UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

DESTROYING EACH OTHER: RACE AND THE CLASH OF CULTURES IN THE INDIAN

TERRITORY CIVIL WAR

A THESIS

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

Degree of

MASTER OF ARTS

By

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Norman, Oklahoma
2020

DESTROYING EACH OTHER: RACE AND THE CLASH OF CULTURES IN THE INDIAN

TERRITORY CIVIL WAR

A THESIS APPROVED FOR THE
DEPARTMENT OF HISTORY

BY THE COMMITTEE CONSISTING OF

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ABSTRACT

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By

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Most historians of the Civil War have neglected Indian Territory. Those historians who write on the Indian Territory Civil War, like Annie Abel and Mary Jane Warde, focus on tribal political intrigue or the effect of the war on tribal society. Little has been written on how the combatants fought the Civil War in Indian Territory. This thesis intends to add to the extant conversations of the Indian Territory Civil War by examining how the war was fought from a cultural perspective. The Indian Territory Civil War was a clash of cultures between a Euro-American way of warfare and Native way of warfare. Both ways of war were blurred in practice, with Whites expecting Natives to fight according to European conventions and then accusing Natives of "savagery" when Native people shifted to fight in their traditional modes in scalping or fighting guerrilla-style campaigns. Historically White people in North America also scalped and fought in irregular modes, but prior to the Civil War they tried to distance themselves from Native war making warfare by adopting European (largely French) modes of war making. In the blurring of these modes of war making, Whites created a racial distinction without a difference. White Confederates also recognized a racial difference in how the war was fought by categorically excluding Black Union soldiers from the safeguards afforded to surrendering soldiers in the Euro-American military culture. Confederates, White and Native, massacred Black Union soldiers, refusing to afford them the opportunity to surrender. The Indian Territory Civil War, therefore, was simultaneously a war between the Union and Confederacy, an Indian war, and a race war.

INTRODUCTION

The sharp crack of rifle fire woke fifteen-year-old Robert Barnes on the night of July 27, 1864. The commotion drew him outside to the porch where he watched Confederate troops under Brigadier General Richard M. Gano surprise the sleeping 6th Kansas Cavalry Regiment encamped on Massard Prairie, Arkansas, a few miles away from Indian Territory. A sharp fight ensued. By dawn, Confederates had won the battle, capturing the majority of the Union troopers. A Federal relief column, alerted to the gunfire, arrived in the early morning, killing and wounding a few Confederates, driving the rest away with their prisoners in tow. What happened next shocked Barnes. He recalled, "[t]he Rebels had to leave their dead in the Federal camp. Some of the Federal[s]…were Cherokee 'Pin' Indians….The Pin Indians cut a patch of scalp about the size of the palm of their hand off the top of the dead Rebels' head." This was not the first instance of scalping in the Indian Territory Civil War. The Pins were members of a Cherokee faction, the Keetoowah, dedicated to traditional lifeways. Barnes recorded no such behavior from White soldiers. What he witnessed was a war of clashing cultures.[1]

The Indian Territory Civil War is often relegated to subject matter all its own. Larger surveys of the Civil War tend to neglect it, and mostly mention it in passing when they give it any attention at all, rendering it unimportant to the strategic importance of Virginia, Tennessee or other theaters further east. This neglect has led to a lack of understanding of the totality of the conflict. It has also ignored the connections between the war in Indian Territory and the cultural and racial dimensions of warfare in North America. To make matters worse, most of the treatments of the Indian Territory Civil War are political histories or social histories of the

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[1] Interview of Robert A. Barnes, Indian Pioneer History, Western History Collection, University of Oklahoma.

conflict. Studies of how the war was fought in Indian Territory, and how horrific was the violence there, are all but nonexistent.

What the literature of the Indian Territory Civil War is missing, therefore, is a telling focusing on *how* the war was fought. That is what this thesis seeks to do. Wars often transform the places where they are fought and the people who fight them. Yet the Civil War in Indian Territory is also unique. Three different races occupied Indian Territory and they all fought and died there. How they fought and died says much about the unique cultural and racial environment of Indian Territory itself. Moreover, the Native experience of the war is the subject of few works. For a conflict that was about racially-based slavery, and for a country with a history of racially-based violence, the Civil War's conflicts in Indian Territory are vital to understand. Investigating how the Native cultural norms intersected with White cultural expectations helps explain how the Civil War simultaneously became an Indian war and a race war.[2]

In the Indian Territory Civil War White actors cast the rules of war in a racial light, recognizing the connections that behavior within the rules of war had with the race of those who did the fighting. For example, taking a scalp was a racially-charged act, no matter how many White people had taken scalps in backcountry fighting throughout American history. The White, Euro-American cultural mode of warfare considered scalping "savage," so if Natives scalped, Whites cast them as racially "other." During the Civil War in Indian Territory, notions of race did not need to be newly conceived. Indeed, they were already present.[3]

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[2] See Laurence M. Hauptman, *Between Two Fires: American Indians in the Civil War* (New York: Free Press Paperbacks, 1995).

[3] The behavior of the combatants polarized the extant racial norms supported and informed by the Euro-American grammar to the extent, as political scientist Stathis N. Kalyvas points out, that racialization of the enemy as "other" canceled "even fraternal ties, real or imagined." Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006), 64.

Examining how both sides fought the war reveals the deep-seeded racial antagonisms present within the Euro-American military culture that sought to eliminate the Native elements present within the American grammar of war as it developed, which led to a "whitewashing" of the American military culture. This is how both sides fought the war in the main. Indian Territory's rich cultural and racial environment reveals the racialization of the war, as Natives and Blacks violated White cultural norms. Studying the Indian Territory Civil War in this way also lays bare White hypocrisy, as irregular forces operated in the vein of the longstanding American and Native modes of warfare, but White people were not "savages." That was a racial moniker only for Natives. The Confederate iteration of the Euro-American mode excluded the possibility of Black troops totally, which often led to their massacre if they dared attempt surrender. This thesis connects the massacres of African-American troops to the cultural norms of White warfare operant in Indian Territory and throughout all theaters of the war. Examining how the combatants fought the Civil War in Indian Territory reveals the war as a continuation of Indian wars, the Civil War as a race war, and deepens scholarly understandings of the Indian Territory Civil War beyond mere analysis of strategic military and political calculus.

The way the Civil War was fought contained embedded cultural norms expressed through the warfare. In Indian Territory, these norms clashed. The cultural clash of the Indian Territory Civil War defined and enforced White racial attitudes, racializing the war in Indian Territory. The Battle of Massard Prairie was a small engagement during a campaign where Confederates were trying to recapture Fort Smith from Union forces. This campaign was one of several throughout the Civil War fought according to the standard convention of the time, which was based on the European standard of warfare, accepted by White military leaders of the Union and Confederacy. This European-style campaign contained within it another way of warfare, the

Native way, where scalpings were an appropriate expression of Native cultural norms manifested

through warfare. To White people, scalping transgressed the accepted norms of warfare,

rendering Native people who employed those racially inferior, "savage."

This thesis tells the story of the Civil War in Indian Territory in order to understand how

the combatants fought the war, given the racial make up of Indian Territory and the cultural

differences between White and Native people. The Indian Territory was a different theater of the

war, where the modes of fighting took on cultural characteristics of the combatants, specifically

Native American culture and White culture. What transpired between 1861 and 1865 within and

in the immediate environs of Indian Territory was a cultural clash that led to tremendous chaos

and violence. What this thesis argues then is that the clash of military cultures during the Indian

Territory Civil War was due to the pervasive influence of Native cultural modes of war mixed

with the adopted European mode of warfare used by Union and Confederate forces. Historian

Wayne Lee calls these modes of warfare "grammars." This cultural clash resulted in the

racialization of the Native and African-American soldiers, whose status as the "other" was

reinforced in the eyes of their White counterparts. The Indian Territory Civil War, therefore,

was not only a cultural clash between different military styles and traditions but also was a race

war. Those fighting outside the grammar of White-approved warfare became "savage" or

"barbarian," not deserving of the protections of "civilized" warfare, or even deserving death.[4]

Questions of race are especially pertinent to the Civil War, considering it was a conflict

about the emancipation of enslaved people in the United States. The literature on race in

connection with the Civil War is rich, much of it concerned with questions related to

emancipation, Black soldiering, refugees, and politics, and postwar struggles over citizenship

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[4] See Wayne E. Lee, *Barbarians and Brothers: Anglo-American Warfare, 1500-1865* (New York: Oxford University Press, 2011).

and belonging. Other works focus on aspects of racial and ethnic formation during the War. The

violence of the Indian Territory Civil War not only was connected to the formation of racial

identities, but rather was, more importantly, a confirmation of extant racial identities that

permeated the United States at the time. The manner in which White soldiers prosecuted the war

in Indian Territory carried the racial baggage connected to Indian wars that formed in the

colonial era.[5]

The conversations regarding the intersection of race and violence in the Civil War often

ignore Native people in conjunction with the institutionalized way of war Whites adopted and

cultivated. In eschewing the American grammar of war in favor of the Euro-American grammar,

Whites rejected any Native elements to their preferred way of war. Shedding the Native

elements of military culture led to a whiteness of that culture. Historians have not explained that

the newly-forged White culture of warfare channeled racial antagonisms and created the

opportunity for massacre of Black soldiers that made the Civil War a race war. The prevailing

literature sees the racial violence against Blacks as merely a fruit of institutionalized racism in

society, or have connected armed Blacks with fear of slave insurrection. What this thesis adds to

the historiographic conversation is that the Euro-American grammar inculcated whiteness into

military culture, where anything less than White soldiers fighting according to White norms

Whites greeted with derision and racialization, in the case of Native people, or with violence and

death, in the case of African Americans.

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[5] Relevant examples of this vast literature include Steven Hahn, *A Nation under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2005) and Amy Murrell Taylor, *Embattled Freedom: Journeys through the Civil War's Slave Refugee Camps* (Chapel Hill: University of North Carolina Press, 2018); David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2001). For works on racial and ethnic formation, see Susannah J. Ural, *Civil War Citizens: Race, Ethnicity, and Identity in America's Bloodiest Conflict* (New York: New York University Press, 2010) and Chandra Manning: *What This Cruel War Was Over: Soldiers, Slavery, and the Meaning of the Civil War* (New York: Knopf, 2007).

For the first time, perhaps, White soldiers encountered African Americans *en masse* on the battlefield. Extant racial notions of Black racial inferiority informed White violence against African American soldiers. Historian Mark Grimsley notes that before the Civil War, Black involvement in military operations was not uncommon and not controversial. Grimsley argues that the American Revolution altered the way Whites viewed Blacks, as whiteness became culturally and socially ingrained in the minds of Whites. The racial attitudes, therefore, of the White military establishment saw Blacks as having no part in the Euro-American mode of war making, which was a function of the social attitudes toward race. Other historians argue this attitude manifested in racial atrocities, as White Confederates violently rejected the sight of Black soldiers putting on blue uniforms of the Union Army, which in their eyes violated racial norms. This is the race war of the Indian Territory Civil War: Natives, when not behaving as Whites, were "savages," as they had been since the colonial era. But they could potentially acquire whiteness by joining their white allies in inflicting unbridled violence against Blacks. Only here could they reinforce White racial expectations.[6]

Other historians have begun to take critical looks as to how the sides fought the war. Aaron Sheehan-Dean's *The Calculus of Violence* tries to meld "the regular and irregular aspects of the war." He does so in a discussion about the (Euro-American) rule of law in warfare, juxtaposing that discourse with the irregular nature of the violence toward combatants, prisoners, and civilians. He tracks the covalence of Union and Confederate notions of how the war should be fought, and argues they diverged when Union troops began anti-guerrilla operations against

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[6] Mark Grimsley, et al., "A Very Long Shadow: Race, Atrocity, and the American Civil War," *Black Flag over Dixie: Racial Atrocities and Reprisals in the Civil War*, Gregory J.W. Urwin, ed., (Carbondale, Illinois: Southern Illinois University Press, 2004). For more on race and the Civil War, see David W. Blight and Brooks D. Simpson, eds., *Union and Emancipation: Essays on Politics and Race in the Civil War Era* (Kent, Ohio: Kent State University Press, 1997); Colin Edward Woodward, *Marching Masters: Slavery, Race, and the Confederate Army During the Civil War* (Charlottesville: University of Virginia Press, 2014); Jonathan W. White, *Emancipation, The Union Army, and the Reelection of Abraham Lincoln* (Baton Rouge: Louisiana State University Press, 2014)

Confederates and when Union war planners began to enlist African Americans as soldiers. Here, Sheehan-Dean argues that race informed the violence by White Confederates toward Black Union soldiers and their white officers. Disappointingly, Sheehan-Dean's analysis stops in Missouri and Arkansas, failing to incorporate Indian Territory.[7]

Issues of how the Civil War was fought touch issues of regular and irregular war and the legality of certain actors and actions during warfare. Jurist Francis Lieber wrote an extensive code governing Union troops and their conduct during the Civil War. Legal scholar John Fabian Witt argues that the Lieber Code was designed to restrain conduct of Union soldiers during war and soon became a global phenomenon, touching generations of codes restraining conduct during war. This code came about, in large part, due to the irregular war raging throughout Missouri, Arkansas, and Indian Territory. Both Europeans and Natives employed irregular, guerrilla warfare. Irregular warfare in the Euro-American conception was part of *petite guerre*, outside the norms of regular warfare, yet could be an effective in some circumstances, especially for an inferior army fighting against a superior enemy. For Native people, this form of warfare

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[7] Aaron Sheehan-Dean, *The Calculus of Violence: How Americans Fought the Civil War* (Cambridge, Massachusetts: Harvard University Press, 2018). Other scholarship has asked questions of violence during the Civil War in terms of restraint one one end and violence, almost bordering on a "total war" thesis. Sheehan-Dean is one of those who argues that restraint defined the violence. Others include Mark Grimsley, *The Hard Hand of War: Union Military Policy toward Southern Civilians, 1861-1865* (Cambridge: Cambridge University Press, 1995); Mark E. Neely, Jr., *The Civil War and Limits of Destruction* (Cambridge, Massachusetts: Harvard University Press, 2007) and "Was the Civil War a Total War?" *Journal of Civil War History* 50 (December 2004): 434-58. For those that emphasize the violent nature of the war, leaning toward a more "total war" aspect of the violence, see Clay Mountcastle, *Punitive War: Confederate Guerrillas and Union Reprisals* (Chapel Hill: University of North Carolina Press, 2009); John Bennet Walters, "William T. Sherman and Total War," *Journal of Southern History* 14 (November 1948): 447-80; Williamson Murray and Wayne Wei-Siang Hsieh, *A Savage War: A Military History of the Civil War* (Princeton: Princeton University Press, 2016). Wayne Wei-Siang Hsieh, "Total War and the American Civil War Reconsidered: The End of the Outdated 'Master Narrative,'" *Journal of the Civil War Era* 1 (Fall 2011): 394-408. For a recent overview of Civil War historiography, see John H. Matsui, "Seven Score and Ten: American Civil War Historiography at the Close of the Sesquicentennial," *The Journal of Military History* 80 (April 2016): 487–509.

was their warfare, and Whites, who fought in the Euro-American mode, hypocritically considered Natives "savage" for fighting this way, despite their own use of irregular warfare.[8]

Scholarship about irregular, guerrilla fighting has become popular, with historians such as Daniel E. Sutherland arguing that Confederate war planners embraced guerrilla war, buying into romantic notions that such warfare helped colonists with the Revolutionary War. In conducting an irregular war, however, Sutherland points out that Confederates lost the trust of the population and sapped the resolve of the people to support the war effort. Sutherland connects guerrilla war with social conventions about "civility" and "Christian behavior," yet does not make the racial connection between White notions of guerrilla war taking on a legal color that separated it from Native war making to White people at the time. Also, Sutherland's focus is almost exclusively in Missouri and Arkansas, only mentioning Natives and Indian Territory in passing.[9]

The literature on the Civil War in Indian Territory is not as rich as that which exists for other theaters, although the two most useful works come nearly one hundred years apart from

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[8] John Fabian Witt, *Lincoln's Code: The Laws of War in American History* (New York: Free Press, 2012).

[9] The literature of irregular and guerrilla warfare in the Civil War is vast. Daniel E. Sutherland, *A Savage Conflict: The Decisive Role of Guerrillas in the American Civil War* (Chapel Hill: University of North Carolina Press, 2009) and *American Civil War Guerrillas: Changing the Rules of Warfare* (Santa Barbara, California: Prager, 2013); Daniel E. Sutherland, ed., *Guerrillas, Unionists, and Violence on the Confederate Homefront* (Fayetteville: University of Arkansas Press, 1999); William Garrett Piston, ed., *A Rough Business: Fighting the Civil War in Missouri* (Columbia: The State Historical Society of Missouri, 2012); Joseph M Beilein, Jr. and Matthew C. Hulbert, eds., *The Civil War Guerrilla: Unfolding the Black Flag in History, Memory, and Myth* (Lexington, Kentucky: University of Kentucky Press). For an overview of the theory and practice of guerrilla warfare in the Civil War, see Robert R. Mackey, *The Uncivil War: Irregular warfare in the Upper South, 1861-1865* (Norman: University of Oklahoma Press, 2004), introduction; Michael Fellman, *Inside War: The Guerrilla Conflict in Missouri during the American Civil War* (New York: Oxford University Press, 1989); Matthew M. Stith, *Extreme Civil War: Guerrilla Warfare, Environment, and Race on the Trans-Mississippi Frontier* (Baton Rouge: Louisiana State University Press, 2016). See also Jonathan Earle and Diane Mutti Burke, eds., *Bleeding Kansas, Bleeding Missouri: The Long Civil War on the Border* (Lawrence: University of Kansas Press, 2013); Kristen Tegtmeier Oertel, *Bleeding Borders: Race, Gender, and Violence in Pre-Civil War Kansas* (Baton Rouge: Louisiana State University Press, 2009).

each other. Historian Annie Heloise Abel wrote a three-volume series focused on Native people

and the war. Originally published as *The Slaveholding Indians* in 1919, Abel makes Natives the

locus of the narrative. She tells the story of the political machinations between the tribes and

Union and Confederate governments in the opening days of the war (volume one), highlights the

active participation by Native people in the war (volume two), and ends with the shattered Native

nations picking up the pieces in the face of surrender and reconstruction (volume three). Abel's

Native-centric narrative is a political and social telling of the war. Abel, born and educated in

England, studied the policy of the British Empire toward colonial subjects, giving her a political

and diplomatic lens for *The Slaveholding Indians*.[10]

     After Annie Abel's three volumes, many works of the mid-20th Century seek to wed the

Indian Territory Civil War to the war in Missouri and Arkansas, which employ the methodology

of traditional military history. Nearly one hundred years after Abel, historian Mary Jane Warde

wrote another complete telling of the Civil War in Indian Territory, *When the Wolf Came: The*

Civil War and the Indian Territory. Warde's narrative-driven account seeks to tell the

transformation of the people of Indian Territory and the land itself caused by the Civil War. Her

story of transformation is largely social, focusing on the people and the important figures of the

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[10] A good amount of literature on the Civil War in Indian Territory is largely comprised of journal articles in the *Chronicles of Oklahoma*. The historiographic line of the Indian Territory Civil War goes back to Wiley Britton's two-volume narrative *The Civil War on the Border*. Even though Britton's Federal service colors the narrative, Britton's utility is that he was an eyewitness of most events about which he writes, making the three volumes a good source of the experiences of a soldier in Indian Territory. Britton's story focuses largely on the larger region, beginning with the secession crisis in Missouri, with very little background on Indian Territory itself. Britton also wrote a history of the Union Indian Brigade. See Wiley Britton, *The Civil War on the Border*, (New York: G. P. Putnam & Sons, 1899-1904), and *The Union Indian Brigade* (Kansas City, Missouri: Franklin Hudson Publishing Company, 1922). For a more recent examination of a Confederate unit, see W. Graig Gaines, *The Confederate Cherokees: John Drew's Regiment of Mounted Rifles* (Baton Rouge: Lousiana State University Press, 1989). Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist* (Lincoln: University of Nebraska Press, Bison Books edition, 1992); *The American Indian in the Civil War, 1862-1865* (Lincoln: University of Nebraska Press, Bison Books edition, 1992); and *The American Indian and the End of the Confederacy, 1863-1866* (Lincoln: University of Nebraska Press, Bison Books edition, 1993).

conflict, their actions and attitudes, and both the impact they had on the territory as well as the impact the war had on them. The Civil War, according to Warde, was a disruptive force that transformed the people and the territory, where one cannot understand the history of Oklahoma and the people who live in Oklahoma without understanding the lasting effects the war has left on both.[11]

This thesis is concerned with military culture and its violent manifestations on and off the battlefield during the American Civil War in Indian Territory. Much of the literature on military culture focuses on the transformation of military cultures over time, using the interactions between colonial powers and Native peoples in North America as evidence for cultural exchanges, which inform and remake cultural norms and expressions. What many scholars have not emphasized is how these military cultures create and reinforce conceptions about race among the combatants. This thesis will reframe extant conversations about military culture, especially

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[11] Literature on the Civil War in Indian Territory between Abel and Warde is diverse and not exhaustive. Pseudo-hagiographical examinations of Cherokee Confederate Brigadier General Stand Watie are tinged with "Lost Cause" interpretations, even if some are useful. See Frank Cunningham, *General Stand Watie's Confederate Indians* (Norman: University of Oklahoma Press, 1959) and Wilfred Knight, *Red Fox: Stand Watie's Civil War Years in Indian Territory* (Glendale, California: Arthur H. Clark Company, 1988). A few edited volumes offer articles bringing a wholistic view of the war to the reader, but these articles focus mostly on political and societal issues. Lary C. Rampp and Donald L. Rampp, *The Civil War in Indian Territory* (Austin: Presidial Press, 1975); Bradley Clampitt, ed., *The Civil War and Reconstruction in Indian Territory* (Lincoln: University of Nebraska Press, 2015). Other scholars have sought to tell the story of the Five Tribes and weave the Civil War into their studies. Relevant examples include William G. McLoughlin, *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1830-1880* (Chapel Hill: University of North Carolina Press, 1993) and Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma Press, 1972); Duane Champagne, *Social Order and Political Change: Constitutional Governments among the Cherokee, the Choctaw, the Chickasaw, and the Creek* (Stanford: Stanford University Press, 1992); Clarissa Confer, *The Cherokee Nation in the Civil War* (Norman: University of Oklahoma Press, 2005); Andrew K. Frank, *Creeks and Southerners: Biculturalism on the American Frontier* (Lincoln: University of Nebraska Press, 2005). Patrick N. Minges provides useful analysis of Cherokee culture in conjunction with the Keetoowah society and the development of racial identity in Indian Territory. Patrick N. Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge Press, 2003). See also Theda Perdue, *"Mixed Blood" Indians: Racial Construction in the Early South* (Athens, Georgia: University of Georgia Press, 2003) and Tiya Miles, *Ties That Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005). Mary Jane Warde, *When the Wolf Came: The Civil War and the Indian Territory* (Fayetteville: University of Arkansas Press, 2013).

in North America, by including race as a factor built-in to White ways of warfare that began to develop in the colonial and early national eras and continued into the Civil War era. In this way, White racist attitudes toward Native and Black soldiers manifested not only through acts by individual actors but also through the institutionalized culture of war making.

The Civil War in Indian Territory was a war of competing cultural grammars of warfare. White Union and Confederate soldiers fought — officially anyway — according in a style modeled after the French, Napoleonic way of war. Formal differences between European and American ways of war were largely superficial, at least in name. But in practice there were differences: with a vast interior in the West, the majority of the United States Army was geared to fight conflicts over great distances on the plains against Native people, occupying far-flung forts and outposts with few, mobile men. The compact geography of Europe led to large standing armies ready to combat each other should war break out. The United States Army was also much smaller than its European counterparts and relied heavily on state militia organizations for defense. When the Civil War came, the flood of volunteers on both sides often democratically elected officers and put orders up for public debate among units. Rather than using French guides and manuals, Americans took French military theory and wisdom and wrote their own manuals. While the culture of war adapted by the Union and Confederate armies was European in origin, then, both sides made it their own. They made it Euro-American. And yet: the Western theaters of the war, including what historians call the Trans-Mississippi West, saw a rash of informal and disorganized fighting with roots in the hybridized American fighting style

that prospered throughout the decades prior to the war, especially in wars where White people fought against Native people.[12]

Military culture drove the way combatants fought and exacted violence on one another during war. Recently, military historians have engaged in conversations about military culture, seeking to differentiate it from subsets of anthropology or social science. Military historian Peter H. Wilson defines military culture as "a specific form of institutional culture and that viewing armies from this perspective offers new insight into how they functioned and the nature of their interaction with state and society." Military historians, in viewing European military development, see an ossification of military institutions that derive from what scholars have termed the "military revolution," where standing armies developed as a function of new technologies, supported by a bureaucratic state. This view can be generalized insofar as one understands that military cultures are a function of the social institutions that produce them. European and Native military cultures were a fruit of cultural norms that stemmed from their societies' cultures.[13]

Consider the Native grammar of war. Native people fought in small groups, used natural cover, preferred raiding to pitched battles, and took captives taking as a measure of success.

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[12] Lee, *Barbarians and Brothers*, 2. For more on the development of the formalization of American war making, see Michael A. Bonura, *Under the Shadow of Napoleon: French Influence on the American Way of Warfare from 1812 to the Outbreak of World War II* (New York: New York University Press, 2012) and Jay Luvaas, *The Military Legacy of the Civil War: The European Inheritance* (Lawrence: University of Kansas Press, 1988).

[13] Peter H. Wilson, "Defining Military Culture," *The Journal of Military History* 72 (January 2008): 11–41. For further discussions on military culture, see Adrian R. Lewis, *The American Culture of War: The History of U.S. Military Force from World War II to Operation Iraqi Freedon* (New York: Routledge, 2007), 8; Charles H. Coates and Roland J. Pellegrin, *Military Sociology: A Study of American Military Institutions and Military Life* (Baltimore: Social Sciences Press, 1965), 26-27. For a global perspective on the theory of military culture, see John Keegan, *History of Warfare* (London: Pimlico, 1994). For more on the Military Revolution, see Michael Roberts, "The Military Revolution, 1560-1600," *The Military Revolution Debate: Readings on the Military Transformation of Early Modern Europe* (Oxford: Westview Press, 1995): 13-36. See also Geoffrey Parker, *The Military Revolution: The Rise of the West, 1500-1800* (Cambridge: Cambridge University Press, 1996).

