXIV, Pt. 2, pp. 524-525, Curtis to Phillips, March 9, 1864, *ibid.*, pp. 537-539.

Fort Gibson.⁵

Phillips was also disturbed when on February 23, 1864 the Indian Brigade had been placed under the command of General Blunt, who had recommended that it be disbanded. He also questioned why Colonel John Ritchie, who had been under arrest and relieved of his command because of insanity, had been sent to Indian Territory. Phillips thought that much of his trouble was due to political rivals who wished his overthrow. Feeling somewhat persecuted, he declared, "if I was alone I might consent to be made even a football of bad men, if I could in the meantime do good service in this terrible struggle;" but he was not alone, for he had his Indians to protect. He felt that he had been refused the means of improving his command and threatened that if this were to continue he would resign. He added that he had not sent a formal resignation because it would have passed through the hands of people from whom he wished to keep his plans. Since he had been a member of the National Republican Committee, Phillips expressed the belief that either Lincoln or Seward would aid "if not in obtaining position in the army, at least of leaving it honorably when it was determined that I could not serve it efficiently." Curtis was not entirely sympathetic to many of Phillips' complaints. He advised Phillips that he had not seen or heard from Blunt or any other officer even one expression which was unjust or unfavorable to him. Curtis suggested that in the army one must take position according to rank and not according to inclination or fitness. Curtis

⁵Britton, The Union Indian Brigade in the Civil War, pp. 377-379; Abel, The American Indian as Participant in the Civil War, p. 325.

retained Ritchie in his position because he found no charges against him. He did attempt to soothe Phillips by admitting that his services as a colonel entitled him to a promotion, although warning that promotions were not easily obtained.⁶

In April of 1864 there was a renewed Confederate activity in the Cherokee Nation. Most of this was due to a force numbering about 150 men and led by the famous guerrilla fighter, William C. Quantrill, with whom Colonel William P. Adair, the commander of a guerrilla band of 300, was then associated. This force was located crossing the Arkansas River below Fort Gibson as they made their way toward southern Kansas and southwestern Missouri. Phillips sent a force in pursuit, but since he had lost his cavalry and had only infantry left, he could do little to hamper their movement. To forestall a raid on Kansas, Phillips had a force follow the Confederates and, at the same time, General Curtis sent two columns from Fort Smith to meet them. Quantrill about to be enclosed between the Verdigris and Grand rivers, crossed the Verdigris and Arkansas rivers, leaving behind part of his force under Colonel Adair, who fled across the Illinois River and headed toward Bentonville, Arkansas. The intention of the two Confederate leaders was to reunite at a later date and enter Kansas for a joint raid, but the action of Phillips and Curtis put an end to this strategy. A portion of Phillips' command, dispatched under Captain Jesse L. Anderson, made contact with Adair's men about ten miles northeast of Maysville, Arkansas. In a minor skirmish six Confederates

⁶Phillips to Curtis, March 13, 1864, Official Records, 1, XXXIV, Pt. 2, pp. 590-591; Curtis to Phillips, March 23, 1864, ibid., pp. 711-712.

were killed and Anderson had two wounded. The two Confederate forces made raids as far north as Maysville and Cowskin Prairie, causing little damage, but a great deal of local excitement. There was a concentration of Confederate forces in northwestern Arkansas, and Quantrell and Adair were probably moving from Missouri to join them; perhaps because of this situation the Indian Brigade was transferred to the Department of Arkansas under General Steele.⁷

At last there was some response to Phillips' long struggle to mount his Indian Brigade as cavalry. Even though Phillips was no longer under Curtis, that officer had continued to write General Henry W. Halleck recommending that the Indian Brigade be mounted. Because of the renewed activity in the area, an appeal was even made to General Grant, who gave his approval to the request. In spite of authorization to mount his men, Phillips found that getting the ponies was a great problem. About 1,000 were needed, and part of those that were found belonged to the Osage Indians. Many requests for information as to how these were to be purchased produced no response and continued efforts were ignored so that the only mounts were those that Phillips' troops were able to ^{steal} commandeer.⁸

⁷Phillips to Curtis, April 21, 1864, *ibid.*, Pt. 1, pp. 888-889; Curtis to Halleck, April 25, 1864, *ibid.*, Pt. 3, p. 288; Curtis to Rosecrans, April 6, 1864, *ibid.*, p. 301; Phillips to Blair, April 27, 1864, *ibid.*, p. 313; Phillips to McKean, May 14, 1864, *ibid.*, Pt. 1, p. 915; Britton, The Union Indian Brigade in the Civil War, p. 395; Curtis to Rosecrans, May 4, 1864, Official Records, XXXIV, Pt. 3, pp. 440-441; Abstract, Department of Arkansas, June 30, 1864, *ibid.*, Pt. 4, p. 609.

⁸Curtis to Halleck, April 26, 1864, *ibid.*, Pt. 3, p. 302; Halleck to Grant, April 27, 1864, *ibid.*, p. 312; Grant to Halleck, April 27, 1864, *ibid.*, p. 313; Phillips to Curtis, May 10, 1864, *ibid.*, p. 540; Phillips to Halleck, June 8, 1864, *ibid.*, Pt. 4, pp. 266-267; Phillips to Steele, July 11, 1864, *ibid.*, i, XLI, Pt. 2, pp. 123-124.