Cultural norms informed behavior appropriate for war. Historian Patrick Malone calls this Native mode the "skulking way of war."[14] Native soldiers did not rape civilians as often as European soldiers did, as they connected the spiritual benefits of sexual abstinence to success in battle. Captives could often be used to replace family members fallen in battle. Scalping and other post-mortem mangling had a spiritual dimension, bestowing the fallen's power or force of life onto the scalp taker. Scalps and other body parts also served as trophies. White people also took scalps as they absorbed the Native grammar into their own way of war in the colonial era. The goals of warfare were limited to tit-for-tat, rarely descending into nightmarish escalation in retaliating, which often marred European warfare, especially in the religious wars of the early modern era. Many Native peoples fought wars by consensus, and respect for leadership was earned, with weak leaders often finding themselves struggling to convince warriors to pursue battle. Typically, in Native warfare, battles were small, casualties were light, and goals were limited.[15]

Europeans had their own corollaries to Native tactics, such as raiding and other limited actions. Europeans, however, regarded this kind of warfare as "irregular," as opposed to the more normative mode of warfare centered on the large formations, martial culture, and mass casualties from formal campaigning. There was a place for irregular warfare, usually in harassing supply lines, spreading terror among a populace, or distracting an enemy's main body. But it was an appendage of the European grammar and was not its primary expression. Often Europeans employed irregular tactics against those who they deemed racially or culturally

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[14] Patrick N. Malone, *The Skulking Way of War* (Lanham, Maryland: Madison Books, 1991, paperback 2000).

[15] For a full treatment of the Native methods of war making, see *ibid*.; Armstrong Starkey, *European and Native American Warfare, 1675-1815* (London: University College of London Press, 1998); Adam J. Hirsch "The Collision of Military Cultures in Seventeenth-Century New England," *Journal of American History* 74 (March 1988): 1187-1212; Lee, *Barbarians and Brothers*, 121-69.

inferior, such as the English laying waste to the Irish countryside and population during the Irish Wars or the French wars of religion. Given their familiarity with irregular warfare, Europeans did not find it difficult to adjust their grammar to take on more Native norms. The result was a hybridized grammar of warfare, the American grammar of war. This grammar was a version of irregular warfare flavored with Native grammatical rules, and it was most common in the backwoods of colonial North America and the early U.S. Republic.[16]

The definitive American way of warfare — the American grammar — has been the subject of much scholarly debate. Historian Russell F. Weigley postulated in his classic *the American Way of War* that Americans fought wars either to overthrow the enemy or to achieve a limited victory. Weigley's outlook was formal, focusing on operation of armies in the field, fighting according to established and widely accepted modes of European war making. His approach almost completely eschewed irregular violence that often defined the military experience of colonial and early republic America.[17]

Historian John Grenier argues that Weigley's dichotomy between "regular" and "irregular" modes of fighting in the tradition of American warfare is false. Rather, Grenier

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[16] Theorist Hugo Grotius was one of the first thinkers to conceive of legal restraints on irregular violence during war, Hugo Grotius, *The Rights of War and Peace, Including the Law of Nature and of Nations*, Stephen C. Neff ed. and ann. (Cambridge: Cambridge University Press, critical ed., 2012). Carl von Clausewitz also eschewed *petite guerre*, the common term for irregular warfare, Carl von Clausewitz, *On War*, Michael Howard and Peter Paret ed. and trans. (Princeton: Princeton University Press, Reprint edition, 2008). On Ireland, see Lee, *Barbarians and Brothers*, 15-64; Steven G. Ellis, *Ireland in the Age of the Tudors, 1447-1603* (London: Longman Press, 1998); S.J. Connolly, *Contested Island: Ireland, 1460-1630* (Oxford: Oxford University Press, 2007); Thomas Bartlett and Keith Jeffery, eds., *A Military History of Ireland* (Cambridge: Cambridge University Press). On France, see Mark Greengrass, *Christendom Destroyed: Europe 1517-1648* (New York: Penguin, 2015); Mack P. Holt, *The French Wars of Religion, 1562-1629* (Cambridge: Cambridge University Press, 1995); Arlette Jouanna, *The St. Bartholomew's Day Massacre: The Mysteries of a Crime of State*, trans. Joseph Bergin (Manchester: University of Manchester Press, 2007). For connections between the English experience in Ireland with the English experience in North America, see James Muldoon, "The Indian as Irishman," Essex Institute *Historical Collections* 111 (1975): 267-89.

[17] Peter F. Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (Bloomington, Indiana: University of Indiana Press, 1973). For an analysis and examination of Weigley's legacy and his detractors, see Brian M. Linn, "*The American Way of War* Revisited," *The Journal of Military History* 66 (April 2002): 501-33.

argues that the American way of war evolved as a hybrid between European and Native modes of war making, learned over decades of violent clashes between the two groups. The American way of war, according to Grenier, was a form of what Europeans called *petite guerre*, or "little war." The British, who had waged *petite guerre* on the Irish and others in their experience, detested this form of warfare, while the Americans preferred it as their first choice. Grenier points out a paucity of works that explore the method of war making in North America after the American Revolution, especially given the United States formalization of war making along European norms. He seeks to recast the American war experience as largely in the mold of the American way. This thesis continues Grenier's line of thinking, but only so far: I argue that the formalization of the United States military according to (largely French) European norms began to limit the acceptance of *petite guerre* in American military culture in the 19th century. The Civil War, therefore, was not a *petite guerre*; it was formally a "regular," "conventional" war, in which only certain aspects of that war, like in Indian Territory, incorporated guerrilla fighting and other irregular forms of violence reminiscent of the hybridized, earlier American grammar of war. White people, however did not recognize their former preferred mode of warfare as legitimate. They interpreted *petite guerre* with racialized language and dubbed it "savage" warfare.[18]

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[18] John Grenier, *The First Way of War: American War Making on the Frontier* (Cambridge: Cambridge University Press, 2005). See also John Ferling, *A Wilderness of Miseries: War and Warriors in Early America* (Westport, Connecticut: Greenwood Press, 1980). Europeans were concerned that their warfare was being "indianized," see James Axtell, *The European and the Indian: Essays on the Ethnohistory of Colonial North America* (Oxford: Oxford University Press, 1981). An alternative view posited by historian Guy Chet argues that Europeans defeated Native peoples in the colonial era, not by accepting Native modes of warfare, but rather they applied European norms to the battlefield, which eventually wore down Native peoples. Chet further argues that "inexperienced and unprofessional" colonial soldiers and commanders' Native style was, in fact, an "*ad hoc*" approach poorly conceived and poorly executed. Native methods, Chet maintains, were not more effective than European methods, and when colonists were able to deploy European modes of fighting, they won wars. This view, however, belies the tactical developments that evolved as a fruit of contingency of the actors during battles, where winning wars through the most effective means possible did not demand strict adherence to one particular methodological orthodoxy. Guy Chet, *Conquering the American Wilderness: The Triumph of European Warfare in the Colonial Northeast* (Amherst, Massachusetts: University of Massachusetts Press, 2003).

Inherent within questions of how combatants fought North American conflicts contain latent questions of how culture and race factor in to the violence. Racial identities informed the behavior of belligerents during war, especially from White society. When White Europeans violently encountered Native peoples, the method of fighting communicated the formation of White racial identities toward Native people. Historian Peter Silver sees this process as a fruit of the fear that White colonists had toward Native people. Native peoples used fear as a psychological weapon to paralyze European colonists through their own irregular way of war, which relied on stealthy ambushes, wanton destruction of crops and livestock, and attacks upon non-combatants. While such tactics to Native people were the normal mode of fighting, to Europeans, they were outside the regular, conventional rules of warfare. The behavior of Native people, therefore, generated fear, which led European colonists to consider Native people racially inferior.[19]

Historian Jill Lepore, in examining King Philip's War of the 17th century, notes that English notions of identity centered on whether their behavior classified them as "savage." Englishmen, Lepore argues, consciously debated whether or not waging war in Native modes rendered them something less than English. Like Silver, Lepore argues for the formation of White racial identities rooted in European-Native interactions in behavior in battle. Other historians, such as Alden T. Vaughn and Roy Harvey Pearce, also see the ossification of opposing racial identities stemming from cultural behaviors of Native people, specifically in the Native methods of waging war. While Lepore sees formation of racial identities as a conscious recognition of difference, Vaughn and Harvey argue that the formation of such identities was unconscious and took time to develop. But in both cases, one of the components of whiteness —

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[19] Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York: Norton, 2008).

and White racial consciousness — was the identification of "savage" and "barbarian." The formation of this racial consciousness informed White combatants in the Indian Territory Civil War when encountering behavior that violated the White expectations of war-related behavior.[20]

The following thesis is split into three chapters, each adding to the picture of the cultural and racial dimensions of the Indian Territory Civil War. Chapter 1 sets the stage for the war by highlighting the extant violence both inside and immediately outside Indian Territory before the war, as well as the ways older conflicts among the five removed tribes (Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles) erupted anew with the onset of the Civil War. As the war got underway, the Creek Civil War fought in the Fall of 1861 foreshadowed the clash of cultures to come in later war years. Chapter 2 focuses on the formation and continuation of racial identities through the grammar of warfare as White, Black, and Native cultures clashed on the battlefield, using the Cherokee scalping of White soldiers at Pea Ridge in addition to the Tonkawa Massacre and the Hay Field Massacre, also known as the Battle of Flat Rock Creek, on the eve of the Second Battle of Cabin Creek as illustrations. Chapter 3 turns to the irregular, guerrilla war waged by Confederate Cherokee Brigadier General Stand Watie and White Union Colonel William A. Phillips, as the Euro-American rules of war sanctioned violent behavior in the mold of the Native grammar of war, causing terrible violence for civilians. This thesis, then, is not a complete blow-by-blow account of the Indian Territory Civil War. Rather its purpose is to highlight how the war took place within the unique cultural and racial contours of Indian Territory, thereby filling in a gap in the collective knowledge of the Civil War, and perhaps

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[20] Jill Lepore, *The Name of War: King Philip's War and the Origins of American Identity* (New York: Vintage Press, 1998). Alden T. Vaughn, *New England Frontier: Puritans and Indians, 1620-1675* (Norman: University of Oklahoma Press, 1995); Roy Harvey Pearce, *Savagism and Civilization* (Baltimore: Johns Hopkins University Press, 1953).

providing a launch pad for future studies of the role culture and race played as the United States

unleashed violence on Native people in the second half of the 19th century.

CHAPTER 1

BURN THE PRAIRIE

Phoebe Banks and her family had been fleeing northward all throughout the autumn of 1861. The weather was cold and precipitation added ice to the many troubles Opothleyahola's long train of Union-sympathizing Creek soldiers, civilians, and slaves had to endure as Texan and Cherokee Confederates pursued them into Kansas. Banks was a slave held by a prominent Creek family, and she witnessed, in that capacity, the chaos and the terror of the final battle of the Indian Territory Civil War's first campaign despite the beleaguered Creeks' best efforts "to fight off them soldiers like they done before." The battle of Chustenahlah was the final loss for the Unionist Creeks. After the battle, Banks later remembered "runaways riding ponies stolen from their master[s]", and Creeks "scattered around and separated" from one another. As they fled, "they burn[ed] [the] Prairie."[21] How did it come to this for Banks and her people?

The Civil War in Indian Territory was different than the war that exploded elsewhere in North America. In this first campaign of the conflict, the war involved solders fighting civilians, Native and White people fighting other Native people, and a mixture of Native and Euro-American ways of war. This campaign was just the beginning. It ushered in four years of bloody, violent chaos felt by soldier and civilian alike. With the political fracturing of the removed tribes, Confederate ambition in the West, and the threat of violence from Kansas, Texas, and the western half of the territory spilling over, the Civil War in Indian Territory was one of incredible violence.

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[21] Interview of Phoebe Banks, Grant Foreman Collection, Box 11, The Gilcrease Museum (hereinafter TGM).

The violence came from different places and manifested itself in different ways. Before the war, disputes over Indian Removal split many tribes into warring factions, and in the years that followed they resorted to violence against each other from time to time. The arrival of the removed tribes set off a wave of violence between the new immigrants and the old inhabitants of the region, as the plains tribes already living in the territory often raided settlements along the border, causing tribal governments and the federal government to seek uses of state power, such as material aid from Indian agents and military aid in the form of forts rimming the territory, in order to keep the peace. When the war came, the Union abandoned its forts throughout the territory, triggering political crises in the tribes, of which the Confederates took advantage, gobbling up tribes in its sphere of influence. An already violent territory became more violent, as the first campaign of the war in Indian Territory saw Confederates assist their Creek allies in ejecting Unionist Creeks from the territory. What broke out, then, was not a new war; it was a dramatic escalation of an old one that had been fought over many decades between and among Whites and Natives.[22]

And it was to be a different kind of war for everyone involved. While fighting a war in the European mode was the accepted rule of warfare, the war in Indian Territory materialized a fusion of Native and European cultural practices. This way of war was the normative "grammar" of the conflict, straining the Euro-American expectations of appropriate behavior on the battlefield. During the Civil War the Five Tribes strove to fight according to the Euro-American grammar, but their success in holding to this ideal was mixed. Union and Confederate leaders tried to hold their Native troops to the Euro-American grammar, considering them functionally

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[22] Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma Press, 1972), 220-225; David La Vere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), 141-66.

part of the Euro-American apparatus until Native people shifted to their own cultural grammar of warfare. This cultural clash is epitomized by the brief and bloody Creek Civil War in the late Fall of 1861. The experiences of Phoebe Banks and the rest of the Unionist Creeks and their allies trudged in the cold toward Kansas are exemplary of the cultural clash and the violence that defined the Civil War in Indian Territory.

The Grammars of War

"[Indians] have no stated rules of discipline, or fixed methods of prosecuting a war," wrote one British colonist who had experience fighting Natives. "[T]hey make attacks in as many different ways as there are occasions on which they make them, but generally in a very secret skulking, underhand manner, in flying parties that are equipped for the purpose." The view was derisive, racist. But the differences between this White man's conception of acceptable modes of warfare and what he observed among Native people were real. The descriptive "skulking" was a common way Europeans referred to Native methods of warfare in the colonial period. Despite the derision of Native cultural norms regarding warfare, European colonists adopted many of these norms and carving out a unique American way of war that was a fusion of Native and European ways of war. As historian Wayne Lee has argued, ways of war were "grammars," which he defines as "structures, patterns, and internally consistent logic…in which violent acts carry meaning and convey intention." Different sides abided by these grammars in order to communicate their intentions, which were rarely merely killing. These rules were often enforced by cultural understandings. Violence, therefore, was a way to communicate to the opponent: if one side in a conflict operated within the understood way of war — within the grammar — that side could see the enemy as perhaps redeemable, one of their

own. Violence outside this grammar could mean that the enemy was unredeemable, a barbarian.[23]

Within this framework, warfare between Europeans and Natives was a cultural exchange and miscommunication simultaneously. Natives and Whites had fought each other since the era of contact in the late 15th and early 16th centuries. Rather than one form of warfare dominating, both side adopted grammatical rules from each other to form a new American way of warfare. For instance, European colonists fought more and more in the "skulking" style of their Native enemies rather than in tight formations packed, primarily to make massed firing more effective. Native warriors, meanwhile, adapted to firearm technology. Conventional Native tactics relied hit-and-run attacks, ambushing the enemy from the trees, or falling upon villages full of non-combatants. Native warriors might capture prisoners, destroy their homes and crops, and occasionally resorting to scalpings or other ritual trophy-taking. And as European colonist engaged Native peoples continually, they adapted to this way of waging war, molding it with their European understandings of how to fight wars. This created a uniquely violent American way of warfare.[24]

While most Europeans initially tried to hold on to their rules of warfare, depending on the behavior of their enemies, they often adapted their own grammars of war in ways they considered "savage" when exhibited by Native people. On a scouting expedition during the Seven Years War, for instance, Robert Rogers took French prisoners and issued orders that

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[23] Robert Rogers, *A Concise Narrative of North America* (London, 1763), 229. Armstrong Starkey, *European and Native American Warfare, 1675-1815* (London: University College of London, 1998) 17-20. Wayne Lee, *Barbarians & Brothers: Anglo-American Warfare, 1500-1865* (New York: Oxford University Press, 2011), 1-3. Lee's quote is a paraphrase Clifford Geertz, "Religion as a Cultural System," in *Interpretation of Cultures* (New York: Basic Books, 1973), 89.

[24] Lee, *Barbarians and Brothers*, 222-23. Patrick M. Malone, *The Skulking Way of War: Technology and Tactics among the New England Indians* (New York: Madison Books, 1991, reprint 2000); Starkey, *European and Native American Warfare*, 19-20, 25-29.

should he be attacked in retaliation by the French, the prisoners were to die. The French attacked, and the prisoners "were knocked in the head" by Rogers's men. Such an episode was normally outside the rules of the European grammar, but due to the brutality of the Seven Years War, Rogers's superiors did not reprimand him. Such actions could be taken against Natives, whose "savagery" fell outside the bounds of lawful warfare, thereby giving European colonists warrant also to act outside the bounds. The grammatical rules that frowned upon *petite guerre* acted as restraints within European military cultures. But in American practice, those restraints were often ignored, especially against Native people.[25]

During the Revolution, there were two wars: one following the European grammar and the other following the American grammar. The American way of war was well-established by the time of the Revolution when George Washington employed European officers to drill his soldiers in the ways of European warfare. Even during the American Revolutionary War, the American way of warfare predominated in the backcountry. Bands of partisan "rangers" attacked each other and Native peoples. They regularly ignored European rules. They even targeted officers, something unthinkable to Europeans, who saw the officer as the individual holding back wanton, chaotic bloodshed.

When American Patriots fought British regulars, however, they used the European grammar of warfare. The British, despite their dismissal of colonial military capability, also associated the colonials with Native warfare and violence. Wayne Lee argues that Washington's Europeanization of war making was a signal to the British that the Americans were fighting according to the same grammar, so that the British considered Americans brothers rather than "barbarians." Washington understood the stigma associated with American war making. The

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[25] Robert Rogers, *Journals of Major Robert Rogers* (Readex Microprint, 1966), pp. 128, 145; Starkey, *European and Native American Warfare*, 26-27.

British encountered this at Lexington and Concord, for instance. Should the British regard the Americans as the "other," American soldiers would not be afforded the same protections as other European combatants enjoyed and be subject to extra-grammatical violence should a patriot become a wounded or a prisoner. Washington, then was trying to distance his army from the American grammar to communicate to the British that Americans were like them.[26]

After the Revolution, the United States military used both the European and American grammars. During the War of 1812, while American forces battled the British along the eastern seaboard following the European grammar, American forces battled Natives in the south and the west using the American grammar. This duality of approach was common. Tactics inspired by the mastery of Napoleon Bonaparte in his rampages through Europe inspired American military minds to conform to European standards. In 1855 Major William Hardee of the United States Army published *Rifle and Light Infantry Tactics for the Exercise and Manoeuvres of Troops When Acting as Light Infantry or Riflemen*, commonly known as *Hardee's Tactics*. Hardee used his extensive experience learning the art of war in France, observing French tactics in the early 1840s, which were the gold standard for armies operating in the European grammar of warfare. But American military culture relied heavily on militias and other amateur forces it had employed in wars past. Rather than being concentrated for rapid deployment against European or other White American powers, a good number of the meager American army remained scattered throughout the borderlands in forts and other installations. This duality between European and American military cultures persisted even as American military officials were

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[26] Lee, *Barbarians and Brothers*, 197-202.

busy forging the Euro-American grammar on the eve of the Civil War. American armies were expected to behave as European armies, particularly the French army.[27]

Then the war came. As volunteers began to flood recruiting stations to enlist, armies on both sides trained and were expected to fight according to *Hardee's Tactics* or some other manual explicating the Euro-American grammar. For Native peoples, especially the Five Tribes removed from the southeastern United States some thirty years prior, the Cherokee, Choctaw, Chickasaw, Creek, and Seminole tribes, comporting to the Euro-American grammar was part and parcel of their overall transformation comporting to American cultural norms more broadly.

Pre-war Violence in Indian Territory

Before the Civil War, the Indian Territory was beset by violence. The violence came from clashes between removed Native peoples and the peoples of the plains already living in Indian Territory, as well as with marauding bandits and thieves from Texas. Political rivalries within some of the removed tribes also became violent, especially within the Cherokee Nation, whose removal saga split the tribe into factions that warred with each other during the larger Civil War. Other removal-era political rivalries led to bloodshed during the war, particularly

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[27] For more on warfare on the borderlands after the Revolution, see Alan D. Gaff, *Bayonets in the Wildernes: Anthony Wayne's Legion in the Old Northwest* (Norman: University of Oklahoma Press, 2004). For more on warfare during the war of 1812, see Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York: Alfred A. Knopf, 2010). For a good examination of this warfare during the era of the Mexican-American War, see Brian Delay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008). William Hardee, *Rifle and Infantry Tactics: For the Exercise and Manoueuvers of Troops When Acting as Light Infantry or Riflemen, vol. 1* (Philadelphia: Lippincott, Grambo, 1855); Bonura, *Under the Shadow of Napoleon*, 93-97, 108-09. For more on Hardee, see Thomas E. Schott, "Lieutenant General William Hardee, the Historians, and the Atlanta Campaign," *Confederate Generals in the Western Theater: Essays on America's Civil War* (Knoxville: University of Tennessee Press, 2010), 159-187. For a review of French influence on American war making, see Michael A. Bonura, *Under the Shadow of Napoleon: French Influence on the American Way of Warfare from the War of 1812 to the Outbreak of WWII* (New York: New York University Press, 2012). *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, DC: U.S. Government Printing Office, 1880-1901), series 1, volume III:574, 578-79 (*OR* hereinafter; all citations to series 1 unless otherwise indicated).

among the Creeks. The Civil War did not bring violence to Indian Territory, but rather added to the violence already existing there.

Indian Removal was a violent process that thrust the Five Tribes into an unknown land next to unfamiliar neighbors. The violence escalated for many tribes upon their arrival in Indian Territory with internal and external forces acting as violent catalysts. Political factions sought retribution for removal treaty betrayals, bands of plains tribes and Texans wreaked havoc on many of the removed tribes, as the United States sped towards Civil War. The United States tried to stop some of the violence and create a stable place for the Five Tribes to live. The violence continued, however, and be a chilling backdrop to the coming of the Civil War.

Political infighting among the five removed tribes from the Southeastern United States led to a rash of violence and threw many of the tribes into chaos before the Civil War broke out. The Cherokees were exemplary in this regard. Different Cherokee groups emerged out of the tragedy of removal to Indian Territory. From 1794 to 1838, Cherokees split into no fewer than four separate groups, all with different leaders, agendas, and viewpoints on removal. Once in Indian Territory, the Cherokees continued the same infighting that characterized their pre-removal politics. Removal marked the dividing lines within Cherokee political debate. These dividing lines formed around the leaders, such as John Ross, Stand Watie, John Ridge, Elias Boudinot, among others. Slavery caused further controversy. Cherokees, much like the rest of their neighbors within the Five Tribes, contained a slave-holding population, and much like the White southern culture from which they were driven, only a small minority of the population was wealthy enough to own slaves. In this vein, cracks in what political unity existed for the

Cherokee became more prominent. The lack of political unity directly led to the chaos and brutality that characterized the Civil War in Indian Territory.[28]

One source of the political chaos within the Cherokee Nation was the creation of secret societies. These societies had freemasonic origins and coalesced around issues of slavery and traditionalism, or what it meant to hold fast to tribal traditions. Along these lines, Cherokee split into two camps: the "Full Bloods" and the "Mixed Bloods." Cherokee "Mixed Bloods," who generally supported slavery, founded a chapter of the pro-slavery secret society called the Knights of the Golden Circle. The Full Blood element of the Cherokees began to flock to traditionalist ideas and the ancient "Kituwah" ideal. On April 15, 1858, traditionalist, "Full Blood" Cherokees founded the society on the ancient Cherokee ideal of "Ani-Kituhwagi", the idea of a "beloved community" dedicated to the "old ways" of living. Those who sought to maintain and preserve the old ways, and reject many White societal institutions — such as slavery — practiced the old religion and spoke only the Cherokee language. The Keetoowah believed that slavery represented the greatest evil to traditional lifeways because it was the biggest link of the "Mixed Blood" faction to White southern culture. Adding the Keetoowah to the inter-tribal political conflict served to exacerbate further the fissures between the "Full Blood" and "Mixed Blood" elements.[29]

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[28] William MacLoughlin, *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880* (Chapel Hill: University of North Carolina Press, 1993), 4-7. See also Grace Steele Woodward, *The Cherokees*, (Norman: University of Oklahoma Press, 1963); John Ehle, *Trail of Tears: The Rise and Fall of the Cherokee Nation* (New York: Anchor Books, 1988); and Gerard Alexander Reed, *The Ross-Watie Conflict: Factionalism in the Cherokee Nation 1839-1865* (Ph.D. dissertation, University of Oklahoma, 1967) for an overview of Cherokee Removal and the factionalism it spawned more broadly. Estimates range from ten to fifteen percent of Cherokees were slaveholders. Patrick N. Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People 1855-1867* (New York: Routledge, 2003), 49.

[29] The Knights of the Golden Circle had freemasonic origins and lodges were common throughout the South and the Border States. See Woodward, *The Cherokees*, 258. The connotation had less to do with blood quantum than a willingness to adopt and participate in a traditional tribal lifestyle and worldview. For an overview of the

The dispute between "Mixed Bloods" and "Full Bloods" was not dependent upon affiliation with American political parties or ideologies. These divisions were manifestations of tribal politics going back at least fifty years, and they shaped the relations between Cherokee people and the warring sections during the Civil War. For not all Cherokees were keen on allying with the Confederacy. John Ross and the more radicalized members of the Keetoowah society, called "Pins" for the crossed pin symbol they wore on their jackets, were hesitant to cast their lot with the Confederacy, due to their anti-slavery beliefs. What the Confederacy represented, therefore, was a perpetuation of cultural links to corruptive White southern influences, whereas the Union provided a way for the Keetoowah to pursue their goal of a "beloved community." Conversely, pressure on Cherokee officials to ally with the Confederacy accentuated political fissures within the Cherokee Nation extant from the removal period 30 years before. While John Ross's removal-era political enemies, Stand Watie and Elias Boudinot, readily embraced the Confederacy, John Ross sought to remain steadfast to the Union. Eventually, John Ross caved to Confederate pressure and signed the treaty allying the Cherokee Nation with the Confederacy in the Summer of 1861. Ever the political enigma, however, Ross still lobbied the United States government on behalf of his beleaguered people throughout the war.[30]

Keetoowah society and its intersection with Cherokee culture and spirituality, see William G. McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence*, Walter H. Conser, Jr., ed. (Athens: University of Georgia Press, 1994), chapters 9 and 10. See also Minges, *Slavery in the Cherokee Nation*, 77-79, 74-85; For a background into Keetoowah beliefs and an ethnohistorical analysis of the origins of the Keetoowah Society, see Patricia Jo Lynn King, *Forgotten Warriors: Keetoowah Abolitionists, Revitalization, Search for Modernity, and Struggle for Autonomy in the Cherokee Nation, 1800-1866* (Ph.D. dissertation, University of Oklahoma, 2013).

[30] Minges, *Slavery in the Cherokee Nation*, 88-89. W. Craig Gaines, *The Confederate Cherokees: John Drew's Regiment of Mounted Rifles* (Baton Rogue: Louisiana State University Press, 1989), 11-19.

Creeks were also removed piecemeal, with bitter rivalries causing further strife within an already painful removal process. The Creeks were split between Lower Creeks, led by the McIntoshes, who came to Indian Territory a few years before the majority of the Creeks, and Upper Creeks, led by Opothleyahola, the vaunted chief and warrior, who made his mark upon Creek history by his actions in the Red Stick War and War of 1812. Upon removal to Indian Territory, Opothleyahola and the Upper Creeks orchestrated the purge of William McIntosh, the Lower Creek leader, who was instrumental in signing the removal treaty. The United States Army came in to stop further bloodshed, but the Upper Creeks settled away from the Lower Creeks, giving a physical dimension to a cultural, political, and social rift. Political reforms brought the sides closer together, but these reforms did not centralize the government nearly enough, leading to a continuation of political factionalism. When the Seminole groups arrived from Florida, they settled near the Upper Creeks and fall under Creek patronage for several years. The smallest of the Five Tribes, during the Civil War, they followed Chief John Jumper and largely ally themselves with the Confederacy and never formed a consistent Unionist resistance.[31]

The Choctaws and the Chickasaws went west without much internal discord. The United States removed both tribes in one movement, and both tribes cooperated prior to and after removal, especially after the Chickasaws officially became part of the Choctaw Nation in 1837.

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[31] Lary C. Rampp and Donald L. Rampp, *The Civil War Era in Indian Territory* (Austin, TX: Presidial, 1975) 13-14. For more thorough treatment of Creek political factionalism, see Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (Cambridge: Cambridge University Press, 1999). For a more detail on the political factionalism as applied to removal and Indian Territory, see David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010). Rampp and Rampp, *The Civil War Era in Indian Territory*, 14-15; Warde, *Now the Wolf Has Come*, 55. For more background into Seminole politics upon removal and arrival in Indian Territory, see Edwin C. McReynolds, *The Seminoles* (Norman: University of Oklahoma Press, 1957) and Kevin Mulroy, *The Seminole Freedmen: A History* (Norman: University of Oklahoma Press, 2007).

The Choctaws occupied land wedged between Arkansas and Texas, with the Chickasaw lands lying to their west. Both tribes benefitted from convenient access to waterborne transportation via the Red River, which made Southern markets for produce, especially cotton, a vital source of income. Slave traders brought their human cargo up the Arkansas and Red Rivers, further bringing the Choctaws and Chickasaws within the orb of King Cotton and Southern culture and economics. After removal, both tribes had a united government, but in 1855, the Chickasaws sought greater autonomy and separated politically from their Choctaw neighbors.[32]

Indian Territory saw its own share of violence before the Civil War. The Chickasaws are exemplary of this strife. The trials of the Chickasaws in Indian Territory demonstrate the fraught nature of relations between the Five Tribes and the reserve tribes of the plains that often resulted in violence. Many wound up in Indian Territory wealthy due to their favorable removal terms but homeless due to marauding bands of Comanches and Texans keeping the Chickasaws from establishing permanent settlements. As a result, the Chickasaws occupied no less than five camps in the Choctaw Nation upon removal. When Chickasaws did try to settle on their allotted land, they almost immediately became subject to attacks from plains tribes and also the Kickapoos, who themselves had been removed to Indian Territory from the Great Lakes region. Wichitas, Comanches, and Kiowas also terrorized Chickasaw country, employing the traditional Native grammar of warfare. White people also added to the violent incursions with rampaging bands of Texans who set cabins ablaze, stole horses, killed livestock, and slaughtered civilians. Chickasaw leaders petitioned the United States government to provide protection. One Chickasaw chief wrote to President Martin Van Buren that "we are placed entirely on the frontier

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[32] Muriel H. Wright, "Brief Outline of the Choctaw and Chickasaw Nations in Indian Territory, 1820 to 1860," *The Chronicles of Oklahoma*, 7 (December 1929): 401. For a complete treatment of the Chickasaws upon removal, especially relations with the Choctaw, see Gibson, *The Chickasaws*, chapters 9 and 10.

and surrounded by various bands of hostile Indians…[we] are at the mercy of these roving bands." The Chickasaws' proposed solution was a force "in our District to protect our lives and our property." The violence of the Indian Territory borderland that came from within in the case of the Cherokees and Creeks now came from without in the case of the Chickasaws. Their territory exposed to them to violence perpetrated by Native and Whites people alike, and they turned to the only power capable of restraining the violence, the United States government.[33]

Federal officials agreed with the Chickasaw proposal and decided to employ a Euro-American grammatical fix to the Native violence. Their agent, A.M. Upshaw, recognized the impossibility "for [the Chickasaws] to live in peace and safety without the protection from the United States." The problem was that there were only a handful of dragoons at Fort Towson in Choctaw country to patrol "[t]he southwestern part of [Chickasaw lands]," which were "a great outlet and inlet to" attacks made by "all tribes north, and Spaniards and wild Indians to the south and west." General Winfield Scott ordered reinforcements to Fort Towson and the construction of two new outposts in the Euro-American mode in Chickasaw territory, Forts Washita and Arbuckle. Tribal governments also established American-style militias in for protection from violence. These militias worked side-by-side with American cavalry expeditions to pacify plains tribes causing trouble along the border. This did much to check the incursions of plains tribes and the Kickapoo. The Chickasaws took it upon themselves to negotiate agreements with their

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[33] A.M.M. Upshaw to William Armstrong, September 3, 1844, *Annual Report to the Commissioner of Indian Affairs for 1844*, 469-71. Gibson, *The Chickasaws*, 216-18, 220-21; Ishtehotopa to President Martin Van Buren, September 4, 1838, *Documents Related to the Five Civilized Tribes*, Western History Collection, University of Oklahoma. Report of the Commissioner, *Annual Report of the Commission of Indian Affairs for 1856*, 12, 18. Report of the Commissioner, *Annual Report of the Commission of Indian Affairs for 1860*, 15. See also Thomas W. Cuterer, *Ben McCulloch and the Frontier Military Tradition* (Chapel Hill: University of North Carolina Press, 1993).

Native enemies along the Red and Washita River valleys, and with the Texas government as well.[34]

Violence was also one of the most pressing concerns elsewhere within Indian Territory for both the tribes and the government. Whites encroached onto Cherokee and Osage lands illegally, often under the pretense that their maps and surveys were wrong. After United States dragoons, fighting in the American grammar of irregular violence, "[burned] a few cabins," the squatters left. To make matters worse, federal officials reported internecine conflicts within the tribes, especially among the Cherokee, who suffered "many murders and other crimes" due to the formation of "secret associations by full blood members of the tribe," as well as the accusation that missionaries were causing a disruption within Cherokee lands by spreading anti-slavery messages. A string of murders hit the Cherokees in 1855, most likely politically-motivated, which drew the attention of the federal government, who used cavalry from Fort Cobb to forcibly "assist" John Ross in rounding up the troublemakers.[35]

The Five Tribes were surrounded by violence that threatened to spill over into Indian Territory. In Kansas, for example, violence spread due to the on-going battle between free-soilers and pro-slavery radicals. Free State Jayhawkers battled pro-slavery Bushwhackers as the doctrine of popular sovereignty turned bloody on the central plains. The violence crescendoed with two events: John Brown and sons' grotesque butchery of pro-slavery Kansans as the Marias

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[34] Gibson, *The Chickasaws*, 221-23; Report of William Armstrong, 1839, *Annual Report of the Commissioner of Indian Affairs for 1839*, 466-76; Upshaw to Armstrong, September 13, 1841, *ibid., 1841*, 399, the "Spaniards" referred to here are almost certainly Texans.

[35] Report of the Commissioner, *Annual Report of the Commission of Indian Affairs for 1860*, 16. The "secret association" mentioned here is almost certainly the Keetoowah Society. Rampp and Rampp, *The Civil War Era in Indian Territory*, 11.

des Cygnes Massacre, and the pro-slavery sack of the free soil capital, Lawrence. The Civil War

eventually engulfed the political violence of the 1850s in Kansas, especially after Kansas was

admitted as a free state in 1861. War-related violence continued, though, particularly when

Kansas provided sanctuary to thousands of Native refugees fleeing north from the violence in

Indian Territory.[36]

Perhaps more directly relevant to Indian Territory was the violence in Texas. Comanches

and Kiowas threatened the peace and territorial sovereignty of Texas. The federal government

erected a series of forts and installments in west Texas, as well as throughout the southern half of

Indian Territory, to protect Texans and the so-called "reserve" tribes of the high plains, most

notably Wichitas and Caddos, as well as peaceful Comanches and Kiowas. These forts

introduced Texas and Indian Territory to the Euro-American grammar of warfare, but the

troopers campaigning against the Native people of the region were continuing the cycle of Indian

wars using the American grammar. Banditry, thievery, cattle rustling, assault, and murder all

made up the kaleidoscope of violence in Texas before and during the Civil War. Continuing

trouble with Native peoples, especially the reserve tribes, also plagued the Indian Territory

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[36] For on violence in Kansas before, during, and after the Civil war, see Jonathan Earle and Diane Muttie Burke, eds., *Bleeding Kansas, Bleeding Missouri: The Long Civil War on the Border* (Lawrence: University of Kansas Press, 2013). For more on Kansas, see Elliot West, *Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence: University of Kansas Press, 1998); Jonathan Earle and Diane Mutti Burke, eds., *Bleeding Kansas, Bleeding Missouri: The Long Civil War on the Border* (Lawrence: University of Kansas Press, 2013). For the development of racial identity in Pre-war Kansas, see Kristen Tegtmeier Oertel, *Bleeding Borders: Race, Gender, and Violence in Pre-Civil War Kansas* (Baton Rouge: Louisiana State University Press, 2009). For Texas, see Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005). For a connection of the Civil War to the violence in Kansas, see Jay Monaghan, *Civil War on the Western Border, 1854-1865* (New York: Bison Books, 1855, reprint 1984).

during the war. Kansas and Texas provided a violent preamble, and chaotic backdrop, to the

violence of the Civil War in Indian Territory.[37]

Federal Indian agents sought to curb the violence through more Euro-American military

involvement. The Commissioner of Indian Affairs in 1860 recommended, for example,

"establishing a military post near or within the limits of the Cherokee Nation" so that "the

maintenance of the authority of the United States and the enforcement of law and order" in

Cherokee country could be affected. The introduction of the United States Army to keep law

and order in Indian Territory also introduced the on-going war of competing grammars waged

between White and Native people. The United States dragoons, cavalry, and infantry that came

to keep the peace came with notions about not only how they should fight wars, but also an

understanding about how Native peoples fought wars. Two years earlier, the commissioner had

also recommended military intervention against the "wild and lawless" Comanches and Wichitas

in order to protect the Chickasaws and Choctaws. Here cultural and racial understands began to

ossify. In protecting the Five Tribes with a military force organized according to the Euro-

American grammar, the United States signaled that Native people could become grafted into the

White cultural world. At the same time, the United States also signaled that Native people could

be the "other," the "barbarian," as soldiers fought in the American grammar, using the

hybridized way of war employed by White people for centuries against Native people.[38]

The reliance on the federal government should not be construed as total. The

maintenance of sovereignty and the ability to provide for their own needs was a point of pride for

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[37] For a complete overview of the violence in Texas, see Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005).
[38] Report of the Commissioner, *Annual Report of the Commission of Indian Affairs for 1860*, 18. Report of the Commissioner, *Annual Report of the Commission of Indian Affairs for 1858*, 12.

the Tribes. Annuities and supplies helped, but all of the Five Tribes participated in agriculture, trade, and politics. Indeed, each nation had a functioning government to help ensure the welfare of its people. The exit of federal authority from Indian Territory, whether in the defection of Indian agents to the Confederacy or evacuation of soldiers, opened the doors for a more meaningful partnership with the Confederacy that complimented tribal sovereignty rather than abrogated it.

Making Indian Territory Confederate

A crisis in the Creek Nation early in the war served as a type for the kind of war that was in store for the Indian Territory. White Confederates deployed the Euro-American grammar as they pursued their campaign against the Unionist Creek leader Opothleyahola. Native people fought nominally according to the Euro-American grammar, but often shifted to fighting in their traditional Native grammar of warfare. This was the Creek Civil War. In this first campaign of the Indian Territory Civil War, the method of fighting prefigured the larger cultural clash that was to follow. This campaign ended with Phoebe Banks and her family fleeing in chaos from an enemy they knew all too well and moving into a future they knew not at all.

As war loomed, the relative importance of Indian Territory to neighboring Southern states became apparent. Arkansas and Texas both sought to secure Indian Territory for the Confederacy. What concerned them especially was the possibility that Kansas and Missouri could offer Union armies strategic bases from which to conduct military operations and invade deep into Southern territory. The first step in winning Indian Territory for Arkansas and Texas,

and later the Confederacy, was to ensure that the powerful tribes in the eastern half of the territory allied themselves with the South.[39]

The cultural connections the Five Tribes had with the Southern states made an alliance with the Confederacy a distinct possibility. Many members of the Five Tribes nevertheless needed coaxing: They did not join the Confederacy as a matter of course. There were many steps that led them to alliance, and the tribes were loath to engage with the Confederacy, despite the southern cultural pull many within the Five Tribes felt. Confederate officials were astute in jumping on the opportunity to bring the Five Tribes into the Southern fold. Chaos and rumors flew in these early days. Reverend Evan Jones wrote of reports he heard from "rebel papers" that the Cherokee "had joined the Confederates, and would raise a regiment of mounted men." Some in Cherokee Country even questioned the loyalty of the agent, R.J. Cowart, as to whether he was secretly supplying Rebel-sympathizing Cherokees with supplies. Many of the rumors proved to be true. Benjamin McCulloch, the agent for the Choctaws and Chickasaws, soon turned his allegiances southward upon the secession of Texas.[40]

On the Union side of things, the Bureau of Indian Affairs, predictably, expressed concern at the events in Indian Territory. Rumblings of Confederate activities there highlighted the need for greater Union effort to stave off a Confederate-Native alliance. The United States Commissioner of Indian Affairs, William P. Dole, wrote to the Secretary of the Interior that the majority of individuals in the tribes were loyal, but "in some of the border Slave states, the majority is overawed by the minority." Dole's optimistic appraisal of Native loyalty did contain

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[39] *OR*, 1:617-18; VIII:639, 642.

[40] Rev. Evan Jones to William P. Dole, November 2, 1861, NARG 75, LR, Cherokee Agency. John Ross to John B. Ogden, February 28th 1861, Ibid.

veiled barbs for Lincoln's favored policy of evacuating the frontier forts, but he remained firm in

his belief that "even a small force of federal troops" in "disaffected States" would "preserve the

peace." The small force turned out to be three thousand Federal troops, the number Dole chose

that could restore order and bring the "disaffected" tribes back into the fold. The troops were not

forthcoming. Undeterred, in August, Dole proposed to arm "the friendly Indians" to aid in their

own defense, thereby incorporating them into the Euro-American Union Army. Federal Indian

agents and officials on the ground, bereft of military support, recognized the existential threat the

rebellion posed for stability and order within Indian Territory.[41]

On April 16 Lieutenant Colonel William H. Emory, commander of the First United States

Cavalry, ordered his men to abandon Fort Washita. In this, Lt. Colonel Emory took the first step

toward an Indian Territory Civil War. McCulloch's task force peaceably occupied Forts Cobb,

Arbuckle, and Washita mere hours after the federals had abandoned them. Other Confederate

forces occupied Forts Smith and Gibson. On the eve of war, the United States Army had all but

lost the allegiance of the removed tribes. The best-case scenario was that they remained at least

nominally neutral. Without meaningful Federal military support, the Confederates were free to

craft relationships with the tribes.[42]

Native people acted on their own initiative, and the Confederacy was quick to take

advantage. As an exercise of this sovereignty, the Five Tribes, for example, held general council

meeting in the Creek Nation in order to discuss whether the tribes should join with the

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[41] William P. Dole to Caleb B. Smith, May 30, 1861, *Annual Report of the Commissioner of Indian Affairs* (Washington D.C., 1861); Dole to W. J. Smith, August 15, 1861, *Annual Report* (1861). For more details on the policy side of the evacuation, see David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (St. Paul: Minnesota Historical Society, 1978, reprint 2012), especially chapter 3.

[42] *OR*, VIII:668.

Confederacy or stay loyal to the Union. What the tribes were looking for, ultimately, was further

assurance from the United States of "future security and protection." They did not get it — at

least from the Union. Instead, the Confederate States seemed ready, willing, and able to provide

such assurances to the tribes. Confederates also began courting native tribes in Indian Territory

to join the Southern cause. The Confederate government sent Albert Pike into Indian Territory

with the mission to form alliances with native tribes there. Confederate officials deliberately

chose Pike. He was a one-time Indian Agent and had spent much time among the Five Tribes

while living in Arkansas. He also had knowledge of their languages as a prolific polyglot.

Sending Pike was a signal to the tribes that they had a reliable ally, who not only understood the

political aspect of an alliance, but who also understood the culture of the tribes.[43]

     With the help of McCullough, Pike managed to bring the Choctaws and Chickasaws into

the Confederate fold. Most Seminoles also joined. Pike easily convinced the Upper Creeks to

sign a treaty with the Confederacy. The Upper Creeks were headed by the powerful McIntosh

and Harjo families, who had ties to the South and Southern culture, among them, slavery. The

Lower Creeks were led by Opothleyahola, a former chief and military leader, who had fought

against Andrew Jackson during the War of 1812. The Lower Creeks stood steadfast to their

treaty obligations to the United States and distrusted many of the Upper Creeks, who had signed

the removal treaty decades before. Pike and the Upper Creeks tried to court Opothleyahola to no

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[43] Abel, *The American Indian as Slaveholder and Secessionist*, 68, 130, 202. Chickasaw Legislature, Jan. 5, 1861, *Cherokee 1859-1865*, Indian Office General Files, C515, quoted in Abel, *The American Indian as Slaveholder and Secessionist*, 69.

avail. Sensing the danger of the shifting political winds, Opothleyahola and his growing band of

Lower Creeks, congregated near the Cherokee border.[44]

Cherokees split along preexisting partisan divides. The Southern-sympathizing

Cherokees, and prominent members of the Knights of the Golden Circle, such as Stand Watie,

fell in with the Confederacy immediately, while Keetoowahs and others allied with Principal

Chief, John Ross, favored neutrality, if not outright Unionism, although both of these positions

proved impossible to maintain. Other leading Cherokees also favored an alliance with the

Confederacy, among them, Elias Boudinot, who later served as the Cherokee representative in

the Confederate Congress. Many Union-sympathizing Cherokees fled to join Opothleyahola's

Unionist Creeks or flee to Kansas or Missouri. Many Cherokees who harbored Union

sympathies decided to stay and pledge nominal loyalty to the Confederacy rather than leave the

Cherokee Nation. Pike spent the summer traveling across Indian Territory, securing the

allegiance of the Five Tribes and many reserve tribes as well. Along with Pike's diplomatic and

political objectives, Brigadier General Ben McCulloch ordered him to raise two regiments of

Indian troops in order to help with the defense of Indian Territory. It was a marriage of

convenience.[45]

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[44] John B. Ogden to Secretary of State, NARG, LR, Cherokee Agency. Pike to Opothleyahola, October 7, 1861, Cherokee National Papers, Western History Collection, University of Oklahoma (WHC hereinafter). Warde, *When the Wolf Came*, 62-69.

[45] Minges, *Slavery in the Cherokee Nation*, 100-110. David A. Nichols argues that Ross's political calculations were solely influenced by the silence coming from Washington and the Lincoln administration to support his desire pro-Union choice. However, this argument totally ignores the internal political calculations Ross made, and also ignores Ross's desire for pan-tribal solidarity. See Nichols, *Lincoln and the Indians, 25-32*. For a detailed explication of Pike's efforts in signing tribes to treaties with the Confederacy, see Abel, *The American Indian as Slaveholder and Secessionist*, chapters 3 and 4; and also Nichols, *Lincoln and the Indians*, chapter 3. For details on the Cherokee treaty process, see Confer, *The Cherokee Nation in the Civil War*, chapter 2; McLoughlin, *After the Trail of Tears*, chapter 7. For details on the Chickasaw treaty process, see Gibson, *The Chickasaws*, 260-66. Cutrer, *Ben McCulloch and the Frontier Military Tradition*, 197; McCaslin, "Bitter Legacy" in *The Civil War and Reconstruction in Indian Territory,* Clampitt, ed., 20; Abel, *The American Indian as Slaveholder and Secessionist*, 209.

There were many reasons why Native leaders within the Five Tribes reconsidered their relationship with the United States. There had been veiled threats against the sovereignty of the Five Tribes from none other than Lincoln's secretary of state, William Seward. A few years earlier while a presidential candidate, Seward had suggested "[t]he Indian Territory…must be vacated by the Indians." With Seward as Lincoln's secretary of state, and the tepidity of the Lincoln administration in honoring their treaty obligations, the Confederate treaty proposals promising to honor tribal sovereignty turned many heads within Indian Territory. There had also been recent droughts throughout Indian Territory, which stretched the sovereignty of the Five Tribes and the ability of the United States to provide for their material needs. These droughts caused a general state of destitution among ordinary people for several years during the middle of the 1850s. More and more, the tribes relied on federal relief for survival, but this dependence also bred conflict. There were certain agents, to be sure, who tried their best to alleviate the suffering of the people, and who developed a trusting and working relationship with the tribes. Yet many of these agents were southern, and when the war came they switched allegiances even as they kept their jobs working as Indian agents for the Confederate government. The prospect of joining the Confederacy looked more advantageous to the tribes than did sticking with the Union.[46]

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[46] George E. Baker, ed., *The Political Speeches of William H. Seward* (Boston: Houghton Mifflin, 1853-1884) 4:363. See also Abel, *The American Indian as Slaveholder and Secessionist*, 57-58. Douglas Cooper to Charles W. Dean, August 28, 1855, George Butler to Charles W. Dean, August 11, 1855, *Annual Report of the Commissioner of Indian Affairs for 1855*, 154. *Annual Report of the Commissioner of Indian Affairs for 1855*, 124. Report of the Commissioner, *Annual Report of the Commission of Indian Affairs for 1860*, 19-20. Abel, *The American Indian as Slaveholder and Secessionist*, 58-62. For a fuller explication of the droughts in the 1850s and their effect on the Five Tribes, especially regarding their relationships with the United States, see Kevin Sweeny, ""Twixt Scylla and Charybdis: Environmental Pressure on the Choctaw to Ally with the Confederacy," *The Chronicles of Oklahoma* 85 (Spring, 2007), 72-93.

The Confederate treaties with the tribes sought to remedy the problems the tribes' encountered with the United States. The Confederacy promised more autonomy for the tribes and even a pathway to statehood. The Confederate government took over payment of annuity money to tribes and promised to provide supplies to alleviate the lingering suffering of the droughts. Individuals could travel freely into surrounding states, under the new terms, which offered to deepen tribal ties with Southern commerce. Perhaps most important, the Confederate vision of power and control over Indian Territory were the clauses that guaranteed the tribes protection from "domestic strife, hostile invasion, and from aggression by other Indians and white persons." These clauses attempted to guarantee peace in Indian Territory, which the United States had failed to provide before the war.[47]

Culture was a large motivator for the Five Tribes in joining with the Confederacy. Choctaw and Chickasaw leading men had deep economic connections with the Southern cotton and slave economy. The Five Tribes came from the South. Tribal elites and "Mixed Bloods" absorbed Southern values. They dressed as Southern Whites did. They spoke English. The political promises of the South were, indeed, important, especially considering the chronic struggles of the United States in providing for the tribes. However, the cultural pull was a large factor in the formation of Native alliances with the Confederacy.[48]

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[47] For the text of all the treaties between the Confederate States and the tribes within Indian Territory, see *OR*, series. 4, I:426-43, 445-66, 513-527, 542-48, 548-54, 636-46, 647-658, 659-66, 669-687. Annie Abel suggests that this was because of a Confederate desire to play belligerents in the on-going Cherokee struggles for power off each other for continuing and future Confederate interests. As events unfolded, this clause became effectively meaningless. For a detailed overview of the treaties, see Abel, *The American Indian as Slaveholder and Secessionist*, chapter III.

[48] Joseph P. Folsom, *The Constitution and Laws of the Choctaw Nation Together with the Treaties of 1855, 1865, and 1866* (New York: William P. Lyon and Son, 1869), 28-29, quoted in Rampp and Rampp, *The Civil War Era in Indian Territory*, 58-73.

All of this would be for not if the Confederacy could not defend its possession. Contrasted with the Union's unease at using Native troops, Pike's orders authorized him to raise and use soldiers from the Five Tribes. In a report to the Confederate Provisional Congress, Pike also laid out Jefferson Davis's overall strategic vision for the territory, which dovetailed with schemes for statehood: "It is both a military and political necessity that [Indian Territory] should form part of our own country." The price for safety and security would be the eventual loss of sovereignty. This, Pike argued, was better than the alternative of having Union forces "free their slaves and seize their lands." The Confederate vision Pike presented to the tribes was one of unity, albeit with strings attached, which would not matter if the United States was in charge again.[49]

Pike message to his fellow White, Southerners was an attempt to cast a White cultural gloss onto the Five Tribes. He spoke highly of the character and dedication of the individual Native. Members of the Five Tribes "are a people with the same nature and affecations [sic] as ourselves, and controlled by the same motives and springs of actions." Pike also warned that "they are naturally unforgiving and revengeful, especially never forgetting a broken promise or violated pledge." To regard Pike and the Confederate policy as recognizing some sort of racial equality would be a mistake. "The cai-a-was [Kiowas]…are inveterate horse-thieves, and are always at war," he warned. What Pike failed to understand was that the plains tribes' grammar of war was different than that of his own grammar.[50]

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[49] Albert Pike report to the Confederate Congress, December 12, 1861, Confederate Commission on Indian Affairs file, OHS, 10, 18.

[50] Ibid., 31.