The most vexatious problem that confronted Phillips was the stealing of Indian livestock. Before the war, Indian Territory had abounded in a wealth of domestic animals. These farm animals furnished a good part of the Indians' living, but it was a great temptation to many groups, particularly army contractors, to take them without compensation to their owners. The cattle that belonged to Confederate Indians might be confiscated, but those belonging to loyal Indians deserved legal protection. Army contractors seldom attempted to determine the loyalty of the owners and simply took the cattle. It had long been Phillips' role to protect the civil and military rights of loyal Indians, and he especially concentrated on preventing cattle rustling. He tried to follow herds which he felt were being taken illegally, but without cavalry he could do very little. Phillips estimated that 6,000 to 7,000 cattle had been driven from Indian Territory in as little time as one month. Many of the cattle were at Fort Scott, but Phillips lacked witnesses to identify them and he found it very difficult to obtain any information from officials in Kansas regarding the stealing of livestock from the Indians. Phillips was convinced that most of the illegal cattle activity in his area could be attributed to the contracting firm of McDonald and Fuller of Fort Smith, Arkansas. This was the trading firm that his foe Blunt had endorsed in General Orders Number 7 of April 16, 1864. Some thought because of Blunt's special interests in this firm that he had restricted the sale of Indian livestock and brought control of their disposal under the military jurisdiction of Fort Smith. Phillips strongly objected to this order and urged that the McDonald and Fuller firm be

suppressed. He favored expulsion of their agent, Henry McKee, from Indian Territory and cancellation of the firm's license on the grounds of abuse and betrayal of public trust.⁹

Instead of support in these efforts to secure the justice that he expected, Phillips was ordered on July 30, 1864, to turn over his command to Colonel Wattles and report immediately to the district headquarters at Fort Smith. Phillips believed that the contractors and politicians were at the bottom of this action. Not only was he trying to expel the contractors from a very lucrative trade, but Senator Lane, Phillips' Kansas political enemy, was implicated in the affairs of the McDonald and Fuller firm in articles that appeared in the Boston Commonwealth and the Chicago Tribune. The charges originating with Phillips came through George W. Weitzler, one of the contractors with an opposing firm. However, in a later United States Senate committee investigation, McDonald and Fuller testified that they never paid or been paid anything by Lane, and this testimony was accepted as valid.¹⁰

Phillips' removal from command did not have the anticipated result of stilling his opposition to the contracting firm of McDonald and Fuller. On November 30, 1864, he went as far as to prefer formal charges against the firm. The case hung through the winter and

⁹Britton, The Union Indian Brigade in the Civil War, pp. 430-431; Phillips to Thayer, July 10, 1864, Official Records, 1, XLI, Pt. 2, pp. 107-108; Anderson to Phillips, July 19, 1864, *ibid.*, p. 265; Abel, The American Indian Under Reconstruction, pp. 85-87.

¹⁰Special Order No. 117, July 30, 1864, Official Records, 1, XLI, Pt. 2, p. 476; Britton, The Union Indian Brigade in the Civil War, p. 430; Abel, The American Indian Under Reconstruction, p. 97.

Phillips continued to collect evidence while W. G. Coffin and other government agents continued a pretense of investigation of the illicit traffic. Phillips became so disgusted that he finally offered his resignation, which was refused.¹¹

During Phillips' absence from his command at Fort Gibson, matters became progressively worse in the Indian Brigade. General F. J. Herron, who made inspections of military forces and installations in the Department of Arkansas and Indian Territory, visited Fort Gibson in early November, 1864, and was appalled at the conditions. The men at the fort had been on short rations for three months; besides the 1,800 military men there were 6,000 refugees that the government had promised to feed. Herron reported that the contracting firm that had been influential in Phillips' removal was the same firm that held a government contract to provide these Indians with food. He concluded that there was no doubt that the contractors and Indian agents had been committing great wrongs against these people. Herron judged that Phillips was the best officer for the Indian Brigade and that he had managed affairs admirably for the government and the Indians. He recommended that Phillips be returned to his post without delay.¹²

*See Halleck to Canby Oct 17 - Quartermaster g.e.
Stopped all supplies to Gibson from Scott*

Following this report, Phillips was ordered back to Fort Gibson, where he resumed command on December 29, 1864, after an almost five month absence. Though partially justified, Phillips was unhappy because of his failure to obtain a showdown with the McDonald and

¹¹Ibid., p. 89.

¹²Herron to Christensen, November 18, 1864, Official Records, i, XLI, Pt. 4, pp. 605-606.