Conversely, the Confederate vision of Indian Territory was rosy for the Five Tribes, who were apparently Southern culturally, but the reserve tribes were troublesome, needing "two or three regiments [of Creek and Seminole troops] in order to kill them." Despite this outlook for the Five Tribes, who, in Pike's estimation, could make good soldiers in the Euro-American mold, but the reserve tribes were not to be trusted, prone to violence, including murder. "It would be well to remember this[] when we are reproached with the enlistment of civilized and christian Indians." Pike also admitted that even the Five Tribes were still Native people, not White. Their cultural norms embedded deep within their societies could not so easily be replaced with that of the White, Southern culture, no matter how "civilized" the Five Tribes appeared. Justified or not, Pike made it clear who could be included in the new Confederate order.[51]

The Five Tribes were suitable for incorporation into the Confederacy because they supported slavery. Pike noted they "are now all true to the cause of the South." Pike constantly appealed to the existential threat the Union posed to slavery. The traditional lands of the Five Tribes lay within the South, who the tribes had few good feelings toward, a fact that Pike was eager to rectify. The vision for a new, Confederate Indian Territory according to Pike was a Southern vision. The tribes would lose their identities strictly as Native and be grafted into the Confederate nation. Jefferson Davis eschewed the automatic admission of the Five Tribes as a state, on constitutional concerns, but did not foreclose the possibility. In his letter submitted along with Pike's report, Davis recognizes "the great importance of preserving peace with" the Five Tribes "on the frontier of Texas, Arkansas, and Missouri…because…of the spirit these tribes have manifested in making common cause with us." The Confederacy and Five Tribes had tied their fortunes together, the tribes falling within the Southern orbit, and the Confederacy

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[51] Ibid, 35, 37, 56.

committed to the safety and welfare of the tribes and their people. This relationship did not become what Pike envisioned largely because the Confederacy was unable to maintain control and stifle the violence as the war crept back into the territory. For whatever high hopes tribal leaders and Albert Pike may have had for a blossoming relationship, the opening salvos of Civil War erupted in the Creek Nation. With the pieces on the board, the violent game was about to begin.[52]

The Trail of Blood on Ice: The Creek Civil War

After many Indian Nations signed treaties with the Confederacy, sizable Unionist minorities fled their homes and find relative safety from political retribution among other Unionists. In 1861, most of these refugees were Creeks. The first wave of these civilians congregated around Opotheleyahola's camp in the southeastern corner of the Creek Nation. While there was division among the Cherokees and Seminoles regarding support of the Confederacy, the internal division of the Creeks was the only intra-tribal conflict to turn into open warfare in 1861. Slaveholding and Southern-sympathizing Creeks were the majority of the Creek Nation, while Chief Opotholehoya and the Northern-sympathizing minority of Creeks congregated, along with refugees from other tribes, near the Creek town of Thloboloco.[53]

While Unionist Natives sought refuge with Opothleyahola, Confederates began moving into the territory in force almost immediately. Texans armed with every-day hunting weapons, knives, shotguns, flintlock muskets, and a few rifles began to move north in the late summer and early fall of 1861. The 9th Texas Cavalry splashed across the Red River near modern-day

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[52] Ibid, 59; Davis to Confederate Provisional Congress, December 12, 1861, ibid, 5.

[53] Abel, *The American Indian as Slaveholder and Secessionist*, 243-58.

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Denison, Texas in the early fall of 1861 after a summer of drilling, horse racing, and boredom. The 3rd Texas Cavalry crossed near Sherman, Texas into the Chickasaw Nation and proceeded through the Choctaw Nation into Arkansas in time to join Price's army at Wilson's Creek. Immediately upon entering the Choctaw Nation, the Texans marveled at the "beautiful country" and the peculiarity of the people living there. These soldiers were bound for operations in Missouri, and they camped on the Cherokee-Choctaw-Creek border at North Fork Town, a hub at the intersection of the Texas Road and California Road, which served as a Confederate supply base.[54]

Texan troops noted cultural and linguistic differences between Native people and themselves almost immediately, and the Texans connected these difference to war-making — a theme that became a constant refrain in the coming months. A. W. Sparks, a trooper with Company I, 9th Texas Cavalry, recalled a "small negro Indian boy" issuing a call to other apparently unseen Natives soldiers that sounded like "something resembling the gobbling of a turkey," which Sparks's commander took to be an "Indian war-whoop." The Texans connected this sound with the behavior of the local Creeks, who were "in great excitement" over members of the tribe flocking to join Opothleyahola's force.[55]

Meanwhile, Confederates recognized the threat Opothleyahola's growing group posed to their grip on Indian Territory. Cooper estimated Opothleyahola's effective strength at "800 to 1,200 Creeks and Seminoles and 200 to 300 negroes," with many more thousand women,

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[54] Douglas John Carter, *As It Was: Reminscences of a Soldier of the Third Texas Cavalry and the Nineteenth Louisiana Infantry*, ed. T. Michael Parrish (Abilene, Texas: McMurry University State House Press, 2007) 78. Carolyn Thomas Foreman, "North Fork Town," *The Chronicles of Oklahoma* 29 (Spring 1951): 177.

[55] A.W. Sparks, *The War Between The States As I Saw It: Reminiscent, Historical And Personal*, (Tyler, Texas: Lee and Burnett, 1901, reprint 2012), 9.

children, elderly, and invalids. Meanwhile, Cooper placed combined Confederate strength at 1,400. If Opothleyahola could get organized and receive Union support in the shape of reinforcements and materials, Confederate domination of Indian Territory would be in jeopardy.[56]

Confederate Creeks, Albert Pike, and Cherokee Principal Chief, John Ross, tried and failed to treat with Opothleyahola. Gouge, as Opothleyahola was often called, stood firm to his treaty commitments with the United States. News of his steadfastness to the Union spread throughout the Creek Nation and Indian Territory, as scores of Natives and runaway slaves joined his camp near Thobthlocco in the northeastern part of Creek Nation. And as diplomacy with Gouge failed, the Southern-allied Creeks' patience ran low. They increasingly sought a military solution to a diplomatic problem. Rather than continue fruitless parlays, Opothleyahola's Creeks began to organize for war. Outnumbered by and surrounded by Confederates and tribes allied with the Confederacy, refuge in Union-held Kansas was the only realistic option.[57]

With his kinsmen-turned enemy bearing down on him, and his numbers swelling into the thousands full of Natives of several tribes, Opothleyahola turned to the federal government for assistance. Opothleyahola wrote a letter to the "Great Father" Abraham Lincoln on August 15, 1861, and sent it with Union-sympathizing Creek envoys to Washington in late August. "White people," they noted, were driving a wedge in the Indian community "to fight against us and you." Only the strength of the "Great Father" could help the loyal Creeks "to keep off the

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[56] Report of Douglas H. Cooper, *OR*, 1:VIII:5-6. Some estimates place Opothleyahola's total number at 1,500 Native soldiers, 700 armed Blacks, both free and slave, and nearly 10,000 refugees, see Minges, *Slavery in the Cherokee Nation*, 114.

[57] Warde, *When the Wolf Came*, 65-68.

intruder & make our homes again happy as they used to be." These envoys met with Union

officials in Kansas, never reaching Washington. Federal officials wished to keep Indian

Territory tribes in its orbit but were unable to facilitate an inter-tribal parlay in Indian Territory.

Any sort of meeting would have to be in Kansas, a solution which was unpalatable to now

Confederate-allied Natives. The federal government offered a tepid response promising help, but

no help was to come. Refuge where the United States could effectively wield its power was the

only option. Opothleyahola led his large band of Unionist Natives out of Creek Country and

towards Kansas in November 1861.[58]

Regiments of Confederate Choctaws and Chickasaws, as well as elements of the 9th

Texas Cavalry, led by Cooper, caught up to Opothleyahola's refugees and attacked them on

November 19, 1861 at the Battle of Round Mountain. This battle epitomized the chaos and

violence of the war in Indian Territory. Cooper attacked at night and could not pin down the

Union Indian forces. The Unionist Creeks fought back in the waning, autumn light, but the

Confederate Creeks and their Texan allies got the upper hand after a few hours of fighting. The

beleaguered band of Creek refugees fled further northeast toward Kansas.[59]

The action at Round Mountain was not remarkable, but the aftermath foreshadowed not

only the brutality and chaos of the war to come in Indian Territory, but also highlighted the clash

of cultural grammars employed by both White and Native soldiers throughout the Civil War in

Indian Territory. The Unionist Creeks fought back utilizing traditional methods of warfare,

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[58] Abel, *The American Indian as Slaveholder and Secessionist*, 246n491, 248n498, 250n504.

[59] The location of the battle is disputed. Two sites are often offered as possible locations. One site is submerged in what is now Keystone Lake. The other site is a few miles west of the present-day town of Yale, Oklahoma. Historian Angie Debo favored the Yale location. Debo, Angie, "The Site of the Battle of Round Mountain," *Chronicles of Oklahoma* XXVII (Summer 1949): 187–206.

including burning the prairie before the advancing Confederates. Opothleyahola's soldiers also used a hodgepodge of weapons, including firearms, clubs, bows and arrows. Before fleeing, some native women in the Unionist camp exacted brutal revenge on captured Texans, as they ruthlessly beat bonded Confederate skulls in with corn-grinding pestels.[60]

Opotholehoya escaped to the north. A rumored Union incursion into Missouri and Arkansas, meanwhile, diverted Confederate troops. This distraction illustrates the problem of resources that plagued the war in Indian Territory: There were never enough troops for a consistent, organized campaign in the Euro-American fashion, nor was the land capable of supporting troops, especially after much of the irregular violence began. Opothleyahola spent the late fall of 1861 north of the Arkansas River, preparing for when the Confederates planned to attack once again.[61]

With the Union threat to southwestern Missouri and northwestern Arkansas a mirage, McCulloch and Pike decided to eliminate Opothleyahola's threat to Indian Territory altogether. Cooper brought a larger force this time, consisting of Confederate Creeks, Confederate Cherokees under the Ross-allied John Drew, and two more regiments of Texas troopers. This force caught up with the beleaguered Unionist Creeks on December 9th at Chusto-talasah, winning a modest victory that sent the Creeks and a rag-tag assemblage of Unionist Natives from other tribes further toward the Kansas border. On December 26th, at Chustenahlah, with Watie in the Confederate fold, Cooper then won a decisive victory that secured Indian Territory for the

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[60] *Diary of George L. Griscom*, 6. Warde, *When the Wolf Came*, 72-73. Frank Cunningham, *General Stand Watie's Confederate Cherokees*, (Norman, OK: University of Oklahoma Press, 1959), 49-50.

[61] Warde, *When the Wolf Came*, 70.

Confederacy and drove Opothleyahola into Kansas as the weather turned bitter cold and freezing rain began to fall.[62]

The aftermath of the campaign against Opothleyahola exacted a toll on civilians, who formed the majority of the Unionist Creek column. The terror and chaos of the fleeing Unionists was captured by Phoebe Banks, who recalled the scene years later: people scattering in fear, slaves running away from their masters by "riding ponies stolen from their master[s]", and panicked Creeks "burning the prairie," trying desperately to slow the advance of their pursuers.[63] As Texans and Natives began to plunder the Unionist camp and take away vital supplies, one Texas trooper recalled seeing "a little baby sitting on a little blanket in the woods. Everyone was running…and no one…[stopped] to pick up the child. As it saw people running by, the little child began to wave its little hands [not knowing] that it had been deserted." Confederate Native and Texan troops captured many civilians, supplies and slaves, the latter of whom were marched to Fort Smith and bound for the New Orleans slave market.[64]

The Creek Civil War served as a type for the cultural clash to come. The Confederate troops performed many maneuvers according to the Euro-American grammar. The Texan and Native troops, operated as dismounted cavalry, which was the preferred method of fighting against infantry. The Texans also performed a rare and highly-complex maneuver: They formed a square. The square was a defensive measure to protect infantry formations against cavalry

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[62] The best detailed accounts of the Opothleyahola campaign, known by the Creeks as the "Trail of Blood on Ice," see Abel, *The American Indian as Slaveholder and Secessionist*, 354-59; Warde, *When the Wolf Came*, 70-87.

[63] Interview of Phoebe Banks, Grant Foreman Collection, TGM.

[64] James Larney quoted in Minges *Slavery in the Cherokee Nation*, 122. For a concise overview of the campaigns in Indian Territory in the winter of 1861, see Richard B. McCaslin, "Bitter Legacy: The Battle Front" in *The Civil War and Reconstruction in Indian Territory*.

charges of mounted troops wielding lances and swords. Employed by the British at Waterloo with remarkable success against Napoleon's legendary cavalry, the formation had become all but obsolete between 1815 and 1861. Nevertheless, the Texans, themselves mounted troops, formed one against largely an unmounted enemy. There was no need for such arcane defensive measures, as the Unionist Creeks, while having horses and firearms, also used traditional Native implements of war, among them bows and arrows, clubs, and ancient flintlock muskets. Something as quintessentially Euro-American, the infantry square, was used in the same battle as something quintessentially Native, the bow and arrow. Native troops also fought from cover, in the Native mode. The Confederates attacked the Unionist Natives according to the Euro-American grammar. Before the Battle of Chusto-talasah, Creek warriors painted their faces, the news of which spread fear among the pursuing Texans. In the Indian Territory borderlands, the war took on a character that pitted the Euro-American grammar of war against the Native grammar of war, following the way the belligerents fought the Creek Civil War.[65]

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[65] *OR*, VIII:15. *Diary of George L Griscom*, 5. Minges, *Slavery in the Cherokee Nation*, 115-123; Warde, *When the Wolf Came*, 71-85.

CHAPTER 2

"THE MEN WERE LIKE WILD BEASTS": THE RACIALIZATION OF THE INDIAN

TERRITORY CIVIL WAR

After Confederate and Native troops pushed Opothleyahola's refugees into Kansas, race became an important part of the Civil War in Indian Territory. Native and African-American troops played a large part in the war, performing acts of heroism and acts of brutality. Much of this brutality came from adhering to the Native and American grammars of warfare rather than the Euro-American grammar. In some cases, the violence was simply wanton bloodshed outside the rules of war altogether. In White eyes — indeed, in both Union and Confederate eyes — these episodes transformed Native people and African-Americans into an "other," thereby interjecting race and culture into grammar of warfare. The taking of scalps by Confederate Cherokees at the decisive Battle of Pea Ridge in nearby Arkansas, for example, turned "civilized" Native people into "savage" Indians, with both Union and Confederacy united in their condemnation of the act and those who performed it. Massacres increasingly marred the war, taking the violence already infecting Indian Territory to an extreme, as the perpetrators of the massacres butchered those whom they considered the "other."

Both scalping and massacres came from the violation of the Euro-American grammar. Scalping was part of both the Native and American grammars of war, however. Massacres most often happened during times of war, where one side mercilessly slaughtered enemies, who were wounded or in the process of surrendering. Usage of the word "savage" by Whites connected to cultural difference, which ultimately denoted barbarity. Native peoples were "civilized," as long as they were brothers in arms, fighting the same war as Whites for the same purposes as Whites the same way as Whites. Once outside this "civilized" grammar of warfare, Natives were

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"savage." Black soldiers, though not called "savage," certainly were barbarous in the eyes of White people, especially when the Confederacy saw Black soldiers in uniforms. In the Indian Territory borderlands, being "savage" was being the other, a barbarian. The cultural clashes in the Indian Territory Civil War underlined the racial "otherness" of a barbarian in the minds of Whites. The unique cultural and racial makeup of the Indian Territory borderlands created an environment where extra-grammatical violence could flourish.[66]

The Pea Ridge Scalpings

In both the Opothleyahola campaign and the first Union invasion of Indian Territory, Native troops fought according to the Euro-American grammar with little incident. In the war's opening months, both Union and Confederate commands saw the utility of arming and organizing Native people along the Euro-American grammar, and deployed them in the field in critical operations in the struggle for Indian Territory. As the need for troops became a pressing concern to commanders, the Confederacy looked to Native troops in their push to secure Arkansas for the Confederacy and invade Missouri. In the decisive battle in the struggle for Missouri, Native soldiers did not play a crucial role, but when they shifted from the Euro-American grammar to the Native grammar, their actions racialized the war and drew accusations of "savagery."

In the fall of 1862, Confederate Brigadier General Albert Pike resigned his commission. He did so because nearly four months earlier at the Battle of Pea Ridge, Arkansas, Pike's Native soldiers attacked an isolated Union detachment, overran them, and scalped eight dead Iowans. The fallout led to Pike's resignation, as both sides of the war recoiled at the apparent "savage"

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[66] Wayne Lee, *Barbarians and Brothers: Anglo-American Warfare, 1500-1865* (New York: Cambridge University Press, 2010) 171-73, 227-28.

behavior. Ultimately, the apparent failure to restrain his Native soldiers after the battle, when they violated the expected grammar of warfare, spelled doom for Pike's career, and cast Natives in Confederate service as "savage." Scalping, however, had been a component of wars among Native and White people for centuries, and was often an acceptable practice in the Native grammar of warfare. European colonists and Americans also took up scalping as they waged wars on the borderlands. By the time the Civil War erupted, scalping was a practice no longer acceptable, as the favored Euro-American grammar eschewed such behavior. So when Native soldiers acted as they did, Whites were quick to castigate them as the racialized "other." The Pea Ridge scalpings underlined the tension between the competing grammars of warfare in the Indian Territory borderlands.[67]

On March 6, 1862, Pike led his Indian Brigade into battle at Pea Ridge. Early in the day, his brigade, part of Ben McCulloch's division, attacked the Federal right flank. Many of McCulloch's Texan and Arkansan cavalry drove Federals from the high ground, scattering them and causing confusion. Pike's Indians, mostly John Drew and Stand Watie's Cherokees, did not participate in the Napoleonic-style attack but were reserved as shock troops after the initial charge. The Cherokees, many of them dismounted on foot, attacked several Iowa cavalrymen, isolated from the main body of their unit. For many of these Cherokees, Pea Ridge was their first taste of such a pitched battle according to the Euro-American grammar, which ended in what seemed to be a resounding Confederate victory. As White Confederates continued the battle, the Cherokees wandered around a small prairie on which they had won their victory. Here, they scalped at least eight dead Iowans. Allegations also surfaced that Cherokees began to

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[67] Pike later went on to be influential in American Freemasonry as a leader of a prominent Masonic lodge in Washington D.C. after the war.

patrol the destruction left by the Texans and Arkansans and scalped Union dead and survivors, and in some cases, shot wounded Union survivors.[68]

The Napoleonic-style cavalry charge of the Texans and Arkansas stands in juxtaposition to the pell-mell, disorganized attack by the 1st and 2nd Cherokee Mounted Rifles at Pea Ridge. The latter's commander, Albert Pike, had little regard for their abilities in a Euro-American battle. He reported after the battle that "Indian troops are…entirely undisciplined…armed very indifferently with ordinary rifles and common shot guns." Reports also suggested that Native troops preferred to fire on bluecoats in the "skulking" style, from behind rocks and in trees when dismounted, "fighting as skirmishers when cover can be obtained." Pike further noted "[w]hen they agreed to furnish [soldiers] they invariably stipulated that they should be allowed to fight in their own fashion." This was an allowable stipulation for Pike, who never thought that Native troops would fight outside Indian Territory, as per their treaties with the Confederacy. But the Confederate commander at Pea Ridge, Major General Earl Van Dorn, completely ignored this condition and the fight in Arkansas anyway.[69]

Pike's post-battle report was an attempt to rehabilitate is reputation, sullied by the accusations of scalping as well as by the slighting by Van Dorn, who left Pike's unit out of the official report to the Confederate War Department. Pike did stand up for his soldiers noting their bravery, courage, and tenacity "pursuing Hopothleyahola in the snow and cold." He also noted

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[68] Drew's Cherokees defected a few months later during Weer's botched invasion. Most of Drew's troopers were Keetoowah and sympathetic to the Ross faction, which was always friendly to the Union cause. See chapter 3 and Gaines, *The Confederate Cherokees*, 109-19. Members of all Five Tribes were present at Pea Ridge, but the Cherokee contingent was the largest. For an exhaustive overview of the Pea Ridge Campaign, see William L. Shea and Earl J. Hess, *Pea Ridge: Civil War Campaign in the West* (Chapel Hill: University of North Carolina Press, 1992). For details about Native participation in the battle, see *ibid*, 101-10, 143-49. Brigadier General Ben McCulloch would die at Pea Ridge, just east of where the Cherokees attacked.

[69] *OR*, XIII:819-20; Jay Monaghan, *Civil War on the Western Border, 1854-1865* (Lincoln: University of Nebraska Press, 1955), 242; Shea and Hess, *Pea Ridge*, 58.

they had gone without pay and supplies, and had largely been ignored by the Confederate military command. Pike, though, did not make the connection between the unconventional way his Native soldiers fought and their actions after the hostilities at Pea Ridge had concluded. They had begun the battle fighting according to the American grammar of war so heavily influenced by traditional Native warfare, which, officially, White American troops and their commanders rejected, or at least frowned on. When Native soldiers scalped the Iowa dead at Pea Ridge, Whites on both sides misunderstood Native norms for ineffectiveness, cowardice, and "savagery."[70]

Historically both Europeans and Natives had participated in scalpings. Scalping was a ubiquitous practices among Native peoples, who often made spiritual connections to scalping, seeing the scalp of the fallen enemy as a totem representing life or the spirit of the dead. Archaeological and anthropological evidence also suggests that scalping may have been connected to ritual surrounding favorable weather, and scalps in the arid regions of North America often served as rainmakers. The introduction of metal knives by European colonists may also have popularized the practice, as beheadings among New England tribes were more common before contact. Often scalps were taken as war trophies as a tangible sign of victory or bravery. In lieu of scalps, finger nails, fingers, hands, hair, and other body parts were taken off the dead (or nearly dead) for ritual and trophy purposes.[71]

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[70] Shea and Hess, *Pea Ridge*, 820-21.

[71] Mark van de Logt, "'The Powers of the Heavens Shall Eat of My Smoke': The Significance of Scalping in Pawnee Warfare," *The Journal of Military History* 72 (January 2008): 71–104. One should note that scalping often served the dual purpose of being a ritual practice as well as a war trophy. Richard J. Chacon and Rubén G. Mendoza, eds., *North American Indigenous Warfare and Ritual Violence* (Tucson: University of Arizona Press, 207. There is some debate as to whether Native peoples learned scalping from Europeans. Archaeological evidence suggests that scalping was around as early as the 6th century AD. *Ibid*, 211. Patrick Malone, *The Skulking Way of War: Technology and Tactics among the New England Indians* (New York: Madison, 2000 reprint) 29n11. For an overview of Native warfare on the plains in connection with scalping, see Clayton A. Robarchek, "Plains Warfare

Europeans and Americans actively participated in and facilitated scalping, even as they frowned up on its practice by Native people, especially during the Seven Years 'War in North America and later the American Revolutionary War. In the midst of the Revolution, Continentals also scalped Natives. Whites in colonial British North America hired frontier rangers as "scalp hunters" to ravage the hinterlands during bloody conflicts with Natives. In order to attract men to fight the wars of the Native grammar, colonial governments enticed men to join ranger units by offering bounties on scalps. Scalping remained a part warfare in the North American borderlands throughout the 18th and 19th centuries to the extent that scalping was part and parcel with the American way of war with Native peoples. Cherokees participated in the scalp trade during this time, as it was a common practice in the culture of their warfare. In the culture of Cherokee warfare, scalping was a common practice. Cherokees scalping had arisen anew at Pea Ridge. Whites who practiced the Euro-American grammar of warfare were often scandalized by scalping reducing it to "savage" acts of the "barbarian" as opposed to "civilized" White behavior.[72]

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and the Anthropology of War," in *Skeletal Biology in the Great Plains: Migration, Warfare, Health, and Subsistence,* ed. Douglas W. Owsley and Richard L. Jantz (Washington: Smithsonian Institution, 1994), 307–16. On beheadings in connection with scalping, see Thomas S. Abler, "Scalping, Torture, Cannibalism and Rape: An Ethnohistorical Analysis of Conflicting Cultural Values in War" *Anthropologica* 34 (1992): 7-9.

[72] Ibid, 154-56. Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York: Alfred A. Knopf, 2010), 126. John Philip Reid, *A Better Kind of Hatchet: Law, Trade, Diplomacy in the Cherokee Nation During the Early Years of European Contact* (University Park: Pennsylvania State University Press, 1976), 9. Lee, *Barbarians and Brothers*, 137, 142, 155. Lee's presentation of scalping as a status symbol may be true, but other scholars, such as van de Logt and Abler argue for a more ritualistic purpose for scalping. For a good overview of the intersection between scalping and "savage," see Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York: W.W. Norton and Co., 2008), 78-90, 164-68, 336-37. Zachary Brown, "Indianizing the Confederacy: Understandings of War Cruelty During the American Civil War and the Sioux Uprising of 1862," *Penn History Review* 23 (Fall 2016): 115-37. For episodes of racialization of Native people in connection with scalping during the War of 1812, see Nicole Eustace, *1812: War and the Passions of Patriotism* (State College, Pennsylvania: University of Pennsylvania Press, 2015), 170-77, 190-92. Taylor, *The Civil War of 1812*, 136-7, 203-14.

This pattern continued following Pea Ridge. On March 22, 1862, the Davenport, Iowa *Morning Democrat* printed the casualty figures from the 3rd Iowa Cavalry, whose members came largely from the surrounding area. In the list of those men killed at Pea Ridge, eight men featured the label "scalped" after their names. Accounts of the battle and word of the scalpings had undoubtedly reached the community. All that was left was to print the figures of the dead and wounded and confirm what was already known. To make this distinction between the scalped and non-scalped served to highlight the scalpings as an atrocity not in conformity with the Euro-American grammar of warfare understood by Whites further east. It tacitly served to highlight the Indianization of the entire Confederate military. On the same day, nearly one thousand miles away in Rockland County New York, an article appeared in the *Rockland County Journal* detailing the "Great Battle at Pea Ridge." The article notes the Confederate strength at the battle and also notes the number of "Indians under Albert Pike." The article is brief, and the first half simply runs down rote figures of manpower and material losses of both sides. Newspapers all over the country reported minor engagements, so a significant battle like Pea Ridge receiving press coverage was not unusual, even in places like Rockford County.[73]

Of interest is the second half of the article. The second half of the article reports on the subsequent exchange of "correspondence from the rebel General [Van Dorn] to [General] Curtis" seeking "permission to bury the dead at…Pea Ridge." Such arrangements were commonplace on a Civil War battlefield after the hostilities ceased. According to the article, Curtis granted permission for the requested truce but regretted "to find that many of the Union soldiers who fell…were tomahawked, scalped, and otherwise shamefully mangled." This shameful mangling was "contrary to the rules of civilized warfare." Curtis also expressed hope to "the rebel

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[73] "Official List of Killed and Wounded of Third Iowa Cavalry at Pea Ridge, Ark.," *The Morning Democrat*, March 22, 1862. "Great Battle at Pea Ridge," *Rockland Country Journal*, March 22, 1862.