Fuller trading firm. He felt that this company was still active in cattle thieving and that he was still willing to stake his reputation in a case against them.^{1 3}

Phillips found conditions at Fort Gibson in a frightful state. Besides the continuation of the illegal activities of the livestock contractors, new evils had developed. Phillips revoked Blunt's General Orders Number 7 and issued new orders to protect the rights of the Indians, especially the safety of their cattle and food. Under these orders, any person purchasing livestock in Indian Territory was required to first report to Fort Gibson or they would be arrested. All cattle belonging to the Confederate Indians was declared contraband of war and no contractor was permitted to obtain possession of them. Escorts of wagon trains were no longer permitted to kill livestock in transit except in cases of extreme emergency, and then a complete and exact record had to be kept and given to the provost marshall at Fort Gibson. Any person driving cattle through Indian Territory had to post a bond that no cattle would be picked up enroute. Legitimate traders could maintain only one clerk in the area, and no trader could have more than two teams with wagon trains and escorts within Federal lines in Indian Territory. Any soldier who observed violations of these rules and did not report them would be treated as an accomplice.

Phillips also alerted Secretary of the Interior John P. Usher that an effort was about to be made to name Indian agents who were

^{1 3}Phillips to Herron, January 16, 1865, *ibid.*, i, XLVIII, Pt. 1, pp. 542-543.

friends of the corrupt trading corporation. Especially singled out was Perry Fuller, who was to be made the Creek agent. But substantial evidence against Fuller had been collected by Phillips' new provost marshal, and upon this information Usher requested a thorough overhaul of the Federal agents in the area. Although he met with defeat in this effort, Phillips renewed his attack when he found the McDonald and Fuller firm not only dealing in stolen cattle, but also in overpriced corn. Phillips found evidence that Coffin had informed the United States government that the McDonald and Fuller firm could furnish corn at \$7.00 per bushel to the Federal Indian refugees. Coffin then sent his agents through the country buying corn from the Indians at \$2.00 to \$2.50 per bushel, and collecting \$5.00 profit on each bushel when reissuing the corn to the refugees.¹⁴ *False see Harlin to Coffin April 2 1865 Re: of Com. Preserve this?*

In his first month after returning to duty at Fort Gibson, Phillips also surveyed conditions existing in Indian Territory, reporting them to the Secretary of War. The Confederates still had a military organization numerically greater than the Union troops in Indian Territory, but the Union possessed the loyalty of two-thirds of the civilians and fighting men of the Cherokee Nation. Phillips was at this time trying to protect and supply the 8,000 to 10,000 refugees around Fort Gibson who were unable to return to their homes which were located south of the Arkansas River. Phillips' command

*True see Reynolds report Feb 1, 1865
Reynolds to Coffin
March, Roll 8
Frames 147-150.
also
Macey's R
Aug 15, 1865
and Feb. 1865
File
M-70-260
1865
M-20-160
1865*

¹⁴General Orders No. 4, January 14, 1865, *ibid.*, pp. 516-519; Abel, The American Indian Under Reconstruction, pp. 90-92; Phillips to Herron, January 16, 1865, Official Records, i, XLVIII, Pt. 1, pp. 542-543; Britton, The Union Indian Brigade in the Civil War, pp. 453-454.

composed the only troops left in the area to furnish these people protection. Despite these obligations, Phillips began consideration of disbanding the Indian regiments, since their terms were due to expire in May, June, and July of 1865. He felt that the troops should be discharged not later than the middle of March, unless they were going to be organized on a sound basis for another year. An early discharge would allow the Indians to plant spring crops and keep them from being dependent on the government for another year. Phillips also feared that if they were not disbanded in time to provide for themselves, they would drift into guerrilla bands. At the same time, Phillips made contingency plans for the spring. He again requested that 1,000 horses be supplied by mid-April and informed his superiors that if these were received he would march on the Confederate forces south of the Arkansas River. Without mounts, he pointed out, he would have to remain near or in Fort Gibson in a defensive position.¹⁵

Until he received final orders, Phillips carried on normal garrison duties. On his return to Fort Gibson he found corruption in all departments, particularly in the quartermaster and commissary departments, but also in the provost marshal office under Colonel Wattles. The quartermaster and Wattles had begun the practice of throwing soldiers into prison and then blackmailing them for their release. The commissary was in utter chaos with wholesale forging of vouchers. Phillips did his best to remove the guilty from positions of

¹⁵Phillips to Stanton, January 8, 1865, Official Records, i, XLVIII, Pt. 1, pp. 456-457; Abel, The American Indian Under Reconstruction, pp. 117-118; Phillips to Reynolds, February 9, 1865, Official Records, i, XLVIII, Pt. 1, pp. 789-790.

responsibility, but reorganization within the Union army hampered him. On February 1, 1865, the Seventh Army Corps was organized under the command of Major General J. J. Reynolds, with headquarters at Little Rock, Arkansas. Phillips' Indian Brigade was then placed under the Third Division which at first was commanded by General Thayer, and later Brigadier General Cyrus Bussey, when Thayer was implicated in the illegal cattle trade. Thus frequent changes of command and the unfamiliarity of the new officers did nothing to ease Phillips' problems.¹⁶

Although the future of the Indian Brigade was in doubt, Phillips continued to fight the illegal cattle trade. During February, 1865, he revoked all military permits for stock trading and ordered that no person be allowed to pass through the Department of Missouri for trade of any kind. Phillips had found that citizens and soldiers in the Department of Kansas sent Osage and Delaware Indians into Indian Territory to steal cattle. Since the Arkansas River had been the boundary between the belligerents for two years, there was no reason for Indians or troops to enter Indian Territory 150 miles to the north. Two such expeditions had been led by the provost marshal at Fort Scott. Phillips felt that he could completely abolish this problem if he had more horses for his Indian soldiers and co-operation from his superior officers. He had more confidence in his unit than white regiments which often viewed the Indian country as enemy territory

¹⁶Phillips to Herron, January 16, 1865, *ibid.*, pp. 542-543; Special Orders No. 33, February 6, 1865, *ibid.*, p. 758.

*John Williams
1850-1865
ORDER*

to be plundered.¹⁷

Several views had been proposed as to the fate of the Indian Brigade. Phillips insisted that the Indians be mustered out as quickly as possible or be organized and maintained as a Home Guard for Indian Territory. An alternative plan was to reorganize the brigade into a force of four or five thousand men and send it through the Choctaw and Chickasaw nations, denuding it of all cattle and subsistence supplies. While he waited for word of the future of his command, Phillips used all his spare soldiers to put in crops and *finally* assist the refugees around Fort Gibson to prepare for the coming year. Phillips believed that by the use of his troops enough corn could be planted to secure the loyal refugees from starvation and even cultivate regimental gardens. This was a wise plan since there was no military activity in Indian Territory during the spring of 1865. Occasionally a small band of Confederates would be spotted, and Phillips kept scouts in the area to remain informed of such movements, but no major battles resulted. One of his reconnoitering parties met a band of eighteen Confederates on Snake Creek, fifty-eight miles southwest of Fort Gibson. This skirmish was typical of the spring military activity; the Confederates lost three men before they withdrew towards Bentonville, Arkansas.¹⁸

¹⁷Special Orders No. 44, February 13, 1865, *ibid.*, p. 836; Phillips to Pope, *ibid.*, pp. 873-874; Phillips to Canby, February 16, 1865, *ibid.*, pp. 870-872.

¹⁸Phillips to Canby, January 21, 1865, *ibid.*, p. 606; Abel, The American Indian Under Reconstruction, pp. 118-120; Phillips to Reynolds, April 4, 1865, Official Records, i, XLVIII, Pt. 2, pp. 27-28; Phillips to Reynolds, April 19, 1865, *ibid.*, p. 136; Special Orders No. 103, April 29, 1865, *ibid.*, pp. 242-243.

Finally, the decision was announced to discharge the Indian Brigade on April 30, 1865. Those who wished to remain in the service could do so by joining the command of General Blunt. The discharge of the First Regiment was not completed until May 8, 1865, and the Second and Third Regiments were not disbanded until May 31, 1865. Phillips could have remained in the army under the peacetime reorganization plan, but since his Indian soldiers were discharged, he decided to return to civilian life and he was officially dismissed on June 10, 1865.¹⁹

It was appropriate that Colonel Phillips' military career should end with the discharge of the Indian Brigade. From the beginning of his military activity, Phillips had been intimately associated with the Indian soldier and had been his most consistent and outspoken defender as well as leader. In his attempts to protect the honor of the Indian soldier and the livelihood of the Indian civilian Phillips incurred the wrath of men more highly placed than he. Factious, tactless, and sometimes too quick to make accusation, Phillips had retained his honesty while others around him were straining theirs to profit from the war. Despite their obvious defects, the conduct of the Indian soldiers had born out the faith of Colonel Phillips.

¹⁹Ibid.; Special Orders No. 110, May 8, 1865, *ibid.*, p. 349; Abel, The American Indian Under Reconstruction, p. 84; Military Service Record of Phillips, National Archives.

CHAPTER V

PHILLIPS AFTER THE WAR

For many men the Civil War was the peak of their career, and they lived in the shadow of that event the rest of their lives; this was not so for Phillips. The remainder of his life was spent as a politician, statesman and author. His involvement with the Indians was also to continue for the remainder of his life. In July, 1866, he was approached by delegates from the Cherokee tribe to answer charges made against the tribe and its leaders in a pamphlet published by the Commissioner of Indian Affairs. As one who was known as a friend of the Indians, they asked him to "at least give us the benefit of your testimony in the premises, and to defend, if you deem them worthy of it, our services and our loyalty." Phillips not only defended the Indians, but castigated the entire Indian policy of the United States government, saying that "exhibits such utter ignorance of the Indian country and character and such a disregard for the spirit of justice, and in sowing the seeds of discord and pauperism, exhibits such botchwork and deplorable disregard for the true interests of the Government and the Indians." He also appeared as a witness to the reconstruction treaty with the Cherokees on July 19, 1866, and occasionally acted as their tribal agent as well as serving in the same position for the