General…that the present struggle may not [degenerate] into a savage warfare." The article closes by holding "[t]he Indians of Mr. Pike's command…responsible for the hideous tomahawking and scalping business." Newspapers all across the North included a retelling of the exchange between Union and Confederate commanders regarding the violation of the "rules of civilized warfare." Curtis also remarked to Van Dorn "The employment of Indians involves a probability of savage ferocity." Native peoples according to Curtis were inspired by "[b]loody conflicts" to inflict their "ancient barbarities." It was too much to "expect civilized warfare from savage tribes." Ending with a flourish, Curtis summed up the feelings of White society: "If any presumption has been raised in their favor on the score of civilisation, it has certainly been demolished by use of the tomahawk, war-club, and scalping knife at Pea Ridge." The Cherokees and their Native cohort, in comporting to the Native and American grammars of warfare, appeared in the exchange as a racialized and inferior "other." So-called Native atrocities were nothing new in borderlands warfare, and violence on the borderlands between Native people and Whites had often included scalping. Now anything outside the Euro-American grammar automatically rebutted the presumption of civilization and cast the violator as the other.[74]

White soldiers who experienced the battle understood Natives as the "other." One private told his family, "These Indians are blood thirsty and savage. We know when we fight them that we have to fight on a different principle than we would white men. We must be constantly on our guard as if we were fighting wildcats." A Union captain in the 3rd Iowa Cavalry, who witnessed the scalpings, summed up what the scalpings at Pea Ridge recalled that "There was

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[74] Ibid. "The following is a copy of the correspondence…," *The New York Times*, March 17, 1862. *OR*, VIII:194. Curtis to Van Dorn, Frank Moore, *The Rebellion Record: A Diary of American Events, With Documents, Narratives, Ullustrative Incidents, Poetry, Etc.*, 10 vols. (New York, 1861-67), 4:264. Van Dorn had tried to deflect the accusations of scalping by Native soldiers with accusations that Union German soldiers had shot surrendering Confederates. There is no evidence for this. *Ibid*.

two of them infernal Indians taken prisoner and we have seen one that was killed…There will be no quarter shown them after this, that is certain." How one fought a war was an extension of culture and, ultimately, race. Whites presumed the Confederate Native troops to be "civilized" since they behaved White by operating under the Euro-American grammar. This presumption fell away after the scalpings at Pea Ridge. Native troops had been fighting as White troops fought, but they shifted their operant grammar from the Euro-American to the Native grammar. With this shift, according to White people, they stopped being White and "civilized" and reverted to being Indians and "savages." Union soldiers after the battle understood that the grammar one follows when one fights carries with it a racial connotation. Native soldiers were not worthy of quarter. They were "wildcats," animals. If the Native soldiers fought outside the Euro-American grammar, they were unworthy of the "civilized" protections of that grammar.[75]

Northern press associated the Confederacy with the actions of their Native allies, and the Confederate command responded by immediately beginning to distance themselves. Confederate commander at Pea Ridge, Earl Van Dorn, did not include Pike's report in his official report to Confederate officials. Albert Pike's sin, in the eyes of those who read the accounts of the scalpings in newspapers across the North and South, was a failure to ensure his men had behaved as White people. Pike gave an order forbidding scalping in his unit, which the Cherokee government followed suit days later. In order to salvage his reputation, he furiously wrote to anyone who would listen, including Curtis, claiming that he attempted to put a stop to

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[75] Quoted in William L. Shea and Earl J. Hess, *Pea Ridge: Civil War Campaign in the West* (Chapel Hill: University of North Carolina Press, 1992), 458-59.

the proceedings. Pike paid the price with his commission, as his attempts at self-defense proved futile.[76]

Members of the United States Congress was of the Pea Ridge scalpings. In late 1861, Congress established the Joint Committee on the Conduct of the War. The idea for this committee was to highlight expected Confederate atrocities more so than to police Union actions during the war. In short it was a propaganda arm of the Republicans in Congress. Nevertheless, what the Joint Committee succeeded in doing was shedding light on the violence the extra-grammatical violence that raged during the Civil War, especially at Pea Ridge. Senator Charles Sumner of Massachusetts asked the Joint Committee to look into "rebel barbarities" and whether "Indian savages had been employed by the rebels in their military service, and how such warfare ad been conducted by said savages against the government of the United States." Sumner's whole purpose reveals the importance of the investigation: how Native soldiers fought bore on their status as brothers or barbarians.[77]

The committee took testimony from Colonel Cyrus Bussey, commander of the 3rd Iowa Cavalry, who recalled that "eight [soldiers] were scalped, and the bodies of others were horribly mutilated, being…pierced through the body and neck with long knives." Other soldiers testify seeing Native troopers being "formed into companies and marched out in good order," complicating the picture of how Native soldiers fought. Native soldiers in Confederate service had one foot in the Native grammar of warfare and the other in the Euro-American grammar of

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[76] The correspondence between Pike and Curtis is reproduced by Pike in Memphis (Tenn.) *Daily Appeal*, April 4, 1867. For an overview of Pike's reaction to the scalping crisis, see Walter L. Brown, "Albert Pike and the Pea Ridge Atrocities, *Arkansas historical Quarterly* 38 (Winter 1979): 345-59. There is no conclusive proof that Drew's Keetoowah Cherokees were the scalp-takers.

[77] *Report of the Joint Committee on the Conduct of the War*, Senate Reports No. 108, 37th Congress, 3rd Session, Congressional Serial Set 1152-1154 (3 parts, Washington 1863-1865), Pt. I, 92 (hereinafter *CCW*).

warfare. Their actions at Pea Ridge comported more with the American grammar, the fusion

between the Native grammar and the European grammars, which was the way borderlands

conflicts had been fought for decades. Ultimately the Joint Committee issued a report

condemning Native actions and Pike, effectively marking him for life.[78]

Albert Pike spent the rest of his life defending his reputation. In the process, he

unwittingly reveals the racial attitudes of the Confederacy toward the Five Tribes. After the war,

he claimed he was "utterly opposed to taking" his Native troops out of Indian Territory, lest they

"might commit barbarities." He insisted that his medical director first informed him of the

scalpings days later, countering accusations that he had "goaded" his soldiers into scalping

Union dead. Pike also defended his soldiers praising their obedience, claiming "they were less

inclined to do mischief "than other troops, like the reserve tribes, whom he denied arming or

leading in battle, as they were "savage allies" and unfit for Euro-American military service. Pike

ultimately put the blame on the Pins in Drew's 1st Cherokee Mounted Rifles, noting their

treasonous desertion to the enemy later in 1862 as moral unfitness. He also claimed the Pins

resorted to such "barbarities," in that they had "scalped many noncombatants" after the Union

organized and deployed them in Indian Territory and northwest Arkansas. For all the good will

Pike had shown on behalf of Native people in signing them to treaties with the Confederacy and

advocating for their inclusion in the greater Confederate project, he still considered them the

"other" when their behavior fell outside the expected norms. Native people could behave like

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[78] *CCW*, Pt. I, 98, Pt. III, 490-91.

White people and absorb much of the White culture, but when they behaved according to their own cultural norms, Native people became the "other."[79]

The problem for the Confederates in their racializing the Native and American grammars of was that the first scalps taken during the Indian Territory Civil War were by Confederate Creeks, who scalped Union Creek dead during the Trail of Blood on Ice. Texan troopers remember seeing their own scalp Creeks after the Battle of Chusto-Talasah. By this time, significant numbers of White Texans had joined with Native troops in driving Opothleyahola out of Indian Territory. Fleeing Unionist Creeks bashed in the heads of captured Texans with pestle for grinding corn after the Battle of Round Mountain, but there are no recorded incidents of scalping by Union Natives or Whites, and there is no recorded outrage at Texans scalping.[80]

As the rules of warfare solidified around Euro-American grammatical norms, White Northerners and Southerners began to reject the American grammar as unacceptable. In casting the Cherokee actions at Pea Ridge as "savage warfare," Union general Curtis racialized Cherokee war making as outside the bounds of Euro-American norms. The racialization of the Cherokees, many of whom were "Mixed Bloods," sympathetic to slavery, invested in living White lifestyles, and committed to a political future with Whites, was enough to bring Union and Confederates together in condemnation of Native martial practices. Native people were not more violent than White people. Their performance on the battlefield drew mockery and scorn rather than fear and awe. What made them the "other" was the way they fought. Their fighting shifted from the "civilized" Euro-American grammar to the "savagery" of the Native grammar. What

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[79] Memphis (Tenn.) *Daily Appeal*, April 4, 1867. For information on the Battle of Massard Prairie, see *OR*, XLI:25-29. The Pin Cherokees of Drew's Regiment who defected later formed the bulk of the Union 3rd Indian Home Guard Regiment.

[80] *Fighting With Ross' Texas Cavalry Brigade, C.S.A.: The Diary of George L. Griscom, Adjutant, 9th Texas Cavalry Regiment*, ed. Homer L. Kerr (Hillsboro, Texas: Hill Junior College Press, 1976), 6.

White society failed to realize was that Americans had been scalping for decades. The American grammar of wars past borrowed heavily from Native warfare, and that scalping was more White and more American than marching in formations. Pike's sin, therefore, was that his Indian troops were not White enough. The Euro-American grammar of warfare turned into the White grammar of warfare. The Native grammar of warfare turned into the "savage" grammar of warfare, which advanced beyond scalping to the point of amnesia.[81]

Massacres

Massacres were the bloody and violent result of those encountering the "other" on the battlefield and demonstrate how culture and race became catalysts for the worst violence perpetrated by organized military units. Massacres of the "other" signaled the slain enemy was not deserving of the protocols of the established grammar. Indeed, the grammar could be broken for the "other" because the "other" was irredeemable as a brother, becoming instead a "barbarian." Massacres fall outside the grammar of warfare and stem from a violation of this grammar by taking war to civilians and other non-combatants, and because they usually targeted enemies who had lawfully surrendered or were incapable of resisting further. Perpetrators of these massacres deemed enemies as the "other" and fit for the violence that came from the willful suspension of the rules of war. Indian Territory saw its share of massacres, including the Tonkawa Massacre and the "massacre" of African-American soldiers by Whites and Natives after a brief skirmish near Fort Gibson in September 1864. Massacres, then, reveal the lengths to which the "other" served as a catalyst for violence during the Indian Territory Civil War.

October 23rd began as any other day at the Wichita Agency at Fort Cobb since the Confederacy had taken over the outpost after the Federals fled some 15 months earlier, and now

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[81] See also Clarissa Confer, *The Cherokee Nation in the Civil War* (Norman: University of Oklahoma Press, 2007), 96-97.

the agency was the collection point for Confederate supplies and materials destined for the reserve tribes as per their treaty with the Confederacy. As the war raged further west, the plains of the western half of Indian Territory largely had been untouched by the conflict — until October 23, 1862, that is. That night, one hundred ninety-six Delawares, twenty-six Shawnees, and an untold number of Kickapoos and natives from tribes who sought refuge in Kansas, under the command of Mormon and former fur trapper Captain Ben Simon, a Delaware, attacked the agency, broke into it, killing four Whites Confederates, and burned the all buildings to the ground. An attack on a Confederate installation was nothing out of the ordinary, if even unusual for its scale so far removed from the fighting in the eastern half of the territory. It is what happened next that caught the attention of White observers.[82]

The Wichita agency was also a gathering point for many of the reserve tribes, including Wichitas and their affiliates, Caddos, Confederate-allied Kiowas and Comanches, and the occasional band of Plains Apache. Another tribe also congregated there, the Tonkawas, who were not popular among many tribes. The next morning the Tonkawas, under the leadership of Chief Placedore, fled For Cobb. The Union Native soldiers caught up caught up with the Tonkawas, and massacred them, nearly wiping them out. The Tonkawas suffered one hundred thirty-seven dead, while the Union troopers suffered only twenty-seven casualties. For their troubles the Union Native soldiers captured cash, documents, including original copies of Pike's treaties with the tribes, other official documents and correspondence, and a rebel flag. The

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[82] *OR*, ser. 4, I:2:354-55; "The Victory in Northern Texas," *The New York Times*, February 15, 1863, the *Times* erroneously placed the Wichita Agency and Fort Cobb in Texas. The most detailed account of the massacre in secondary literature can be found in Lawrence Hauptmann, *Between Two Fires: American Indians in the Civil War* (New York: Simon & Schuster, 1995), 28-30. See also David La Vere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), 171-72; Warde, *When the Wolf Came*, 122-25; Abel, *The American Indian in the Civil* War, 183-84.

Tonkawa survivors limped into Fort Arbuckle a few days later. Eventually, the Confederacy

relocated them to Texas, and after the war they received a reservation in northern Indian

Territory. Meanwhile, Union commanders lauded Native troops as "certainly [exhibiting] a great

degree of loyalty, daring, and hardihood."[83]

Often the images of violence between Natives and Whites were tinged with racial tension

through the vehicle of massacres. Colonial warfare with Native peoples also saw its fair share of

massacres, as cultural clashes began to present as racial violence. This transformation of Natives

as racialized "others" widened the White expectation that the Natives could unleash terrible

violence in the form of massacre as a function of their war grammar. What, therefore, may have

been a massacre in the eyes of colonists may have been an extension of Native warfare. Around

this violence, a mythology developed, which naturally racialized Natives through their warfare.

This is not to say there were not massacres — both Whites and Natives committed their fair

share of bloody violence throughout colonial history and the early history of the United States.

Europeans, too, had engaged in their own massacres during the early modern period, especially

during the wars of religion throughout the 16th and 17th centuries. In casting Natives as prone to

commit massacres Whites people conveniently obscured their own violent past, revealing a

hypocrisy that falsely set themselves up as superior to Native people.[84]

Native war grammar was not prone to massacres, however. Native warriors preferred the

capture of live prisoners rather than their extermination. Captive taking was one of the goals of

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[83] *OR*, ser. 4, I:2:354-55. Hauptmann, *Between Two Fires*, 29. Hauptmann erroneously states that the Confederate Wichita agent, Matthew Leeper died. He survived, awakened by his dog to the commotion outside, fled through his window, and took a horse to Texas, Warde, *When the Wolf Came*, 123. See also La Vere, *Contrary Neighbors*, 172. "The Victory in Northern Texas," *The New York Times*, February 15, 1863.

[84] See Richard Slotkin, *Regeneration through Violence: The Mythology of the American Frontier, 1600-1860* (Norman: University of Oklahoma Press, 1973).

Native warfare throughout North America. Massacring villages and towns of the enemy deprived the victors of captives necessary for integration into kinship networks or exchanges that were common among tribes, especially in the American southeast, such as the Cherokees, Choctaws, Chickasaws, and Creeks. Natives did fight wars for other reasons than taking captives. In colonial New England, colonists fought two wars in the seventeenth century against different enemies. The Pequot War was a relatively limited war, where the Pequots exercised restraint in strategic raids on calculated targets. The Narragansetts and Wampanoags of King Philip's War a few decades later turned to more scorched earth tactics along the borderlands. These interactions in colonial North American gave rise to the stigma of massacres even though massacres remained rare.[85]

The Tonkawa massacre came as the Civil War in Indian Territory began to escalate with the first Union invasion. The Confederate Commissioner of Indian Affairs, James Seddon, blamed the massacre on "Shawnees who deserted from John Jumper's battalion, Delawares, Kickapoos, and a few disloyal Seminoles and Cherokees." During the ensuing years, Native residents of Indian Territory, many of them Wichitas, implicated the Shawnees, who were quite close to the Cherokees. The Delawares at least took part. Other evidence points to considerable Kickapoo involvement, if not outright orchestration, as the Kickapoos and Tonkawas had been enemies for years. It was also rumored among Native people that the Tonkawa were cannibals, and a rumor spread around Native people on the plains that the Tonkawa had recently kidnapped a Caddo boy and were planning to eat him. Another explanation posits the Tonkawas were allies

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[85] Lee, *Barbarians and Brother*, 150,154; Grenier, *The First Way of War*, 26-29.

of the Lipan Apaches and later the Comanches, whom many Union-allied tribes fought and detested.[86]

All of the tribes mentioned as specific culprits, however, were removed tribes and not native to the area; they had been removed there. Frayed tensions between the removed tribes and the native, reserve tribes were a reality in Indian Territory. Questions about land usage and occupancy drove many Creeks, Chickasaws, and Choctaws to detest the plains tribes, who not only encroached on Five Tribes land but also stole property and turned violent towards the relocated inhabitants. Sporadic warfare and raiding between Comanches, Caddos, Texans, bands of Wichitas, Kickapoos, Chickasaws, Choctaws, and the United States Army made life in the southern half of Indian Territory a frenzy of chaotic violence in the 1850s. Repeatedly, the Choctaw and Chickasaw agent, Douglas Cooper, begged the federal government for permission to raise troops out of the Choctaws and Chickasaws in order to launch an expedition to bring order to the chaos. The federal government authorized a few half-hearted expeditions, in which United States cavalry, along with the government's Native allies, attacked the Comanches and drove them away from Chickasaw lands. The Tonkawa served as scouts for Cooper's cavalry, causing frayed relations between them and other tribes. Caddos and some Wichitas sought to lobby the federal government for recognition of their claims to lands where the government relocated the Five Tribes, causing further strife. The erection of Fort Cobb as an outpost for Wichita and Caddo agents, as well as staging location for future expeditions against roving Comanches, did not quell the violence. The Texans who took Fort Cobb abandoned it in the

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[86] James Seddon, *Report of the Commissioner of Indian Affairs to the Confederate States Congress*, January 12, 1863, Confederate Commission of Indian Affairs, Minor Collections, OHS. Deposition of Billie Wilson, Blackbird, interview of Bertha Brewer, Indian Pioneer History, Western History Collection, University of Oklahoma, Norman, Oklahoma (IPH, WHC hereinafter). *OR*, ser. 4, I:2:352; Arrell M. Gibson, *The Kickapoos: Lords of the Middle Border* (Norman: University of Oklahoma Press, 1963), 195-200; La Vere, *Contrary Neighbors*, 171.

summer of 1862, leaving the people living near the attached Wichita agency defenseless. When the Union Native troops attacked, the Tonkawa fled, just like many people had the previous few months. Yet for their stigma — for being the other according to these Union Native soldiers — they were butchered. And no Confederate soldiers were there to defend them, as they had been promised.[87]

The Tonkawa Massacre was not the only massacre in Indian Territory. On September 16, 1864, men of Company K, 1st Kansas Colored Infantry, stationed at Fort Gibson, were detailed to cut hay in a field a few miles to the west. A detachment of the White 2nd Kansas Cavalry was assigned to guard them. With little warning hundreds of Confederates under the command of Brigadier General Richard Gano and Brigadier General Stand Watie attacked. Outnumbered, the White Kansas troopers and the African-American infantrymen, retreated toward a low stand of trees along a ravine that led down to Flat Rock Creek, a tributary of the Grand River. By the end, the Confederates had captured over eighty White Kansas troopers and "annihilated" most of the Black Kansas troops, leaving their bodies behind for White soldiers to bury several days later, completing the carnage by burning hay and destroying equipment.[88]

The massacre has been called a battle, ignoring the evidence that Company K, 1st Kansas Colored Infantry suffered "almost total anilation [sic]." Company K did resist, and Confederate commander, Brigadier General Richard Gano, claimed to have sent a subordinate with a captured federal officer "under a flag of truce" only to be "fired upon" by the Black soldiers taking cover in a ravine. No Union source mentions the parlay requesting surrender of Company K. Gano's

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[87] La Vere, *Contrary Neighbors*, 153-58; Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma Press, 1972), 220-23. Warde, *When the Wolf Came*, 123-24. The nearest Confederate military force of any consequence was a few companies of ill-trailed, ill-disciplined, and ill-supplied Chickasaw militia holding Fort Arbuckle. *OR*, ser. 4, I:2:354-55.

[88] Sam Cobb, "The Battle of Nigger Creek," Civil War - Indian Territory file, Section X, OHS.

story contradicts other tellings of the massacre. In reporting that Confederates attempted to coax Black troops in the ravine to surrender, Gano tried to position his actions within the Euro-American grammar. What is more likely, however, is that Confederates made no attempt at parlay and sought to cast his actions in the best light possible within the Euro-American grammar.[89]

The 1st Kansas Colored Infantry was present in April of 1864 at Poison Springs, Arkansas, when Confederate troops, including Gano's Texans and Tandy Walker's Choctaws, fell upon the 1st Kansas Colored guarding a vital supply train. After beating back two assaults, the Black troops, ammunition running low, could not hold back a third Confederate attack. Those who surrendered were killed without mercy. So were the wounded. The hungry and destitute Choctaws fell upon the supply train but moved past it to pursue the fleeing Kansans "for there was that in front and to the left more inviting to them than food or clothing—the blood of their despised enemy….the ravagers of their country, the despoilers of their homes, and the murderers of their women and children." After the battle, Confederates reported "no black prisoners were captured." Others wrote "If the negro was wounded our soldiers would shoot him dead…and what negroes that were captured…have been shot." Teamsters with the Confederate army had competitions to see how many "nigger heads" they could crush as they drove captured Union wagons over the bodies of the slain.[90]

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[89] *OR*, XLI:788-89.

[90] *Ibid.*, XXXIV:746-53, 843-49. For more on Poison Springs and racial atrocities in the Civil War, see Mark K. Christ, ed., *"All Cut to Pieces and Gone to Hell: The Civil War, Race Relations, and the Battle of Poison Springs* (Little Rock: August House, 2003). William M. Stafford, "Battery Journal," April 18, 1864 in Gergory J.W. Urwin, ed. *Black Flag Over Dixie: Racial Atricities and Reprisals and Atrocities in the Civil War* (Carbondale, Illinois: Southern Illinois University Press, 2004), 134; Unknown soldier to "Sallie," April 20, 1864, the letter is reproduced in Mark K. Christ, "Who Wrote the Poison Spring Letter?" *"All Cut to Pieces and Gone to Hell"*, 100-101; Ralph R. Rea, *Sterling Price:The Lee of the West* (Little Rock: Pioneer Press, 1959), 106.

The brutality of Gano's Texans and the Native troops surpassed that of the Cherokees at Pea Ridge. White Confederate soldiers were allegedly aghast at the sight of Black soldiers "scalped and nearly stripped by the bloodthirsty Choctaws." An Arkansas private wrote, "You ought to see Indians fight Negroes — Kill and scalp them. Let me tell you, I never expected to see as many dead Negroes again. They were so thick you could walk on them." Another reported the Choctaws would "shoot a negro as long as he could breathe." Choctaws went further than scalping. They desecrated the bodies of several Black soldiers and the graves of their White officers. A newspaper sadistically reported that "the Choctaws buried a Yankee in an ordinary grave. For a headstone they put up a stiff negro buried from the waist to the waist. For a footstone another negro reversed, out from the waist to the heels." Union burial parties found dead White officers of the 1st Kansas, left on the field face-down, surrounded by a circle of the bodies of their Black soldiers, a Choctaw sign of dishonor.[91]

The Choctaw commander posited revenge as his troops' motive, focusing on the color of the uniforms of the 1st Kansas Colored, but the color of their skin made a difference too — especially to White Confederates. In the Confederate understanding of the appropriate rules of warfare, black soldiers were masquerading as soldiers. The normal Euro-American grammatical rules did not apply to them. And indeed, there was no outrage, North or South, over the brutality, the scalpings, or over the desecrations and mutilations. Black soldiers were barbarians to the Confederacy, and thus were outside the rules of warfare. A future Arkansas Supreme Court justice and newspaper editor conveyed the Confederate attitude about Black soldiers wearing the blue: "we cannot treat negroes taken in arms as prisoners of war without a

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[91] Stafford, "Battery Journal," April 18, 1864; Roman J. Zorn, ed., "Campaigning in Southern Arkansas: A Memoir by C.T. Anderson," *Arkansas Historical Quarterly* 8 (Autumn 1949): 241-42; Washington (Arkansas) *Telegraph*, May 11, 1864; Gregory J. W. Urwin, "We Cannot Treat Negroes as Prisoners of War: Racial Atrocities and Appraisals in Civil War Arkansas," *Black Flag over Dixie*, 136.

destruction of the social system for which we contend." Not that the 1st Kansas Colored needed a newspaper to tell them this. Their comrades, who drew accolades from Union commanders in the theater, lay dead on the ground, massacred by Whites and Natives.[92]

Company K of the 1st Kansas Colored, cutting hay in the field that September day, veterans of the Poison Springs Massacre and a dozen other engagements and skirmishes, undoubtedly realized their likely fate being driven into the ravine. Rather than surrendering to Gano and Watie's Confederates, risking possible hopeless slaughter, Company K may have decided to fight. What happened at Fort Pillow and Poison Springs could have had a deleterious effect on the propensity of African-American soldiers to surrender to Confederate troops. If this theory is correct, the action at the hay field was a constructive massacre, where race determined the fate of the brave men of Company K. If Company K refused surrender, they might be killed in battle rather than killed after the fact, based on their previous experiences involving Black soldiers and Confederates. Their fate was sealed the moment the Texas cavalry brigade and the 1st Indian Brigade charged the field.

More than likely, however, the African-American soldiers were deliberately targeted by Gano and Watie's men for slaughter, despite Gano's claim he offered surrender. Gano could have been lying to make the slaughter appear justified, perhaps remembering the wanton violence of the spring at Poison Springs. Confederate Private Jefferson P. Baze wrote that "[t]he Negroes were nearly all killed… the water was red with [their] Blood…The few Indians who were [there] dragged the dead bodies from the river and took all that was any value from them." Union Captain E.A. Barker, commander of the detail that day, recalled the Confederates "capturing all of the white soldiers…and killing all the colored soldiers they could find." The

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[92] John R. Eakin, "The Slave Soldiers," Washington (Arkansas) *Telegraph*, June 8, 1864.

killing of Black soldiers, based on these accounts, appeared to be a deliberate choice by Confederates.[93]

Lieutenant Wash Grayson of the 2nd Creek Regiment also contradicted Gano's account. Grayson recalled that the Confederates, after having driven the Union troopers and infantrymen from the field, set to work burning the hay drying on the ricks and the ground. It was only after the hay was smoldering that Confederates discovered Black soldiers hiding in the grass and in the creek. At this point Confederate soldiers "began to hunt [the Black soldiers] much like sportsmen do quails." Some Union soldiers hid in the creek underneath reeds and lily pads, noses poking above the water, but once spotted, Confederate soldiers mercilessly began shooting them, or perhaps worse, dragging them out of the water and murdering them on the bank. "I confess this was sickening to me," Grayson wrote later. "But the men were like wild beasts and I was powerless to stop them from this unnecessary butchery." Other Black soldiers surrendered, begging for their lives before being gunned down "without mercy." Some Creek and Cherokee troops dragged a captured White soldier to Grayson, asking if they should shoot him, too. Grayson replied in the negative, stating "it was negroes that we were killing now and not white men." Only four of the nearly forty African-American soldiers working in the hay field survived the day. One, Private George W. Duval hid in a tangle of driftwood until nightfall, when he slinked out of the creek, his empty rifle and cartridge box in tow, having used all his ammunition.[94]

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[93] Jefferson Baze letter, September 16, 1864 reproduced in Mamie Yeary, *Reminisces of the Boys in Gray, 1861-1865* (Dallas: Smith and Lamar, 1912), 45-46; *OR*, XLI:771.

[94] David W. Baird, ed., *A Creek Warrior for the Confederacy: The Autobiography of Chief G. W. Grayson* (Norman: University of Oklahoma Press, 1988), 95-96. Warde, *When the Wolf Came*, 210. The 1st Kansas Colored Infantry had its designation changed to the 79th United States Colored Troops on December 13, 1864. They suffered 354 men total killed during the war. Frederick W. Dyer, *Compendium*, 3:1186, 1735.

Much like at Poison Springs, White and Native soldiers were together the perpetrators of the Hay Field Massacre. They spared the White soldiers who surrendered, by and large, but slaughtered the Black troops. The Second Battle of Cabin Creek, fought days later, overshadowed the Hay Field Massacre in the reports sent to the Union and Confederate high commands in September 1864. The last-ditch effort of Confederate Natives to turn the tide of the war fell flat despite capturing Union supply wagons at Second Cabin Creek. In killing nearly all of the Colored Troops cutting hay in the field that late summer day, Watie's men acted like White Confederates, buying into the Confederate understanding of black soldiers as an existential and alien enemy. In this way they continued the prewar connection to the South many in the Five Tribes sought to cultivate by adopting Southern culture. Watie's men may have been Native, but they embraced the racialized Confederate worldview all the same.[95]

When the Union began to allow emancipated African-Americans to wear the blue uniform and take up arms, they added another racial element to the war, especially in Indian Territory, where Black troops saw significant action. For the Confederates, massacring Colored Troops was a symbol of the racial hierarchy of the South — the African-American soldiers should not have access to the icons of Whiteness, like a place within the Euro-American grammar of warfare; more specifically, they did not deserve the benefits of restraint White soldiers supposedly showed their White enemies. Natives in Confederate estimation could be White as long as they behaved as such. Black soldiers were the other that suspended the grammatical rules to allow annihilation.

The Joint Committee on the Conduct of the War also investigated the Fort Pillow Massacre. In framing their investigation they made a crucial determination about Black soldiers.

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[95] The Confederacy would never mount another serious threat to Union forces again in Indian Territory. *OR*, XLI:771-787.

African-American troops were to be considered on equal *legal* status as White soldiers for the purposes of the laws of warfare. The committee found that the massacre happened not because Confederate soldiers abandoned discipline, but because Confederates willingly and consciously massacred Black soldiers as a policy: "It is the intention of the rebel authorities not to recognize the officers and men of our colored regiments as entitled to the treatment accorded by all civilized nations to prisoners of war." Confederates deliberately set aside the rules of war bound up in the Euro-American grammar because that grammar did not apply to Black soldiers. The Union rejected this idea. Congressional leaders, many of whom were Republican, firmly put Black soldiers within the grammar of Euro-American warfare. In the Union understanding of the Euro-American grammar, what mattered was not Black skin but blue uniforms. It was now Blacks who were "civilized" as brothers, and Confederates who looked like "savage" barbarians.[96]

The Lieber Code, along with the Joint Committee show the lengths to which the Union wanted to fight a war along the Euro-American grammar. The Confederacy had no corollaries — either to the Lieber Code, which its leaders rejected after Union authorities urged they adopt it, or to investigations by the Congressional Joint Committee. White southern (and slaveholding) understandings of proper martial behavior came from established practices of both the Euro-American grammar and from societal norms, which included understandings of race. Confederates showed restraint when it came to surrendering White Union soldiers. They did not to surrendering African-American soldiers. Black soldiers, in Confederate eyes, were the

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[96] Massacres, motivated by racism, reverberated elsewhere throughout the Western Theater of the Civil War. The Confederate massacre of surrendered African-American Union soldiers at Fort Pillow, Tennessee in April of 1864 remains the foremost example of racial atrocities in the war. For more on the Fort Pillow Massacre, see Andrew Ward, *River Run Red: The Fort Pillow Massacre in the American Civil War* (New York: Viking, 2005) and John Cimprich, *Fort Pillow: A Civil War Massacre, and Public Memory* (Baton Rouge: Louisiana State University Press, 2005). *CCW*, H. Doc. 65, Congressional Serial Set 1206:2-7. See also Cimprich, *Fort Pillow*, 99-100.

"other" who stood for everything the Confederacy avoided, hated, and feared. Even if White Union soldiers could be brothers, Black Union soldiers were the racialized "other." Indeed, to massacre Black Union soldiers was to restore the expected grammar of warfare in the mind of the Confederacy, whereas to the Union, such behavior changed the grammatical rules altogether.[97]

The racialization of the hay field "battle" continued after the killing stopped. For years the massacre was known in local memory and by the United States Geological Survey as the "Battle of Nigger Creek." The use of a racial pejorative in the title of the massacre places emphasis on the race of the victims. The fact that the majority of Union soldiers killed were Black mattered. It was not until 1990 that after a long campaign did the locals finally convince the United States Geological Survey to rename the site officially as "Battle Creek." The racism of the actions continued to reverberate for generations.[98]

Scalping and massacres demonstrated the violence capable once consideration of the enemy moved from mere enemy to an anathematized "other." Both of these species of violence led to the Civil War in Indian Territory becoming a race war, with the Euro-American rules of warfare being ignored by Native soldiers scalping after a battle, and with White Confederates and Native troops from both sides massacring those they deemed to be "other." The violence resembled the American grammar of warfare adopted by Whites against Indians in the colonial and early national eras of the United States. During the Indian Territory Civil War, combatants

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[97] See John Fabian Witt, *Lincoln's Code: Laws of War in American History* (New York: Free Press, 2012) and Aaron Sheehan-Dean, *Calculus of Violence: How Americans Fought the Civil War* (Cambridge: Harvard University Press, 2018), 18-90, 199-200.

[98] "Summer of 1864 Made for Full Streams, Abundant Hay," *Wagoner County American-Tribune*, September 5, 2013.

either shifted from the Euro-American grammar of war to the Native grammar of war, or ignored the Euro-American grammar altogether. The Euro-American grammar of war, while employed in a few engagements, often fell apart when belligerents were faced with the "other" in combat.

After the Pea Ridge scalpings, the once "civilized" tribes became "savage" according to White society, after Native soldiers shifted from behaving according to the Euro-American grammar to behaving in the traditional Native mode of warfare, despite White participation in the practice historically. To White people both North and South, Albert Pike's alleged sin of not ensuring his Native soldiers observed the accepted rules of war highlighted the racialized conception that Native people were always predisposed to this kind of violence. This reduced Native people to "savages" and "barbarians," at least in the eyes of White onlookers, even if Natives nominally were organized in, wore the uniforms of, and purported to be soldiers in the Euro-American fashion.

As soon as combatants jettisoned the rules of the Euro-American grammar of warfare, the Indian Territory Civil War became a war about race. Those who did not follow the rules as White people understood them became the "other" as "barbarians and "savages." Native soldiers, when shifting to the Native grammar of warfare became the other, even if they had behaved as White in following the Euro-American grammar to that point. Simply by putting on a uniform in the Euro-American fashion caused African-Americans to become a target for racist Whites, who suspended the rules of warfare to exact terrible violence on those not worthy of the cultural norms of White warfare. The Civil War in Indian Territory, therefore, became a war of recreating racial identities through how the war was fought.

CHAPTER 3

"NO PROSPECT FOR LIVING AHEAD": THE IRREGULAR WAR

On August 17 1862, the daughter of a prominent missionary to the Cherokees, Hannah Hicks, resident of Park Hill, Cherokee Nation, penned her first entry in her diary. "Oh! what a year to remember will this year ever be to me and to us all," she bemoaned. Hicks and the inhabitants of the Cherokee Nation had endured some of the worst violence of the Civil War during 1862. The vacuum left by Union military presence put the pressure on the Confederacy to comply with treaty obligations to protect the tribes in Indian Territory. The Confederacy failed at this obligation. More specifically, the Confederacy failed in securing the Indian Territory from the raging violence that caused Hannah Hicks to bemoan her situation. Irregular bands of partisans and guerrillas marauded through the South and the West during the Civil War, especially in Indian Territory. Confederates, like Cherokee Brigadier General Stand Watie, lacking the capacity to threaten the Union hold on Indian Territory, resorted to scorched-earth campaigns, attacked political targets and supply trains to feed and supply themselves and to deprive the Union of necessities. Union attempts at stabilizing Indian Territory caused more chaos and violence, as irregular warfare and violence became the dominant mode of war making.[99]

The irregular violence of the Indian Territory Civil War came in three forms. First, there was politically-motivated violence that came largely from the ongoing "Full Blood"-"Mixed Blood" conflict dating to removal. The second kind of violence came through irregular operations by regular soldiers. This became the common way Confederates, especially for

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[99] Hannah Hicks, *The Diary of Hannah Hicks* (Tulsa: Thomas Gilcrease Institute of American History and Art, 1972), 4.

Cherokee Confederate general Stand Watie. However, the Union also came to operate this way, as Colonel William A. Phillips's Union Indian Home Guard brigade conducted a guerrilla war in Creek, Choctaw, and Chickasaw territory which included a reign of terror on the civilian population. A third mode of violence erupted in the Indian Territory Civil War, unbridled, extra-grammatical violence, which was often open and blatant criminality. Both soldiers, partisan rangers, guerrillas, and civilians participated in this kind of violence. Often, raids by partisans and expeditions by armies could blur the lines between these three species of violence, and to the civilians living within Cherokee Country and the rest of Indian Territory, there was no distinction insofar as to who was committing the brutality — it was just violence.[100]

The violence inflicted a parade of horrors onto civilians driving many out of the territory to refugee camps in Kansas, Missouri, Arkansas, and Texas. At the end of 1863, Hannah Hicks wrote in last diary entry on her 29th birthday, "it seems as though I had lived many years in [1863]. We have come to such [times] as I never thought to see — and no prospect for a living ahead." For many there was no prospect for life, as conditions deteriorated in Indian Territory and in the refugee camps. Government officials, both Federal and Confederate, struggled to provide food, clothing, and shelter for thousands of Natives fleeing from the violence, and what tribal governments existed were ineffective and powerless. Indeed, the only power that reigned in Indian Territory was violence. Irregular warfare was the most common form of warfare in Indian Territory. This form of warfare was the normative way of war according to the Native grammar. Union and Confederate war planners deemed Native people the ideal people to wage

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[100] Patrick N. Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), 100-02. For more on the species of irregular violence present in Indian Territory and surrounding states, see Daniel E. Sutherland, *A Savage Conflict: The Decisive Role of Guerrillas in the American Civil War* (Chapel Hill: University of North Carolina Press, 2009).

such a "savage" war, all the while ignoring the roots of irregular warfare among Whites in the American grammar and failing to realize that the Native grammar of warfare and Euro-American irregular warfare was simply a racial distinction without a difference.[101]

Irregular Warfare in the Euro-American Grammar

Guerrilla war is an irregular form of warfare usually undertaken by regular participants. In the Civil War, both sides saw units organize themselves as "rangers," "raiders," or "scouts." These units, essentially, were regular units conducting irregular operations to distract armies, disrupt the ability of the populace to supply and reinforce the armies, and to dent the morale of the enemy's population. This style of fighting in the Euro-American usage tracked parallel with the Native grammar of warfare: combatants attacked in ambushes and hit-and-run raids, destroyed supplies and materials, killed soldiers and sometimes civilians, and often did not follow the understood Euro-American rules of warfare. The term "irregular" is a function of Euro-American grammatical understandings of how war *should* be. The American grammar of war was a hybrid of the "irregular," *petite guerre*, style of warfare. This style merged the "regular" grammar of European warfare, where discipline, tactical calculation, and cohesiveness mattered, with the Native way of war, learned in early conflicts adapted from Native norms. Native peoples fought wars in much the style of the irregular war in the Indian Territory borderlands against Whites and each other for centuries continuing in the backcountry up until the Civil War.[102]

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[101] Hicks, *The Diary of Hannah Hicks*, 5.

[102] See Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York: W.W. Norton & Co., 2008)

The British were slow to adapt to irregular warfare employed by Native people and later American colonists. When British regulars did encounter Native people and their grammar of warfare, the British read the Native fighting as "savage" and "barbarous." One British officer during the Seven Years War recalled, "The Indians…kept an incessant fire on the Guns & killed the men very fast. These Indians from their irregular method of fighting by running from one place to another…pursued us[,] butchering us as they came…[and] they Shot many in the Water both Men & Women, & died [sic] the stream with their blood, scalping & cutting them in a most barbarous manner." Yet White American colonists employed these methods, and the British showed the same disdain for the American grammar of war as they did the Native grammar of war, calling the American grammar fit for "savages and robbers."[103]

Despite the minimization of irregular warfare, such fighting was the norm in places like Bleeding Kansas during the 1850s, for example. There an irregular war broke out featuring pro-slavery "bushwhackers" and free soil "jayhawkers" fighting and killing each other without organized, disciplined, and cohesive armies. When the Civil War came to Indian Territory, irregular warfare was a reasonably common phenomenon in and around Indian Territory. The irregular, guerrilla violence constituted a war within the war. Guerrilla war occurred in all theaters of the Civil War, but was especially common throughout Missouri, Kansas, and Arkansas. In Indian Territory, much of the irregular fighting, especially by Confederates, both

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[103] "The Journal of a British Officer," *Braddock's Defeat: The Journal of Captain Robert Cholmley's Batman* (Norman: University of Oklahoma Press, 1959), 50, 52. Jeremy Black, *A Military Revolution? Military Change and European Society, 1550-1800* (Atlantic Highlands, New Jersey: Humanities Press International, Inc.. 1991), 60. See also Silver, *Our Savage Neighbors*, passim; Alan Taylor, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York: Alfred A. Knopf, 2010). For an overview of Revolutionary-era irregular violence and the development of American tactics along Native lines, see Wayne Lee, *Crowds and Soldiers in Revolutionary North Carolina: The Culture of Violence in Riot and War* (Gainesville, Florida: University Press of Florida, 2001), 117-29. Adam Hirsch argues that Native warfare was characterized by "relative innocuity," Adam Hirsch, "The Collision of Military Cultures," *Journal of American History* 74 (1988): 1191.

Native and White, was guerrilla warfare. Native troops, mostly in Confederate service,

predominantly fought this way after their loss at the Battle of Honey Springs in July 1863.[104]

The Confederacy openly embraced guerrilla war and had no qualms about using it against

Union forces. George Fitzhugh, the editor of the widely-read Southern *DeBow's Review* warned

that Confederate forces would be forced to chiefly rely "on irregular troops and partisan warfare"

if Union troops penetrated into the Southern heartland. Thomas C. Reynolds, Missouri's

deposed, Southern-sympathizing lieutenant governor wrote to Jefferson Davis that Missourians

sought to oppose Union forces in "a *guerrilla* war." Jefferson Davis confided to Robert E. Lee

that Union forces may push Davis to prosecuting a "savage war in which no quarter is to be

given and no sex to be spared." In accepting the possibility of using guerrilla warfare,

Confederate leaders adopted at least the American grammar of warfare. Davis's use of the word

"savage" though reflects that Confederates were willing to resort to tactics not only outside the

Euro-American conception but also were constitutive of the Native grammar.[105]

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[104] Jonathan Earle and Diane Mutti Burke, eds., *Bleeding Kansas, Bleeding Missouri: The Long Civil War on the Border* (Lawrence: University of Kansas Press, 2013); Kristen Tegtmeier Oertel, *Bleeding Borders: Race, Gender, and Violence in Pre-Civil War Kansas* (Baton Rouge: Louisiana State University Press, 2009). The literature of irregular warfare in the Civil War is vast. Relevant volumes include Michael Fellman, *Inside War: The Guerrilla Conflict in Missouri during the American Civil War* (New York: Oxford University Press, 1989); Matthew M. Stith, *Extreme Civil War: Guerrilla Warfare, Environment, and Race on the Trans-Mississippi Frontier* (Baton Rouge: Louisiana State University Press, 2016); Daniel E. Sutherland, *A Savage Conflict: The Decisive Role of Guerrillas in the American Civil War* (Chapel Hill: University of North Carolina Press, 2009) and *American Civil War Guerrillas: Changing the Rules of Warfare* (Santa Barbara, California: Prager, 2013); Daniel E. Sutherland, ed., *Guerrillas, Unionists, and Violence on the Confederate Homefront* (Fayetteville: University of Arkansas Press, 1999); William Garrett Piston, ed., *A Rough Business: Fighting the Civil War in Missouri* (Columbia: The State Historical Society of Missouri, 2012); Joseph M Beilein, Jr. and Matthew C. Hulbert, eds., *The Civil War Guerrilla: Unfolding the Black Flag in History, Memory, and Myth* (Lexington, Kentucky: University of Kentucky Press). For an overview of the theory and practice of guerrilla warfare in the Civil War, see Robert R. Mackey, *The Uncivil War: Irregular warfare in the Upper South, 1861-1865* (Norman: University of Oklahoma Press, 2004), introduction.

[105] George Fitzhugh, July 31, 1861, "The Times and the War," *DeBow's Review*, 2-4. *The Papers of Jefferson Davis*, 11 volumes (Baton Rouge: Louisiana State University Press, 1971), VII:188-89; VIII:310.

Union Major General Samuel Curtis also used "savage" to describe Confederate guerrilla practices. Curtis pled with Major General Henry Halleck, the Union General-in-Chief, and Secretary of War Edwin Stanton to provide assistance in acting against the irregular violence. He called the Confederates "villains who have perpetuated the horrid crimes against all civilized and savage warfare." Curtis also called the Cherokee scalpings at Pea Ridge "savage." Yet here, Curtis, in making the distinction between "civilized" White warfare and "savage" Native warfare sees the Confederacy as something worse: Confederates are beyond the "savagery" of Indians. For the Confederacy, however, ejecting and defeating Union forces mattered more than the racial baggage of decades of encounters between Whites and Natives, fighting in the American and Native grammars. The Confederacy then, created a racial distinction without a difference: they could engage in "savage" fighting when it suited their own purposes, but Native people, in their inferiority, were suited only for this kind of fighting.[106]

The presence of White guerrillas made for problems in situating them within the Euro-American grammatical law of war. There were many species of irregular violence. The distinction between "partisans" and "guerrillas" as opposed to other violent actors revolved around questions related to organization and control. Spurred by Curtis's pleas and the mounting reality of Confederate irregular violence that so plagued the Western Theater, Halleck wrote to Francis Lieber for guidance. He wondered about the legality of guerrilla warfare and guerrillas themselves. Lieber replied that guerrillas were "an irregular band of armed men" that conducted "an irregular war, not being able…to carry on…a regular war." Guerrillas then were:

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[106] *OR*: XXXIV, part 2:443-44. The Union popular press also contributed to the "indianization" of the Confederacy. See Zachary Brown, "'Indianizing the Confederacy': Understandings of War Cruelty during the American Civil War and The Sioux Uprising of 1862," *Penn History Review* 23 (Fall 2016): 115-136. For more on the Confederacy openly adopting guerrilla warfare, see Sutherland, *American Civil War Guerrillas*, chapter 1.

self-constituted sets of armed men in times of war, who form no integrant part of the organized army, do not stand on the regular pay-roll of the army, or are not paid at all, take up arms and lay them down at intervals and carry on petty war (guerrilla) chiefly by raids, extortion, destruction, and massacre, and who cannot encumber themselves with many prisoners, and will therefore generally give no quarter.[107]

Partisans, on the other hand, were "soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy." While partisans were regular soldiers conducting irregular operations, guerrillas were not soldiers at all, a key difference to understanding how armies treated them. Partisans, "[i]f captured they are entitled to all privileges of the prisoners of war." Guerrillas, not being soldiers, "if captured" were treated as "highway robbers or pirates." Federal officials initially used the term "guerrilla" as a pejorative, but Confederates wore it as a badge of honor, often not distinguishing between "partisan" and "guerrilla." Lieber constructed a regime were guerrilla warfare could be accepted in limited circumstances, seemingly rehabilitating certain irregular aspects of the hybridized American grammar of war that had roots in the colonial era. In a sense, Lieber was tacitly endorsing Confederate desire to wage an irregular, "savage" war by giving legal color to the distinction between partisans and guerrillas.[108]

The competing Euro-American and Native grammars at work in the Indian Territory Civil war, were not so different in practice. In comporting to European norms, federal officials and explicators on the rules of war created a distinction without a difference. White Americans intended to leave behind the American grammar of war, formed from decades of experience

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[107] *OR*, series 3, II:301-09.

[108] General Order No. 100, Section IV, paragraph 81-82, reproduced in Witt, *Lincoln's Code*, 385.

interacting with the Native grammar in backcountry fighting, by adopting the Euro-American grammar. "Partisan" and "guerrilla" modes of warfare within the Euro-American framework were essentially legal sanctions of White terrorism. The Euro-American grammar, therefore, gave legal color to the very behavior Whites often decried as racially degenerate.

Natives in Blue and Gray

The violence of the Indian Territory Civil War most often raged outside the Euro-American battlefield. Native people, considered by Whites to be "savages" no matter how many White cultural norms they adopted, were naturally disposed to the irregular war, according to the thinking of Union and Confederate officials. The eminent suitability to guerrilla violence by Native peoples was due to their perceived inability to comport fully to the Euro-American grammar. Even though White military leaders were loath to use Native troops in service within the Euro-American framework due to the alleged "savage" grammar of Native warfare, during the Civil War, the Union Indian Home Guard Brigade and the Confederate Watie's Cherokee Mounted Rifles were organized along the Euro-American grammar yet behaved along the Native grammar. The expectations of these Native soldiers to behave as Whites were aspiration, with the belief that they might revert to "savage" behavior.[109]

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[109] Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York: W.W. Norton & Co., 2008), xvii-xxii. Richard Slotkin argues that the frontier became mythologized through violent interactions between White and Native people. This mythology saw the secretive methods of Native war making as fitting the backdrop of the darkened forest, from where Native people launched their attacks. Therefore, through extant, contemporary literary formulations of the wilderness as a place of darkness and evil, Native people become racialized, not only as "savage" versus "civilized," but also as "evil" versus "good." Richard Slotkin, *Regeneration through Violence: The Mythology of the American Frontier, 1600-1860* (Norman: University of Oklahoma Press, 1973), chapter 3. Megan Kate Nelson, "Indians Make the Best Guerrillas: Native Americans and the War for the Desert Southwest, 1861-1862" in *The Civil War Guerrilla*, (Lexington, Kentucky: University of Kentucky Press, 2015), 103-06; Sutherland, *A Savage Conflict*, 10, 28-29, 31, 114.

The use of Native troops was controversial among Union leaders. Abraham Lincoln turned down a Chippewa offer of one hundred men for use by the Union in early 1861. Secretary of War Simon Cameron's language reflected the racialized ideas that plagued the interaction between White and Native war grammars in his own rejection of Indian troops: "The nature of our present national troubles, forbids the use of savages." Others within the Lincoln administration disagreed. Commissioner William P. Dole posited the idea of "the formation of a brigade of *friendly* Indians" in May of 1861. Dole's willingness was no doubt influenced by his interactions with Native people, and his desire to see Indian Territory defended in 1861. Nevertheless, the Lincoln administration resisted the incorporation of Native troops in the early months of the war.[110]

After the Confederacy ejected Opotholeyahola's Unionist Creeks, Lincoln made little effort to retake Indian Territory. Lincoln changed course in the waning days of 1861, realizing that not only had the tribes in Indian Territory allied themselves with the Confederacy, but that they were raising troops and presenting a strategic problem for the Union war effort. On December 3, 1861, Lincoln reported in his annual message to Congress that Indian Territory was in possession of "insurgents from Texas and Arkansas" that "greatly disturbed" the territory. Lincoln also warned of "agents of the United States [that] unable to reach their posts" and others "who were in office before that time have espoused the insurrectionary cause, and assume to exercise the powers of agents by virtue of commissions from the insurrectionists." Even as the goings on in the east in the nascent months of the war shoved Indian Territory concerns to the side, Lincoln was not going to abandon Indian Territory to the Confederates and their Native

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[110] Cameron to D. Cooper, 9 May, 1861, *OR*, 3:1:140; Dole to Caleb B. Smith, 30 May, 1861, *Annual Report of the Commissioner of Indian Affairs for 1861*, 651, emphasis Dole's.

allies. In the same annual address to Congress, Lincoln believed that "the repossession of the country by the federal forces the Indians will readily cease all hostile demonstrations, and resume their former relations to the government." A military campaign to recapture Indian Territory would support the loyal Native chiefs, who were "expressing a wish for the presence of federal troops to protect them." The problem for Lincoln was that he needed troops, but troops were not easy to come by, especially with the war effort flagging in the east.[111]

Former Democrat turned Republican Senator James Lane of Kansas volunteered to lead an expedition. Lane wanted to use Indian Territory as an avenue through which to invade Arkansas and Texas, thereby preserving Kansas from the threat of Confederate incursion and invasion. The War Department gave Lane the task of raising a brigade in Kansas and dangling a brigadier's commission over his head should be successful at the task. Lane wanted ten thousand men, and his solution was to use Indian Territory refugees. However, in the summer of 1861, Lincoln rejected Dole's idea and rejected Lane's ambitious idea of a grand campaign to retake Indian Territory before giving diplomacy a chance. But diplomacy was too late. Albert Pike had already signed treaties with the tribes. As late fall set in and the ice began to form on the bloody blades of grass trod by Opothleyahola's war-weary band of Native refugees, Lincoln changed his mind and decided to fight.[112]

Lane persuaded Lincoln to authorize Brigadier General David A. Hunter, who was in overall command of the region, "to organize 4,000 Indians" for a winter expedition to retake Indian Territory, consisting of a "snug, sober column of 10,000 or 15,000" men total. The

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[111] Roy P. Balser, ed. *The Collected Works of Abraham Lincoln* (New Brunswick, N.J.: Rutgers University Press, 1953), 5:46.