Osage tribe.¹

His pre-eminent interest, however, was in politics. He had been a keen observer of Kansas politics during territorial days and had felt himself a victim of politics during his military service. In 1866 he was elected to the Kansas House of Representatives as the member for the Seventy-fourth District. This legislature met for only two months, but Phillips was an active member. He served as a member on the Committee for Retrenchment and Reform, and introduced bills dealing with the subjects of district courts, formation of Lincoln County, boundary extension of Dickinson County, incorporation of Highland University Company, herding or penning up cattle, and the relocating of certain salt springs. Among his more notable legislative efforts was his sponsorship of an amendment to the state constitution that would extend suffrage to educated colored citizens. In 1866 he served as vice-president of the Republican Convention meeting in Topeka. This growing involvement in Kansas politics was climaxed in 1872 when he was selected as his party's nominee to the United States House of Representatives.²

Phillips' political career in Washington was a busy, if not a totally successful one. His particular interests in Congress revolved around land and currency legislation, although he was a man of wide political tastes. During his first term in the forty-fourth Congress

¹Mariam Klema, "The Later Career of William A. Phillips" (Unpublished Master of Arts Thesis, University of Kansas, Lawrence, Kansas, 1942), pp. 35-37; Cherokee Nation, Tribal Records, August 4, 1866, Vol. 251, p. 68, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

²Klema, "The Later Career of William A. Phillips," pp. 48-49.

he introduced thirty-six bills, two joint resolutions, three amendments to bills already under consideration, eleven petitions, and spoke twelve times. This activity by a freshman legislator was not particularly impressive to the leaders of the House of Representatives, for none of the bills Phillips introduced became law. This failure to produce affirmative action evidently did not influence or discourage the electorate in Kansas, for Phillips was returned to the House of Representatives for two additional terms. In the Forty-fifth Congress his activity was recognized by appointment to the important Banking and Currency Committee of the House. Despite his party's proclivity for sound money, Phillips favored silver and currency inflation and made various speeches on these topics. In addition, he also sponsored a postal-savings bank plan to encourage thriftiness and also security for the money of the masses.³

Phillips seems never to have been totally accepted into the inner circles of power in Congress. Perhaps he was unable to adapt to the change from war-time command to the necessity for the subtle cooperation of peace-time politics. In his six years in Congress he had sponsored 136 bills, but only two minor measures dealing with lands in Kansas became law. While in Congress, Phillips was a contradictory figure. On one hand he favored currency inflation while supporting a high tariff; although an advocate of governmental efficiency, he opposed civil service reform. Tolerant in international affairs, he was not above "waving the bloody shirt" for domestic purposes. In these conflicting stands, he reflected the confused post-Civil War

³Ibid., p. 52.

pattern of politics. During this period when the United States was growing rapidly, political chaos led reasonable men to contradictory and ineffective stands.⁴

During his busy years in Congress, it is probable that Phillips lost contact with his constituents without realizing it. Just at the time when he seems to have been carving a permanent place for himself in Congress, he lost his twice-renewed nomination. In 1878 the Kansas Republican Convention bestowed their nomination on John A. Anderson rather than Phillips, and this marked the end of Phillips' active political career. For the rest of his life his name was frequently mentioned during political seasons, particularly as a candidate for United States senator or state governor. The closest he came to resuming his political career was in 1890, when he again received the Republican nomination from his Congressional district for the United States House of Representatives. He was defeated for this post by John Davis, a Kansas Populist, and never made another campaign.⁵

After departing from Washington, Phillips' life remained busy. In Salina, Kansas, he was considered the town's leading citizen and was consulted on many municipal matters. He was also very active as an attorney and agent for the Cherokee Nation and as occasional agent for the Osage tribe. His knowledge of both the Indians and Washington procedures particularly fitted him for this service. As an attorney for the Cherokees, his major activities were concerned with land sales and railroad rights. He attempted to secure for the Cherokees all the

⁴Ibid., pp. 53, 55, 58-59, 61.

⁵Ibid., pp. 59, 64.

land profits he could, arguing before the United States Attorney General that: "its [the Cherokee Nation's] title to its lands and to its jurisdiction, with all the attributes of sovereignty, is the most ancient and honorable known to man, was anterior to all human records on this continent and was dignified by continuous occupancy and possession to a period reaching beyond the memory of man. Sovereignty and jurisdiction of the Cherokee Nation is original and inherent and so far as its relations with the United States are concerned, its powers and rights remain unimpaired, save so far as they have been specifically relinquished by treaty stipulation." Until death Phillips maintained relations with the Cherokees, though these associations were not always the most cordial. In 1883 a bitter dispute broke out within the tribe concerning Phillips' stewardship. He had sold certain Cherokee lands at a price that one faction of the tribe considered unreasonably low. This dispute split the tribe into hostile groups and led to at least two law suits against Phillips. One of these law suits was filed in 1883 by E. C. Boudinot recover the \$22,500.00 retainer Phillips collected for the sale. The case reached the Supreme Court of the District of Columbia but was allowed to lapse at that point. The dispute over Phillips became a symbol for other Cherokee disagreements and this helped maintain factionalization in the tribe. By 1886, however, Phillips appeared as the attorney for the Cherokee Nation in a suit against the North Carolina Cherokees. In fact, Phillips collected fees from the Cherokee National Council every year from 1881 to 1890. At his death the Cherokee legislature passed a resolution that noted that "he was an attorney for the Cherokee people for many years past and ever faithful in his trust and to

the interest of the Cherokee people in Congress and before the Departments," and that "this people has lost a faithful friend, one ever ready to fight their battles, and we deeply deplore his death."⁶