[112] Nichols, *Lincoln and the Indians*, 34-38.

problems in the Union command eventually derailed the attempt in the winter of 1861-82, as Lane went behind Hunter's back to organize a bigger force that Lincoln had authorized. Dole and Lane also conspired to blunt Hunter's overall strategic vision, with the Lane too much concerned with the war effort, and not interested enough in the welfare of the Native refugees now flooding into Kansas, who were "in the most deplorable state of destitution." In the end Lincoln had enough. He cancelled the expedition, shipped Hunter east, neutralized Lane, and showed no further interest in retaking Indian Territory throughout the whole winter of early 1862.[113]

In the meantime, the Confederacy organized its Native troops into a substantial force. In November 1861, Albert Pike was busy lobbing for the use of Native troops and his overall command of them. He offered Judah Benjamin, Confederate Secretary of War, to "organize a force in the Indian country" that would be "available in for offensive or defensive operations in Kansas or Missouri." Pike also proposed to set up a supply network and defensive works near the Red River, militarizing Indian Territory for the campaign he was sure would commence in the spring. "Not desirous to merely be a general of Indians," Pike's vision for an Indian Territory under his command included "one of the Arkansas regiments now in service" because "a force of 3,000 or 4,000 men" without "our troops by their side" would not be enough to hold Indian Territory from Union reoccupation. The Confederate War Department disagreed with Pike's ambitious request but did allow him to retain overall command of Indian Troops, which included the 1st and 2nd Cherokee Mounted Rifles, the 1st Choctaw and Chickasaw Mounted Rifles, the 1st Creek Regiment, and various other *ad hoc* commands and Indian militias. For all

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[113] Lane to Hunter, January 3, 1862, *OR*, VIII:482. Lincoln to Simon Cameron, January 31, 1862, *OR*, 1:VIII:538. W. G. Coffin to Dole, January 15, 1862, OIA, RG75, NA, quoted in Nichols, *Lincoln and the Indians*, 43.

the treaties Pike signed with the tribes in Indian Territory, and for all the treaty provisions that benefited the tribes, promising parity with the rest of the states in the Confederacy, Pike's correspondence reveals the prevailing attitude about Native soldiers: they were still not White soldiers.[114]

Early Confederate planning also envisioned Native people as the perfect irregular force. Confederate recognition of the Native grammar of war made Native people "eminently suited" to being guerrillas in the mind of the Confederate military. "Indians will make the very best guerrillas," Colonel (and former Indian agent) Douglas Cooper quipped in the spring of 1862. Confederate officials were also more open than their Union counterparts to deploy Native troops as guerrillas. The Confederate Congress issued a call for partisan rangers to be deployed against Union troops in early 1862. The Union made no similar calls. After Albert Pike had begun raising Confederate Native units, many Native units in gray began to operate as irregular partisans and guerrillas. Colonel Stand Watie and his Cherokee Mounted Rifles launched raids into Arkansas and Missouri in the fall and winter of 1861 and into the spring of 1862 before the first Union invasion.[115]

White Confederates did not only think Native troops suited for fighting in Indian Territory, but also saw possibilities for their service elsewhere. "One regiment of Cherokees or Choctaws, well mounted, would inspire more wholesome terror in the minds of [the] Mexican population than a vast army of Americans from the States," suggested one Arizona man. In the

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[114] *OR*, VIII:697-98.

[115] Sutherland, *A Savage Conflict*, 48. For more on Native guerrillas in New Mexico Territory, see Nelson, "Indians Make the Best Guerrillas," 99-122. *OR*, XIII:824. April 21, 1862, *The Journal of the Confederate Congress*, volume 5, 285. Abel, *The American Indian in the Civil War*, 110-13; Mary Jane Warde, *When the Wolf Came* (Fayetteville: University of Arkansas Press, 2013),107, 191-98.

years before the war, the War Department erected forts along routes west on the Great Plains, in the Pacific Northwest, in the arid regions of the Arizona Territory, and in California, ostensibly to protect American imperial designs and to, what historian Brian Delay argues, "redeem the desert, defeat the Indians, and provide security to the long-suffering people" of these regions.[116]

In the desert regions of the Arizona and New Mexico Territories, White Union and Confederate forces fought a prolonged war involving few men and vast regions of inhospitable terrain. During this protracted conflict, Comanches, Pueblos, Navajos, Apaches, and Utes, often raided White settlements, and harassed both Union and Confederate forces, fighting in the irregular fashion in the Euro-American conception. These Native tribes engaged Union and Confederate forces, drawing them into the style fighting that the Native people had employed against Spaniards and Mexicans for centuries. The manner of violence employed by Whites in this theater of the Civil War harkened back to the discarded American grammar of war. Therefore, whenever White soldiers, whether Union or Confederate, fought with and against Native people, they were prolonging and reproducing the Indian wars of previous decades.[117]

As for the Union, when the Lincoln administration did decide to enlist Native troops, they incorporated them into the Euro-American organization of the Union Army. Commissioner Dole was not alone in his desire to see "*friendly* Indians" in Union service. Brigadier General David Hunter, the Union commander in the region sought "authority to muster into service a Brigade of

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[116] Owen Davis to William B. Ogletree, July 21, 1861, U.S. War Department, Letters Received by Confederate Secretary of War, quoted in Sutherland, *A Savage Conflict*, 49. Brian Delay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008), xxi.

[117] For more on the Civil War in the Southwest, see Nelson, "Indians Make the Best Guerrillas," in *The Civil War Guerrilla*, 99-121; Alan M. Josephy, Jr., *The Civil War in the American West* (New York: Vintage, 1993); Andrew E. Masich, *Civil War in the Southwest Borderlands* (Norman: University of Oklahoma Press, 2017); Thomas W. Cutrer, *Theater of a Separate War: The Civil War West of the Mississippi River, 1861-1865* (Chapel Hill: University of North Carolina Press, 2017); Megan Kate Nelson, *The Three-Cornered War: The Union, the Confederacy, and Native Peoples in the Fight for the West* (New York: Scribner, 2020).

Kansas Indians to assist the Creeks, Seminoles, & Chickasaws in adhering to their loyalty."

Political wrangling among Union commanders slowed the enlistment of Kansas tribes into

Federal service. When Opothleyahola's refugees reached Union lines in Kansas, pressure from

locals to rid themselves of the refugee Indians, coupled with the strategic necessity to open up a

front in Indian Territory, provided the Lincoln administration to begin enlisting Native troops.

Union Native troops could then, in theory, retake their homes from the Confederates and relocate

the refugees. Federal officials eventually began the process of incorporating Native troops into

the Union Army. On January 3, 1862, the federal government "ordered [David Hunter]… to

organize 4,000 Indians" at the same rate of pay as their White comrades. To "organize" these

Native troops meant to fold them into the Euro-American structure of the Union military. Their

uniforms, pay, training, outfitting, and leadership imposed an expectation that they should

behave according to White norms.[118]

At first, there were two regiments within the Union Indian Home Guards. The 1st

Regiment was largely comprised Creeks and Seminoles from Opothelyahola's refugees. The

2nd Regiment mostly made up of Shawnees, Kickapoos, Delawares, Quapaws, Caddoes,

Wichitas, Osages, Senecas and a handful of Unionist Choctaws and Chickasaws. Union

commanders added a third regiment later in the summer of 1862, the bulk of which were

Keetoowah Pin Cherokees and former Confederates from John Drew's outfit who defected to the

Union after the Battle of Pea Ridge. Despite the Euro-American organization of the Indian

Home Guard Brigade, their stated purpose, to liberate Indian Territory, changed with the political

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[118] Hunter to Lorenzo Thomas, November 27, 1861, Lincoln Papers, Library of Congress, quoted in David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (Minneapolis: Minnesota Historical Society Press, 1978, reprint 2012), 39. *OR*, VIII:482; Dole to W.W. Ross, January 6, 1862, Letters Received, Office of Indian Affairs, RG75, NA, quoted in Nichols, *Lincoln and the Indians*, 41. For a complete picture of the wrangling over the use of Native troops and the expedition to invade Indian Territory, see Annie Abel, *The American Indian in the Civil War, 1862-1865* (Lincoln: University of Nebraska Press, Bison Books edition, 1992), chapter IV.

wrangling between military commanders in Kansas, Indian Office officials, and the War Department. White units would do the heavy lifting during the impending expedition, while Native troops were to enter "service as irregular units," and were to be accompanied "by such a white force." And according to Union General-in-Chief, Major General Henry Halleck, the Indian Home Guard Brigade also was to be used in fighting against other "Indians or in defense of their own territory and homes." The fallout of the Pea Ridge scalpings likely played into the shift in purpose for the Indian Home Guard Brigade. The looming possibility of "savage" behavior by Natives in blue uniforms colored White expectations of Native abilities.[119]

Union military commanders did not give Native troops much of a chance to succeed. Despite promises of equal pay and outfitting along those of their White comrades, the Indian Home Guard Brigade was not well supplied. Natives chiefs were distrustful of promises made by Indian Affairs officials concerning the wellbeing of their families and the swiftness with which the refugees were to be resettled. Native troops often refused to train unless they were given sufficient promises for their people's safety and wellbeing and for proper supplies and equipment. White attitudes were also influenced by the Native propensity to engage in their own cultural practices while campaigning. Cherokee agent William Coffin reported Native soldiers "in fine spirits" with "small military caps on their high heads of hair" all the while marching in formation and "singing the war song all joining in the chourse [sic] and a more animated seen

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[119] Dole to Maj. Gen James G. Blunt, May 16, 1862,Indian Office Letter Book, 241-42, quoted in Abel, *The American Indian In the Civil War*, 109-10n.260. *OR*, VIII:665. Dole to Secretary of the Interior, March 13, 1862, Report of the Commissioner of Indian Affairs, 1862, 148. *OR*, VIII:659-60, XIII:370, 624-25. The regiments were raised under the jurisdiction of Kansas, making them Kansas, not Indian Territory, units. William Coffin to William Dole, June 4, 1862, Indian Office General Files, Southern Superintendency, quoted in Abel, *The American Indian in the Civil War*, 114-15n.272; Coffin to Dole, June 9, 1862, ibid.; Coffin to Dole, June 15, 1862, ibid. On the defection of Drew's men to the Union, see *OR*, XIII:138, 463-64, 488; and W. Craig Gaines, *The Confederate Cherokees: John Drew's Regiment of Mounted Rifles* (Baton Rouge: Louisiana State University Press, 1989), chapter 9. See also Laurence M. Hautpman, *Between Two Fires: American Indians in the Civil War* (New York: Free Press Paperbacks 1995).

[sic] is not often witnessed." Nevertheless, Indian troops in blue uniforms were still expected to behave as White soldiers. Coffin also wrote that White officers of the Home Guard Brigade had "labored incessantly and the improvement the Indians have made in drilling is much greater than I supposed them capabell [sic] of." Due to their Euro-American military training, Coffin optimistically predicted the Native soldiers "will be the most eficient [sic] troops." Despite participating in some skirmishing during the first Union invasion of Indian Territory, Native troops pulled duty that their White commanders thought them suited: they scouted ahead of the army and acted as an anti-guerrilla force, looking for Confederate Cherokees under Watie, who were thought active in the area. Despite Coffin's optimistic portrayal of Native soldiers as "eficient" troops in the Euro-American sense, Union commanders on the expedition still often deployed them as irregulars, seeing them as perfectly fit for the job.[120]

In June of 1862, the Union finally mounted an expedition to retake Indian Territory. Brigadier General James Blunt, now in charge of the region, dispatched Colonel William Weer, a prolific alcoholic, to lead an expedition largely comprised of Kansas and Indian troops, including many Pins who had deserted Drew's Confederates months earlier. These Native soldiers had been organized the previous winter mostly out of Opothleyahola's Creeks, with some loyal Cherokees and other tribal members also making up the ranks. This invasion force had three goals: first, to eliminate Confederate partisan raiders operating freely within the territory, second, put pressure on the Confederate forces within Arkansas, and third, to allow Union Indian

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[120] *OR*, XIII:418; Abel, *The American Indian in the Civil War*, 129-36. Coffin to Dole, May 13, 1862, Land Files, Southern Superintendency, in Abel, *The American Indian in the Civil War*, 109. Coffin to Dole, June 25, 1862, Indian Office General Files, Southern Superintendency, 1859-1862, quoted in Abel, *The American Indian in the Civil War*, 123n.309.

refugees to return safely to their lands. The first target for the invasion force was the Cherokee capital of Tahlequah.[121]

Colonel Weer's expedition got underway on June 21, 1862. The expedition moved swiftly into the heart of the Cherokee Nation. By the July 1, Union troops occupied the northern half of the Cherokee Nation, and nearly 1,500 refugees followed them, eager to return to their homes. Weer captured John Ross, who promptly switched sides. This emboldened Pins in John Drew's Confederate unit to defect to the Union and take control of the Cherokee government. Everything seemed to be going well for the Union. This did not last. Toward the end of July, Weer concluded that his position, so far from his base of supply was untenable. Weer's supplies were wearing thin and the white officers had little regard for the Union Indian soldiers or the Union Cherokee refugees who sought to return to Cherokee Country after fleeing their homes during the previous Summer and Fall. White officers and men were given priority over Native soldiers and civilians when supplies were distributed. It was not Native soldiers who performed outside the expectations of the Euro-American grammar. It was the leader of the expedition, rather, Colonel Weer, who failed to perform: allegations came to the fore that he had resorted to the bottle and was drunk on duty. The officers in his command grew tired of his indecision and propensity to send units on meaningless excursions. On July 18, 1863, Union Colonel Frederick Saloman arrested Weer. In defending his actions, Saloman melodramatically asserted that Weer

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[121] The expedition consisted of Cherokee and Creek regiments, two regiments of white volunteers, three regiments of white cavalry, and two artillery batteries. For a roster of units on the expedition, see Frederick H. Dyer, *A Compendium of the War of the Rebellion*, 3 vols. (Cedar Rapids: Torch Press, 1909, reprint Thomas Yoseloff: New York, 1959), 2:986. For detailed accounts of the diversity within the order of battle within Weer's command, see Minges, *Slavery in the Cherokee Nation*, 137-38, Gaines, *The Confederate Cherokees*, 98-104, and James G. Blunt, "General Blunt's Account of His Civil War Experience," *Kansas Historical Quarterly*, I (May, 1932), 223. McCaslin, "Bitter Legacy", 24-25; Wiley Britton, *The Union Indian Brigade in the Civil War* (Kansas City, 1922), 62-63.

had perpetrated, "the greatest wrong ever…upon any troops" and that "[s]omeone must act…or starvation and capture were the imminent hazards that looked us in the face." Colonel Saloman led the White and Native soldiers back into Kansas to await another chance at invasion. Despite the racist attitude toward Native people, Native soldiers performed admirably in the Euro-American grammar, demonstrating they could aspire to conform to White expectations.[122]

The Phillips Expedition

The preference of Union commanders to fight according to the Euro-American grammar began to shift as the war dragged on into 1864. Irregular violence plagued Indian Territory, and raids by partisans affiliated with the Confederacy hampered the Union's ability to resettle refugees that had fled earlier in the war to Kansas and Missouri. Given the Confederate armies seemed unwilling to give pitched battle, Union war planners attempted to sway rebellious Native tribes to the Union side. The Union saw an opportunity to deal a political blow to the Confederacy by sending Colonel William A. Phillips south into the Creek, Chickasaw, and Choctaw Nations on a diplomatic mission. Abraham Lincoln prepared an Amnesty Proclamation for distribution to Native people, which Phillips and his men were to distribute. What followed, however, was exemplary of the Civil War in Indian Territory after Honey Springs. Phillips unleashed his men on an irregular campaign spreading a message of violence and retribution alongside amnesty and friendship. The reaction of Phillips to the violent behavior of his Native

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[122] Coffin and federal officials also ventured with the refugees to oversee their resettlement. *OR*, XIII, 458-61, 484-85, 585; Annie Louise Abel reprints the entirety of both letters Salomen sent to Blunt justifying his actions. Abel calls Salomen's arrest of Weer "undoubtedly a clear case of mutiny." *American Indian as Participant*, 138-43. Other authors are not so dramatic. Gaines, *The Confederate Cherokees*, 98-99 112-14; McCaslin, "Bitter Legacy" in *The Civil War and Reconstruction in Indian Territory*, 25; Minges, *Slavery in the Cherokee Nation*, 143-45; Warde, *When the Wolf Came*, 110-111.

soldiers served as representative of White attitudes toward Native warfare, further highlighting the fraught racial character of the clash of military cultures.

Phillips set off in February 1864, taking with him copies of President Lincoln's Amnesty Proclamation to five to the people and governments of the Five Tribes. The proclamation promised "[f]or each and every [rebellious Native nation] I [Lincoln] have given pardon. For what was theirs in the past, I [Lincoln] have made a second time."[123] With this proclamation, Lincoln sought to end the violence in Indian Territory; he conversely promised more bloodshed should the Native governments and their people decide to continue with the war. Lincoln also promised *status quo antebellum* for takers of the prescribed oath of loyalty set forth within the proclamation. Phillips also sent letters to chiefs and council bodies encouraging them to come return to their treaties with the United States. His letter set a harsher tone than Lincoln's proclamation: "The great Government of the United States will soon crush all enemies. Let me know if you want to be among them." Phillips's menacing tone foreshadowed the kind of campaign about to come.[124]

The political and diplomatic benefit of the expedition notwithstanding, this third Union expedition to invade Indian Territory was primarily a military expedition. Colonel Phillips sought to deal a "death blow to the Rebellion in the indian nations." The targets of this death blow were the supply base at Middle Boggy Depo, the Choctaw capital of Doaksville, and eventually the Red River. A Union victory would thereby destroy the Confederate capacity to

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[123] Abraham Lincoln, "Pardon and Amnesty Proclamation," Gilcrease Institute, Rare Manuscript Collection, Tulsa, Oklahoma. Also quoted in Ernest F. Darling, "Lincoln's Message to Indian Territory," *Chronicles of Oklahoma*, 63 (Summer 1985): 190-191; Steve Cottrell, *Civil War in Indian Country*, (Gretna, LA: Pelican Publishing Company, 1995), 89.

[124] *OR*, XXXIV, part 2:109-10.

make war, while also breaking the political will of Confederate-sympathizing Native people, and take control of the entirety of Indian Territory. Achieving that victory, however, necessitated neutralizing political resistance and eliminating armed Confederate resistance within the Indian Nations altogether.[125]

The invasion force comprised approximately 1,500 soldiers, mostly made up of the Union Indian Home Guard Brigade, a few squadrons of Kansas cavalry, and a battery of artillery. Before stepping off, Colonel Phillips gave his troops a command befitting the chaotic violence that marked the Civil War in Indian Territory — his men were not to take prisoners. "Those who are still in arms are rebels and ought to die," he told his men. "Do not kill a prisoner after he has surrendered. But I do not ask you to take prisoners. I ask you to make your footsteps terrible and severe." Whether or not this was hyperbole in order to inspire his soldiers for the campaign they were about to undertake is debatable. What is not debatable is that the soldiers under his command obeyed the letter, rather than the spirit, of his words.[126]

The Phillips expedition unleashed violence wherever it went throughout the Creek, Chickasaw, and Choctaw Nations. For the month of February, Phillips's men ravaged throughout these nations south of the Arkansas River. The expedition burned buildings, killed resisters, and destroyed supplies and vital materials for the depleted Rebel Natives. On February 9, Colonel Phillips dispatched 250 men under Major Charles Willets to destroy a Confederate

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[125] Phillips to Major General Curtis, February 8, 1864, NARG 393, LR, Department of Kansas.

[126] George W. Ross letter, February 7, 1864, Grant Foreman Collection, OHS. *OR*, XXXIV, part 2:190. See also Cottrell, *Civil War in Indian Territory*, 89-90. Historian Annie Heloise Abel regards Colonel Phillips's expedition of the winter of 1864 as a "peace mission." She points out that the expedition served two purposes, one military and the other diplomatic. She fails to mention Phillips's "take no prisoners" order, nor does she discuss the incredible violence Phillips's men wrought in the Choctaw Nation. Abel, *American Indian as Participant*, 3:322-23.

supply cache at Middle Boggy Depot. The federals made quick work of Confederate resistance and the supplies at the depot. This was the only battle Phillips fought during his month-long foray.[127]

The expedition brought a harvest of death to a section of Indian Territory relatively untouched by the war. Confederate Colonel Daniel N. McIntosh, commander of the 1st Creek Mounted Rifles, wrote that "[t]hey took no prisoners, but killed all without mercy." A lieutenant in the 1st Creek reported the expedition took all the Unionist refugees "left back on the Canadian [River] back with them." During one particular raid, the lieutenant noted, the Federals killed "thirty to fourty [sic]" Creeks, but noting "[i]t has not yet been assertained [sic] how many of the Creeks they killed as they were scattered when the raid was made." Union soldiers also reported the grim details. "We took a trip south," one sergeant matter-of-factly reported. "On route we killed 110 Rebels mostly Indians. Most of them were killed at their homes because Col. Phillips instructed his men not to take any prisoners for they have had all the chances to [join the Union] if they wanted to do so." Colonel Phillips himself reported "20 prisoners taken," but this appeared to be an exceptional figure given that his own tally of the enemy dead amounted to 55 killed at Little River in the Chickasaw Nation alone. Union soldiers justified their killing by reducing the enemy to brigands, bandits or irregular forces. A Union private bragged that the expedition killed "90 bushwhackers." While a few of these deaths may have been the killing of

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[127] Cottrell, *Civil War in Indian Territory*, 90. For a thorough treatment of the military aspects of Col. Phillips's expedition and the Battle of Middle Boggy Depot, see Carroll Messer, "Battle of Middle Boggy: Phillips Expedition of February 1864 into Indian Territory," *Seminole Nation, I.T.*, http://www.seminolenation-indianterritory.org/cwmiddleboggybattle.htm (accessed December 9, 2018).

partisans, more than likely the vast majority were non-combatants in the conventional or irregular sense.[128]

The expedition also took in an estimated "1000 head of cattle about 250 ponies, 30 yokes of work cattle [oxen] about 800 bushels of corn, between 130 and 200 refugee Indians and about 30 or 40 Negroes." Mounted Union soldiers also fed corn and other grain to their famished mounts before burning the rest. While spreading a call for unity and amnesty, Phillips spread fear, terror, chaos, and death. In many respects, the Phillips expedition epitomized the violence in the Indian Territory Civil War: an organized unit of soldiers, whose mission was to pacify the populace and bring an end to the war, ended up digressing into a mob of men hell bent on violence and destruction.[129]

Colonel Phillips's expedition failed in its objectives. Confederate Native leaders met at the Armstrong Academy in the Choctaw Nation to discuss the chaos of plains tribes raiding within the Chickasaw Nation, and there they received President Lincoln's proclamation. After some discussion, the Confederate Indians pledged their loyalty to the Confederate cause. They held fast to the hope that Confederate operations in Louisiana promised to turn the tide of the war for Indian Territory, but what convinced them to remain with the Confederacy was the conduct of Phillips's soldiers, which outraged Native leaders. Phillips considered his mission a

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[128] Daniel N. McIntosh, letter, February 9, 1864, MS378, Microfilm Division, University of Arkansas Library, Fayetteville, Arkansas. Riley Perryman, letter, Richard J. Ross letters, Patsy Mann, Checotah Oklahoma. Both quoted in Whit Edwards, *The Prairie Was on Fire: Eyewitness Accounts of the Civil War in the Indian Territory* (Oklahoma City: Oklahoma Historical Society, 2001), 91. Jacob Perryman, letter, March 3, 1864, Alice Robertson Collection, OHS. *OR*, XXXIV, part 1:112. Warren Day, letter, Februrary 23, 1864, Day Letters, M175, Manuscript Division, Kansas State Historical Society, Lawrence, Kansas, quoted in Edwards, *The Prairie Was on Fire*, 91. Private Day was a trooper in Company C, 12th Kansas Cavalry,a White unit.

[129] Day, letter, KSHS, quoted in Edwards, *The Prairie Was on Fire*, 91. Christian Isely, letter, February, 1864, in Elise Dubach Isely, *Sunbonnet Days* (Caldwell, Idaho: Caxton Printers, 1935), chapter 11, quoted in Edwards, *The Prairie Was on Fire*, 92.

success upon the distribution of the proclamation and returned to Fort Gibson without reaching

Doaksville or the Red River. The Creek, Chickasaw, and Choctaw Nations stayed firmly in the

Confederate camp.[130]

In his exhortation for his men to take no prisoners, Phillips eroded the discipline of his

unit, who quickly abandoned the Euro-American norms under which they were organized and

trained. Discipline was a hallmark of the Euro-American grammar, which formed the foundation

upon which the Union Indian Home Guard Brigade was built. The breakdown discipline within

the Phillips expedition is as much about the grammatical expectations regarding how the war was

fought than anything, but these expectations had cultural and racial connotations as well.

Colonel Phillips had extensive experience with Native soldiers before his expedition

began in the late winter of 1864. He began his career in command at the head of the 3rd Indian

Home Guard Regiment, the majority of whom were Pins formerly in Confederate service. The

3rd Indian Home Guard is an example of Native soldiers fighting within a Euro-American

structure. Within the command structure of the 3rd Indian Home Guard, there was a mix of

White and Native commissioned and noncommissioned officers, with White officers making up

the command of the regiment, companies, and squads, and Native officers (overwhelmingly

Cherokee) taking subordinate roles. The men of the 3rd Indian Home Guard were outfitted with

the dark blue tunics and sky-blue trousers of other Union infantry regiments. They received

training at Fort Scott, Kansas, in addition to their training in Confederate service. Nominally, the

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[130] Warde, *When the Wolf Came*, 201.

Union military designed, built, and outfitted them to operate within the Euro-American grammar of warfare.[131]

In practice, the 3rd Indian Home Guard fought according to a different logic. Phillips, soon after taking command of them, complained that his men were ill-disciplined and were in want of reorganization. He connected the lack of discipline to race. He wrote to Major General Curtis, the commander of the Department of Kansas, that he needed "a handful of white officers" to train and lead the Home Guards. At the start of his expedition, Phillips complained to Curtis that when he had taken command of the 3rd Indian Home Guard he "found everything chaos, and the men without bread." At the beginning of the expedition the home guards were "far from what I would like [them] to be, but I feel that [they are] still able to do the work." By the end of the expedition, Phillips claimed to be completely dissatisfied with his troops, and so he drafted a fourteen-point plan for a complete reorganization of his command that included an influx of more white officers. Another solution Phillips posited was to brigade a white regiment alongside his Native regiments in order to "[bring] up the discipline of the Indian [Brigade]." Phillips's Native soldiers did not live up to his ideas of whiteness because they were undisciplined according to the rules of the Euro-American grammar.[132]

These Native soldiers did not live up to Phillips's ideas of whiteness because they acted according to the rules of the Native grammar of warfare. He showed disgust for "[Union-affiliated] Guerrillas or loose 'Pins'" who had deserted, but his contempt with which he held the

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[131] For more about the 3rd Indian Home Guards and its relationship with Colonel Phillips, see Trever Jones, "In Defense of Sovereignty: Cherokee Soldiers, White Officers, and Discipline in the Third Indian Home Guard," *Chronicles of Oklahoma* 82 (Winter, 2004-05): 412-27.

[132] Colonel Phillips to Major General Curtis, February 29th, 1864; Colonel Phillips to Major General Curtis, February 8th, 1864; Phillips to Curtis, March 7th, 1864, NARG 393, LR, Dept. of Kansas.