Phillips also attempted to revive his literary career which had been set aside during his years as a soldier and politician. He found time to frequently contribute to local journals such as the Kansas Magazine and Agora. His prominence was such that he was also provided space in nationally-known publications like the Atlantic Monthly, the North American Review, and Harper's Weekly to expound on a variety of subjects. He stated that he was at work on various book-length projects, but the only volume published was Labor, Land and Law, a general commentary on economics which appeared in 1886. This book was widely reviewed with some estimates highly complimentary while others suggested that Phillips should deal with subjects he could handle competently. Some of his writing efforts were hastily composed and lacked depth, but he was well known by the reading public.⁷

On November 28, 1893, while near Fort Gibson on business for the Cherokee Nation, Phillips suddenly became ill. He was taken to the fort where he had seen so much military duty during the Civil War, and there he died three days later on December 1 at 1:00 p.m. His death

⁶Ibid., pp. 38, 42, 44-45; Cherokee Nation, Tribal Records, "Resolution in Memory of William A. Phillips," December 12, 1893, Vol. 303, p. 59; Indian Archives Division, Oklahoma Historical Society, Phillips quoted from The Indian Chieftain, March 6, 1884, copied in the Litton Cherokee Papers, 1874-1889, Indian Archives Division, Oklahoma Historical Society; Morris L. Wardell, A Political History of the Cherokee Nation, 1838-1907 (Norman: University of Oklahoma Press, 1938), p. 341.

⁷Klema, "The Later Career of William A. Phillips," pp. 67, 71, 76-74

was widely noted, particularly in Kansas, where it was readily acknowledged that he was an important founder of the state.⁶

The life of Phillips had in many ways exemplified the period of United States history he lived through. The rapidly growing nation had no time to develop and train specialists; it needed a variety of skills immediately. Thus, in his time, Phillips attained proficiency as a man of literature, war, statecraft, and humanitarian service to the Indians. He was a man to whom the times gave opportunity and stature, but greatness and national prominence in the largest sense seemed beyond his reach.

⁶Salina, Kansas, Republican-Journal, December 1, 1893, p. 1.

CHAPTER VI

SUMMARY AND CONCLUSIONS

Phillips had matured early in Kansas politics as he wrestled with the controversial question of the extension of slavery into the territories of the United States. He chose sides naturally for by birth and environment he was free-soil in point of view. He threw himself into the battle, and local activities as an advisor and participant in free-soil groups were many. He attended every important meeting in Kansas from the first constitutional convention at Topeka through the final victory of the free-soil cause at Wyandotte. He had come to Kansas only as an observer and reporter for the New York Tribune, but he remained there as an active and important citizen of the state. His newspaper reports had kept interested people in the North informed of events in the area, and had added to the legend of "bloody Kansas." To the growing tide of conviction in the North that slavery could only be defeated by war, Phillips added his own contribution.

When the Civil War came, Phillips, as a man of action, naturally volunteered for military service with the United States Army. On June 2, 1862, he was assigned to command the First Indian Home Guard Regiment, thus beginning his long and intimate contact with the Five Civilized Tribes. Although desiring to remain apart from the Civil War, the inhabitants of Indian Territory were inevitably drawn into the conflict

and were forced to choose sides. Most of the tribes threw in their fortunes with the Confederacy, and thus it appeared that Indian Territory was lost to the Union. In June, 1862, Federal forces launched an expedition into Indian Territory; it failed to recover the area, but Colonel Phillips became convinced that it could and must be won. In numerous minor skirmishes and engagements in the summer of 1862, Phillips was able to prove that the Indian soldier could fight, and he hoped they would be used to recover their homes.

In November, 1862, Phillips' command was reorganized into the Third Brigade, composed of three Indian regiments, a battery of artillery, and one battalion of the Sixth Kansas Cavalry Regiment, commonly called the Indian Brigade. Phillips did his best to train this brigade and produce a force that could protect and hold areas of Indian Territory as soon as they were taken and protect the Indian refugees who gathered at Union posts. Phillips hoped that military victories would not only discourage the Confederacy but persuade the pro-Southern Indians to again become loyal to the United States.

Phillips was hampered in his activities in Indian Territory by lack of supplies, an indifference on the part of his military superiors, and difficulties that attended the command of Indian soldiers. Nevertheless, he scored a significant victory in the capture of Fort Gibson on April 18, 1863. This was the most important post in Indian Territory and the key to future Federal military operations in the area. This fort was Phillips' base of operations during the remainder of the war, and he carefully fortified it. With the capture of Fort Gibson, Phillips was deep in Confederate territory, and the path for the return of Indian Territory to the Union was now opened.

From his military center at Fort Gibson, Phillips was able to occupy the attention of Confederate forces in the area, and his vigorous operational activity was a constant temptation to the enemy Indians to return to Union loyalty. His job was made more difficult by the fact that he reported to both General Blunt and General Curtis, and that these two commanders were frequently at odds in their orders. Phillips was almost isolated in Indian Territory. Additional troops necessary for his operations were usually not sent him and he received needed supplies so infrequently that he suspected a conspiracy might exist to thwart him. When supply trains were sent to his aid, there was always the danger that they would be captured by Confederate forces who were trying to starve Phillips out of Fort Gibson. Phillips also managed to supply materials and troops for his superiors in striking the enemy. On July 17, 1863 Phillips cooperated with General Blunt in attacking the forces of Confederate General Cooper at Honey Springs about twenty miles south of Fort Gibson. This effort was entirely successful and was the largest single engagement fought in Indian Territory during the Civil War.

In February, 1864, Phillips undertook his most ambitious military endeavor. To secure Indian Territory and finally win the undivided loyalty of the Indians, it was necessary to remove Confederate power entirely from the area south and most of the Arkansas River. To this end, Phillips planned a march through southern Indian Territory similar to the more famous expedition of General Sherman through Georgia. In the course of his 450 mile march, Phillips cleared the entire Canadian River valley and its tributaries as well as the upper Seminole country of effective Confederate resistance. Over 250

Confederates were killed and twenty-five captured and a sharp engagement at Middle Boggy Camp resulted in a Union victory. This was accomplished without the loss of a single Union life. Phillips had also laid waste the land through which he passed, leaving nothing to aid or comfort the enemy. His secondary objective, Indian diplomacy, had not been so successful. Despite defeating the Confederates, distributing President Lincoln's amnesty proclamation, and writing personal letters to the Indian chieftains, no wholesale defection of the Indians from the Confederate cause occurred.

During the remainder of the war, Phillips and his forces saw little military action. This did not mean that his job became less arduous, for he turned his attention to the growing problem of cattle rustling. Indian Territory possessed vast numbers of cattle, and since the army purchased quantities of these to feed the troops, a number of cattle contractors operated in the area. The cattle of Confederate Indians were considered contraband of war and could be lawfully seized, but army contractors were tempted to steal the cattle of loyal Indians. Phillips suspected the firm of McDonald and Fuller located at Fort Smith, of being the most blameworthy in this regard, and he determined to put an end to this illegal practice. This was a difficult task, since the army contractors had connections with local and national political figures. Phillips suspected particularly that General Blunt and Senator Lane of Kansas were involved in the illegal practices. At this same time a conflict of interests and personalities brought a growing dispute between Phillips and Blunt into full bloom; thus Phillips could hope for no sympathy or assistance from his superior in putting an end to the rustling. On July 30, 1864, Phillips was

removed from command of Fort Gibson and ordered to report to district headquarters at Fort Smith. In December he was returned to the Fort Gibson command, but conditions at the post had deteriorated badly during his absence, and the plight of the Indian refugees gathered there was so severe that he set his troops to planting regimental gardens to feed them. Although he maintained his opposition to cattle stealing, the political and military men supporting it were strong. While he was able to effectively interfere with their activities, he was unable to completely halt them.

On April 30, 1865, the decision was made to muster the Indian Brigade out of military service. For some time there had been opposition to the Indian troops, particularly from professional army men. While the Indian soldier had rendered valuable services, they did not fit all the technical standards of the army, and the tide of Confederate ascendancy in Indian Territory had definitely turned. On May 8, 1865 the First Regiment was mustered out and the Second and Third Regiments followed on May 31. While Phillips could have remained in the service, he chose to depart with his Indians.

For the remainder of his life Phillips continued to contribute to the growth and development of Kansas and the United States as a writer and politician. He also continued to serve the Indians as an agent and attorney. It is perhaps more than significant that death should overtake him in Indian Territory and, more specifically, at Fort Gibson where he had fought so long to preserve Indian Territory for the Union.

Phillips was appointed to command the Indian Brigade when it was organized because he had vigorously voiced his belief that Indians

could be used effectively in the military service. Phillips should be considered a success as the commander of his Indian troops. He worked unceasingly with his units to make them effective fighting groups. He did this by instruction, discipline, and by showing genuine interest and concern for his Indian charges, their families, and their homes. The Indians tried hard to please him because they respected him and appreciated his efforts in their behalf.

Even though Phillips remained a colonel throughout the war, he deserved and desired to be promoted to the rank of brigadier general. He was not promoted because of dissension with his ranking officers, particularly General Blunt, with whom he not only had military disagreements but political jealousies as well. Phillips never permitted these problems with his superiors to hamper his military duty.

Phillips believed that in order to protect the loyal Indians of Indian Territory, Federal forces must occupy and hold Fort Gibson. He accomplished this in the face of numerous problems. His troops were constantly short of supplies; he had to provide protection and subsistence for thousands of loyal refugees in and around Fort Gibson; in addition, he fought dishonesty among military superiors and army contractors in their relations with the Indians. Phillips placed the best interests of the Indians first and he constantly stood ready to resign his post rather than allow them to be cheated out of cattle and grain.

Phillips was an effective organizer and administrator. This became apparent upon his return to Fort Gibson in December, 1864, after he had been relieved of his command at that location for approximately five months. During his absence the Indian force had

become lax in its discipline and graft had crept into most departments at the post.

As a military leader, Phillips was usually adequate and sometimes outstanding. On his march through Indian Territory in February, 1864, he demonstrated that he could when necessary apply severe measures to accomplish his purpose. He was feared and respected by Confederate officers, and Colonel Watie always considered him a thorn in his side and made his most outstanding and successful raid at the second Cabin Creek engagement in September, 1864, when Phillips was not in command at Fort Gibson.

Phillips' deep and lasting concern for the Indians is shown in his continuing service to them as their legal agent after the war. Just as he worked as a humanitarian in applying his journalistic talents before the war to aid the free-soil effort in Kansas, he was concerned during the war not in his personal advancement, but in the protection of those he served. This same concern for humanity is exemplified again by his efforts after the war in representing the Cherokee Nation as a legal counsel.

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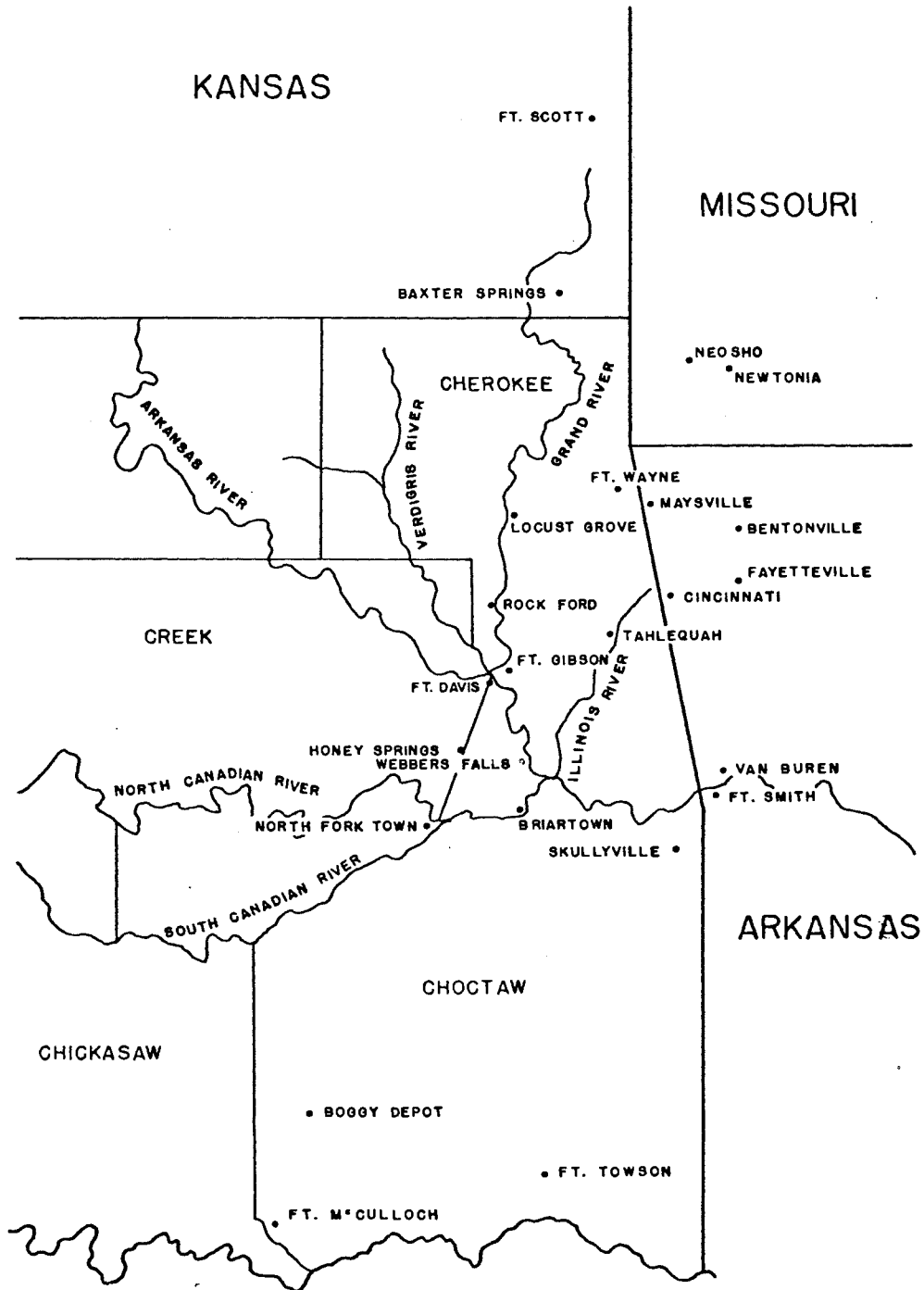
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COLONEL WILLIAM A. PHILLIPS
AREA OF OPERATIONS



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