Pins stemmed from the fact that the men in the 3rd Indian Home Guard Regiment were unwilling to give up their traditions and cultural norms to conform to White expectations. Many Keetoowah Cherokees joined the Union army to fight against the "Mixed Blood" faction, which had, in their view, diluted Cherokee culture with White culture, forsaking the lifeways of their ancestors. Warfare was no different. While Phillips struggled with the nuances of understanding a multi-cultural command, his Cherokee soldiers did.[133]

Cherokee soldiers within Union Native units, especially the Indian Home Guard Brigade, bent the rules of the Euro-American grammar to facilitate their own grammar of war. Cherokee officers, seeking to function as Cherokees within the structure of a Euro-American military unit, bent the rules and procedure relating to discipline in many ways. Cherokee officers, for example, sought to function as Cherokees within the structure of a Euro-American military unit by bending the rules and procedures relating to discipline in many ways. They often doled out mild punishments for desertion, usually a fine and often a reduction in rank for noncommissioned officers. Deserting the Union army was supposed to be a capital offense, but many deserters subsequently suffered severe corporal punishments, like being hung by the thumbs, where the toes barely touched the ground; carrying heavy weights in extreme conditions for hours on end; being forced to ride a wooden horse; or toiling for months of hard labor while being chained to a metal ball. Often deserters were drummed out of the service after having their heads shaved or other humiliations — just not in the Indian Home Guard Brigade. Cherokee officers sat on court martial panels for Cherokee soldiers, and they had considerable autonomy, often showing leniency toward their countrymen. The seemingly draconian disciplinary measures were antithetical to the Cherokee sense of justice, causing Cherokee officers, who had

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[133] Ibid.

to enforce the general orders of the War Department and their district commanders as a function

of the Euro-American grammar, to skew the lines of discipline toward the Native grammatical

norms.[134]

Unit organization and cohesion, according to the Native grammar of warfare, was more

fluid and less structured than in the Euro-American grammar. Traditionally, Native warfare

operated as informal raiding parties, with lines of leadership drawn less starkly than in Euro-

American warfare. The Native grammar did not only apply to Cherokee troops in Union service.

Confederate Choctaw units also had problems with desertion. Discipline was lax, and

punishments were light. One Choctaw recalled that a soldier seeking leave often ignored his

immediate commanders and directly "approach[ed] General Cooper without giving the

customary salute." One soldier did just this saying, "General Cooper, I goin' home for killit hog,

dig 'tatah, or find'em cow, be back tree-four week." He then mounted his "shaggy pony" and

headed home.[135]

Getting drunk, falling asleep at one's post, or shrinking in the face of the enemy were

other violations that called for punishment according to Union Army regulations. These

problems were common among the Indian Home Guard Brigade, and violators rarely suffered

severe reprimands. One sergeant was tried for being drunk on duty and acting "in a cowardly

manner before the enemy." His sentence was to forfeit two months' pay and a reduction in rank

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[134] General Orders Nos. 2, 29, and 51, Headquarters, Army of the Frontier, October 31, 1862, Orders of the Army of the Frontier, 1862-1865, Gilcrease Institute of American History and Art, Tulsa, Oklahoma; Jones, "In Defense of Sovereignty," 419. For an overview on desertion within Civil War armies, the standard volume still is Ella Lonn, *Desertion During the Civil War* (New York: The Century Company, 1928), especially 165, 180-81, 226. See also Stephen Z. Starr, "Hawkeyes on Horseback: The Second Iowa Volunteer Cavalry," *Civil War History*, 23 (September, 1977): 212-27.

[135] Interview of J.J. Robb, IPH, WHC.

to private. Another soldier, a corporal fell asleep at his post. His punishment was to forfeit one months' pay and a reduction in rank. Paying fines was the most common punishment for members of the Union Indian Home Guard Brigade, despite steeper punishments, for which official military codes called. Indeed, those punishments designed to hurt and humiliate the violator were the exception in Native practice, rather than the European prescribed norm. Cherokee officers walked the fine line between their duties as soldiers in the Union Army and as citizens of the Cherokee Nation.[136]

The Keetoowahs, despite their desire to live free from the corruptive influence of White culture, did seek to prove their worth as soldiers on par with Whites. One Cherokee officer grumbled about a "hors Theaf [sic]" in his company: "If there is no Hell there should be one maid [sic] for this villin [sic]…Deserted time and again[,] to give dates would be a stigma on all officers that every [sic] would have to do with the company." Cherokee officers grew more and more comfortable in their roles as Native officers in a White unit operating by White rules flavored with Native norms. Cherokee officials also had confidence that Phillips was "eminently qualified for the position" he held and would "speedily rid [the country] of all our Enemies." A balance, seemingly, was struck between Native peoples and Phillips's desire to maintain a Euro-American grammatical standard in his unit. This balance frustrated Phillips enormously.[137]

Caught between two cultures, Cherokee soldiers struggled to impress their fiery commander. Phillips became frustrated at the lax standards that Cherokee officers inculcated. Phillips praised his White officers as "active intelligent men." Native officers, on the other hand,

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[136] General Order No. 12, Army of the Frontier, December 5, 1864, GIAH; Jones, "In Defense of Sovereignty," 420.

[137] Company Descriptive Book, Company F, Third Undian Home Guard, OHS. Nat Fish to John Ross, January 23, 1863, Gary E. Moulton, *The Papers of Chief John Ross*, 3 vols, (Norman: University of Oklahoma Press, 1985), 2:532-33.

were "useless." Phillips further castigated Native officers as "afraid, as a general rule, to reduce the men to discipline." In Phillips's mind, the only way to ensure discipline was through the Euro-American grammar, which is the way of war he understood. Phillips, it should be noted, was not a professional soldier, but an abolitionist politician, who came to Kansas to fight against pro-slavery extremists. Now in the role of a soldier, Phillips combative personality was at its best operating within the White grammar of warfare as a function of his cultural understandings. Discipline looked one way, White. Anything else was "useless."[138]

Despite considering desertion a "chronic Indian weakness," Phillips recognized the ability of Native officers to "keep [Native soldiers] from breaking off and deserting." He also did not want to get rid of Native officers immediately but rather argued for a more graduated approach, recognizing that Native officers "have in some cases influence that no white men have." What Phillips failed to recognize was that his Native officers acted as mediators, being lenient in discipline on those deserving of punishment, yet restraining chronic desertion, which sapped the army of its strength and cut against the disciplinary grain of the Euro-American grammar of war.[139]

In his desire to rid his units of chronic desertion and Native officers, Phillips's racialized justifications belie a cultural issue within his unit. Natives, particularly the traditionalist Pins, fought along the Native grammar, or at least in the hybridized American grammar. For instance, the Pins took scalps at the Battle of Massard Prairie in July of 1864. The Euro-American mode of warfare was as foreign to them as was the Native mode foreign to Phillips and White Union

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[138] *OR*, XXXIV, part 2: 525.

[139] *Ibid.*

officers. White soldiers accustomed to fighting by the Euro-American grammar may have been able to read between the lines when Phillips admonished his soldiers to take no prisoners. They knew from experience that it was allowable for soldiers to afford the enemy no quarter in certain limited circumstances. They knew to expect circumstances, like those of the Civil War in Indian Country, in which the mass slaughter of enemy troops was an acceptable objective.[140]

What White soldiers believed was unacceptable was to kill civilians and non-combatants. "Private citizens are no longer murdered…and the inoffesnive individual is as little disturbed in his private relations," read the Lieber Code, which had been in effect for nearly nine months. "Military necessity," broadly defined, made some looting and destruction allowable in the name of prosecuting the war, but the Native propensity to attack non-soldiers offended White European sensibilities. Yet it seemed there were exceptions to this rule, too. Built into the Lieber Code was a signal that such rules only applied to "civilized nations." The Lieber Code acknowledged the very European foundation of the Euro-American grammar: "In modern regular wars of the Europeans…protection of the inoffensive citizen of the hostile country is the rule." In wars with "barbarous armies," conversely, the "universal rule" was "that the private individual of the hostile country is destined to suffer every privation of liberty and protection, and every disruption of family ties." The "distinction between private individual[s]" and the "hostile country…with its men in arms" was reserved for "advanced" civilizations alone. Thus retributive violence against the enemy, including retaliatory measures, could be justified according to the Euro-American grammar. To protect the survivors of "barbarous armies"

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[140] Interview of James R. Barnes, IPH, WHC.

merely removed "the belligerents farther…from the mitigating rules of regular war…and [led] them nearer to the internecine wars of savages."[141]

Phillips, then, distinguished between his men and his campaign. His men wore blue uniforms but were still Native. Their behavior had to comport with the Euro-American grammar of warfare, and in order to stifle the rampant desertion he desired to increase the number of White officers to properly train and discipline the soldiers, at least according to his understanding of propriety and discipline. This was a way to graft whiteness onto Native soldiers under his command — it was an attempt to transform them in the Euro-American mold. The campaign was one against a "barbarous" population not deserving the protections of the rules of "civilized nations."

The Guerrilla War

Colonel Phillips's frustration at the desertion in his regiments came from a more practical concern. Deserted soldiers often lived in the numerous hills and caves within the lands of the Five Tribes. Writing to Major General Curtis, Phillips explained, "[t]here are some 200 or 300 deserters from the three regiments [of the Indian Home Guard Brigade] scattered in the mountains as guerrillas — Union guerrillas or loose "Pins." In the Indian Territory Civil War, what was called "guerrilla" warfare often was not warfare at all but was violence running rampant throughout the territory. Guerrillas terrorized soldiers and civilians alike. Guerrillas enacted violence on persons and property, killing and plundering, sometimes indiscriminately and sometimes targeting specific enemies, often related to political affiliation. As the conventional, regular war largely came to an end after the Battle of Honey Springs in July of

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[141] General Order No. 100, Section I, paragraphs 14, 15, 23, 24, 25, 28, reproduced in Witt, *Lincoln's Code*, 377-78.

1863, irregular warfare, including guerrilla warfare and criminal violence, continued to ravage the countryside. Soldiers in the "regular" Euro-American mode also took part in the violence. Both the Union and the Confederacy could not exercise enough control over the territory to protect the civilians and their property, leading to nearly four years of continual violence and to a mass exodus of civilians from Indian Territory as refugees.

During the Civil War, many of the border ruffians and bandits of the violence in Kansas and Texas donned uniforms, lending a formal gloss to what before the war had looked like terrorism. Many free-soil Kansans, for instance, treated the war as an opportunity to cross the border into Missouri and take new blood onto new ground. Early campaigns in Missouri quickly set up the necessary ingredients for guerrilla warfare and irregular violence. Brigadier General Nathaniel Lyon led Union forces in driving Confederate-allied Missouri state troops and militia out of the Missouri River Valley. This region, once a hotbed of Southern sympathizers due to its plantation-friendly topography, had provided a large portion of the pro-slavery radicals who crossed the border into Kansas during the 1850s. But now because Lyon and Union forces secured central Missouri so early in the war, the Confederacy had a difficult time recruiting and equipping units from this region, meaning thousands of men who were otherwise destined for formal, regular service in the Confederate army had to fight the war a different way.[142]

Guerrillas and other purveyors of irregular violence were not confined to Missouri and Indian Territory. Guerrillas, partisans, and opportunistic outlaws were common throughout the upper South as well — and really any place where the Union occupied what was otherwise proslavery territory. John Hunt Morgan in Kentucky and John Singleton Mosby and his 43rd

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[142] For an overview of the war in Missouri and the way it was fought, especially in conjunction with irregular violence and guerrilla warfare, see William Garret Piston, ed., *A Rough Business: Fighting the Civil War in Missouri* (Columbia, Missouri: State Historical Society of Missouri, 2012).

Virginia Cavalry, also known as "Mosby's Rangers," harassed Union armies, destroyed supplies, and punished disloyal civilians, all the while evading Union cavalry sent to stop them. Mosby once quipped, "[a]lthough I have never adopted it, I have never resented as an insult the term 'guerrilla' when applied to me." These actions fell outside the acceptable bounds of the rules of war promulgated by Lieber. In this mold, Stand Watie operated in Indian Territory.[143]

Watie's raids were designed to fulfill three purposes. First, he wanted to disrupt Union troop movement, diverting it from its own strategic objectives to chase the Cherokee Mounted Rifles throughout the hills of Indian Territory. Second, he hoped to disrupt the Keetoowah-heavy Cherokee National Council at Tahlequah. And third, he stole Union supplies to deprive the Union of their use and for the use of his own men. Watie's unit stayed intact, and his raids were highly organized, often resulting in battles. From this standpoint, Watie was not a guerrilla at all, according to the Euro-American grammar, but rather he was a "partisan."

Rather than attacking Union troops directly, Watie chose oblique attacks on supply and communication. Confederate forces still threatened the safety and security of many within Indian Territory. Prowling around the Arkansas River Valley, Watie successfully ambushed and captured the Union steamer *J.W. Williams* on May 10, 1864, which was laden with much-needed supplies, including food, seed, feed, and other essentials bound for Cherokee civilians. Recently promoted to brigadier general for his exploits, Watie also attacked Cabin Creek again, once more trying to pry supplies away from the federals. He routed Union forces, but did no further

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[143] John S. Mosby, *Memoirs of Colonel John S. Mosby* (Boston: Little, Brown, and Co., 1917). See also Christopher S. Dwyer, "Raiding Strategy: As Applied by the Western Confederate Cavalry in the American Civil War," *The Journal of Military History* 63 (April 1999): 263-81.

damage to the war effort, resorting again to hit-and-run tactics. Watie's men did not threaten

Indian Territory again. Watie's exploits took on legendary status in Civil War memory.[144]

All of the irregular and guerrilla fighting took its toll on the civilian population of Indian

Territory. For thousands of Native people living in Indian Territory during the Civil War murder

and robbery became a sad reality of the war. This violence came from soldiers, partisan or

guerrilla, as well as unaffiliated bandits and "bushwhackers." Civilians in Indian Territory saw

few distinctions between the fighting allowed by Euro-American rules and the violence inflicted

by bandits and "bushwhackers" were often blurred. Diarist Hannah Hicks lamented the violence

as both sides were "destroying each other as fast as they can." Both sides also dispossessed the

territory's residents of their property. Hicks reported that "'Pins' are committing

outrages…robbing, destroying, and killing. It is so dreadful… Last week, some of Watie's men,

went and robbed the Ross's place up at the [Fort Gibson] mill [and] completely ruined them." On

July 4, 1862, Union-sympathizing bandits ambushed her husband, Abijah Hicks, a Cherokee

farmer, mistaking him for a Watie man, and murdered him, leaving his body in the road from

Tahlequah to Fort Smith. Hannah lamented that she "could not even see him" after he died, as

he was "buried without a coffin, all alone, forty miles from home." Hicks was not alone in her

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[144] Interview of Michial O. Ghormley, IPH, WHC. For a discussion of the "only naval battle in Oklahoma" see Kuen Sang Lee, "The Capture of the *J.R. Williams*," *Chronicles of Oklahoma* 60, no. 1 (Spring 1982): 22-34; Hauptman, *Between Two Fires*, 52-54; Warde, *When the Wolf Came*, 203-07. *OR*, XLI:787-91. The massacre in the hay field occurred two days before the Second Battle of Cabin Creek. Watie's exploits became legendary to White people, and historians often associated his exploits with the Confederate cause rather than his method of fighting as a Native person in a Euro-American uniform. See Frank Cunningham, General S*tand Watie's Confederate Cherokees* (Norman: University of Oklahoma Press, 1959).

experiences. As armies, partisans and guerrillas traversed Indian Territory, thousands of civilians fled or were subject to their violent acts.[145]

Before the war, the Cherokee government was stable, but the lingering political problems dating to removal remained and erupted anew, leading to a Cherokee civil war within the Civil War. This Cherokee civil war was not a war in any conventional sense, Euro-American or Native, but a series of retributive murders and robberies committed often by soldiers under the color of war. After Keetoowahs in Colonel John Drew's Confederate regiment defected to the Union, Watie pronounced them "disloyal," essentially declaring open season on Pins and pro-Union men in the Cherokee Nation. Confederate-allied Cherokees, including "Mixed Bloods" and Knights of the Golden Circle, began hunting their Keetoowah enemies, who retaliated in kind. Morris Sheppard, enslaved at the time, recalled the internal feud between secret societies, "[t]hem pins was after Master all de time for a while at de first of de War." When the Pins asked where Sheppard's master was, he lied. The ruse did not fool the Pins who caught up with his master and "shot at him and bushwhacked him." Sheppard's master escaped unharmed, but took note of Sheppards warning that "Pins was riding 'round all de time and it aint' safe to be in dat part around Webber's falls." Sheppard and left with his master for the relative, yet temporary, safety of Fort Smith.[146]

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[145] Hicks, *The Diary of Hannah Hicks*, 5, 8. These bandits may have been Pins who deserted Drew's Confederate 1st Cherokee Mounted Rifles. Hicks's story is recounted in Warde, *When the Wolf Came*, 112. See also Muriel H. Wright, "Notes on the Life of Mrs. Hannah Worcester Hicks Hitchcock and the Park Hill Press," *Chronicles of Oklahoma* 19, no. 4 (December 1941).

[146] John Ross, *The Papers of Chief John Ross*, Edited with an introduction by Gary E. Moulton, (Norman: University of Oklahoma Press, 1985), 2:57. There were rumors that Ross, himself, orchestrated many of the Pin desertions in order to weaken Confederate military strength and neutralize Confederate-allied Cherokee political power within the Confederacy. Patrick N. Minges, *Slavery in the Cherokee Nation: The Keetoowahs and the Defining of a People, 1855-1867* (New York: Routledge, 2003), 130-35. McLoughlin, *After the Trail of Tears*, 207. On February 17, 1863, Pins and other pro-Union Cherokees met at Cowskin Prairie and vote to abolish slavery

Evan Jones, the missionary partly responsible for the founding the Keetoowah Society, snuck back and forth between the Cherokee Nation and Kansas, recalled, "By that retreat, the whole country was abandoned to the rebels, who returned anew the plunder of the unprotected families of the loyal men of the Federal army." Hannah Hicks noted that many of the Confederates marauding near her home in Park Hill were familiar and had visited her house in peacetime. Hicks recalled, "[t]oday we hear that Waite's men declared their intention to come back and rob every woman whose husband has gone fo the Federals and every woman who has Northern Principals." Thousands, including Hicks, became refugees. Union sympathizers fled for camps in Kansas and Missouri, while Confederate sympathizers headed south, seeking refuge in the Chickasaw and Choctaw Nations or in Texas. Others complained to federal officials that the rebels raided "upon settlers [refugees]" along the Kansas border "killing some and robbing many." The violence was often deadly. "Bushwhackers" often arrested even suspected enemy partisans and execute them. The violence and chaos even spilled over into the Creek and Seminole Nations, which had been quiet after Opothleyahola took the vast majority of Union-sympathizing Indians to Kansas.[147]

Due to supply shortages, regular soldiers also had a hand in robbing and plundering, especially Phillips's men during his expedition. From time to time, soldiers also murdered. A Creek woman remembered "soldiers came to our house one day…so unexpectedly and quietly

within the Cherokee Nation. Ross to Dole, April 2nd, 1863, NARG 75, LR, Cherokee Agency. This was a largely meaningless gesture because Union forces did not hold much Cherokee territory. Morris Sheppard in T. Lindsey Baker and Julie P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996), 378-79.

[147] Hicks, *Diary of Hannah Hicks*, 10; McLoughlin, *After the Trail of Tears*, 202-03. Ross and Jones to Dole, February 15, 1863, *Papers of Chief John Ross*, 2:561. Minges, *Slavery in the Cherokee Nation*, 132-34. For more on Cherokee refugees, see Clarissa Confer, *The Cherokee Nation in the Civil War* (Norman: University of Oklahoma, 2005), chapter 5 and "Hardship at Home: The Civilian Experience," in *The Civil War and Reconstruction in Indian Territory*, Bradley R. Clampitt, ed. (Lincoln: University of Nebraska Press, 2015), 38-63. Carter Fowler to William Dole, November 29, 1862, NARG 75, LR, Cherokee Agency.

we didn't know they were there." Her family had stayed behind rather than become refugees, due to her ill father. "[The soldiers] just walked into the room where we were with our sick [father] and without any sign or warning, those soldiers sent a bullet through the head of my father. I can still remember some of my father's brain splattered on my dress since I was standing close to his bed." The soldiers tried to quiet her screaming brother and leveled their pistols at the boy, but her mother begged for his life. They quickly fled the house, taking nothing with them. "The country seemed deserted," she recalled, "as we saw no one but it seemed a long time when we finally came to what appeared to be an Indian home that had been abandoned." Inside was another widow with orphaned children. Soldiers harassed this home not long thereafter, but the women stood up to protect their children and the soldiers left them alone.[148]

Confederate-connected guerrillas operating in Missouri often raided into the Cherokee Nation. William Quantrill, famous for his exploits in Missouri and his bloody raid on Lawrence, Kansas, forayed into Indian Territory in 1863 and reported capturing "150 Indians and Negros in the [Cherokee] nation gathering ponies." General Blunt organized a force to stop Quantrill, but they could not catch him. Other notorious post-war outlaws such as Jesse James and The Younger Gang marauded through Indian Territory. The Jesse and Younger Gangs, during the Civil War, made "frequent forays" into Cherokee country, getting "into Fort Gibson" on two different occasions." White people from Kansas, Missouri, and Arkansas also raided into Indian Territory, usually looking for cattle to steal and other goods to plunder from what civilians remained, abandoned homes and army stores. Outlaws enacted this kind of violence, blurring the lines between which guerrilla and criminal opportunist. Disconnected from service in the

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[148] Interview of Parris Thomas, IPH, WHC. Interview of ElizabethRoss, IPH, WHC. Interview of Nancy Jane Rider, IPH, WHC.

army, guerrillas presented a threat to the safety and wellbeing of the armies and the population of Indian Territory.[149]

The clash and breakdown of competing military grammars helped forge racial identities and exact brutal violence during the Indian Territory Civil War. Whether coming from partisans operating in uniforms, guerrillas who were interested in their own fortunes, or from "bushwhackers" who murdered and robbed without mercy, the violence caused many civilian deaths and the destruction of property. The Federal and Confederate governments saw Native peoples as the ideal partisans, unsuited for service in the Euro-American grammar. Partisan and guerrilla warfare, however, devolved quickly into terror and violence on civilians. Some Natives, it seemed, struggled to conform to the Euro-American grammar when expected to abide by it. Native officers, understanding that they straddled the cultural line, tried to accommodate both cultural grammars. The Euro-American grammar of warfare was aspirational in Indian Territory. White commanders in organizing Native soldiers in Euro-American formations, with Euro-American training, equipment, and supplies set a standard for Natives toward which to aspire. Despite these expectations, Natives often fought in their traditional ways of war, even if flavored with White cultural norms. Whites could not even comport to their own expectations, as the irregular war took over Indian Territory and Whites failed to aspire to their own cultural grammar of war.

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[149] *OR*, XXII:700-01. Quantrill's men murdered the son of Evan Jones in Lawrence, longtime friend of John Ross and missionary to the Cherokees, Patrick N. Minges, *Slavery in the Cherokee Nation; The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge), 160. Quantrill's brutality far surpassed anything seen in the Indian Territory to that point to the extent that he was not asked to raid with Confederate troops anymore, Warde, *When the Wolf Came*, 195. Interview of Pauline Younger, IPH, WHC; Interview of Fanny Withers, IHP, WHC. William G. McLoughlin, *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880* (Chapel Hill: University of North Carolina, 1993), 210-215.

For most inhabitants of Indian Territory, the irregular war was their experience of the Civil War. Historians remember 1st and 2nd Cabin Creek, Honey Springs, Middle Boggy Depot, and even Round Mountains, Chustenalah, and Chusto-talasah as the seminal events of the war in Indian Territory. However, what made the Indian Territory Civil War were the "[S]corched and blackened chimneys and the plowed but…neglected fields." The "blackened and desolate waste" echoed the violence that had taken over the land. The people suffered just as much, if not more than the soldiers. A federal official remarked, "From being once so proud, intelligent, and wealthy…the [Natives] are now stripped of nearly all…This is a sad picture, not overdrawn, and which no good man can see and not feel…sorry for their condition." The irregular war, which Union and Confederate governments thought was the natural disposition for "savage" Native peoples reveals the racialization of Natives and their methods of warfare. The Native grammar of war was not inherently more violent than the Euro-American grammar. White people willingly embraced the Native grammar, but recast it as "partisan" or "guerrilla" warfare, to continue the progeny of White irregular fighting of decades past. Union and Confederate commanders encouraged and actively participated in irregular violence. In doing so, they revealed their hypocrisy. An irregular war in the Native grammar was a "savage" war fit only for Indians, but a "partisan" war was a White way of saying the ends justify the means.[150]

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[150] Charles Royce, "Cherokee Nation," *Fifth Annual Report* quoted in Minges, *Slavery in the Cherokee Nation*, 160. Justin Harlan to William Coffin, September 2, 1863, *Annual Report of the Commissioner of Indian Affairs*, (Washington D.C., 1863), 179.

CONCLUSION

The Civil War in Indian Territory was a disastrous experience for those living there. It is estimated that of the 21,000 inhabitants of the Cherokee Nation alone, only 14,000 remained after the war. By 1863, nearly one-third of women in the Cherokee Nation were widows and one-quarter of the children were orphans. 3,530 men from Indian Territory served in the Union army during the Civil War. 1,018 of those serving died.[151] The death toll will never be known accurately.

The clash of cultures between the White, Euro-American grammar of warfare and the Native grammar of war characterized the Civil War in Indian Territory. Native people were caught between both grammars. White people expected them to fight in the Euro-American grammar, as White people fought. They often resorted to their traditional way of warfare, like Opothleyahola's Creeks during the Trail of Blood on Ice. Fleeing Creeks set the prairie ablaze in the traditional Native way in order to slow their pursuers. They fought from cover behind trees, rocks, and rudimentary breastworks rather in the open, as prescribed by the Euro-American grammar. Cherokees at the Battle of Pea Ridge took scalps in conformity with traditional Native cosmology and battlefield practices. Such conformity with the Native grammar of warfare rendered Native people "other" by Whites during the war, leading to the racialization of the Civil War in Indian Territory.

This racialization was already present in White military calculation. White commanders, already considering Native people as inferior "savages," thought them ideal for waging irregular, guerrilla wars. Indeed, the Native grammar of warfare tracked parallel with Euro-American

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[151] Patrick N. Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), 160.

conceptions of irregular, guerrilla warfare. Irregular warfare, however, was not ideal for White people, who had drifted away from it in the American grammar of war, built over decades of violent interactions with the Native grammar, and favored the European influences of "regular" warfare in the European fashion, creating the Euro-American grammar. According to White people such warfare was "savage," just like the cultural modes of behavior or Native people. The racialization was not even-handed, as Confederates willingly accepted "savage" guerrilla war as a path to victory, laying bare their hypocrisy.

White Native people could have some participation in the White, Euro-American grammar, African Americans, many of whom were former slaves, had no participation of it according to Confederates. Simply by donning uniforms and fighting in the same army as White soldiers rendered African-American soldiers the "other," undeserving of partaking in predominantly White modes of warfare. Confederates resorted to massacring Black troops throughout the West, including Indian Territory in the Hay Field Massacre. The systematic extermination of Black soldiers that September day by both White and Native Confederates reveals the racial hierarchy present in the Euro-American grammar. These actions towards Black troops by Confederates made the Indian Territory Civil War a race war, where the inclusion of African Americans into the war linked the violence against Black persons during the antebellum era with the racial violence of Reconstruction.

Cherokee Confederate Brigadier General Stand Watie surrendered to Union forces in June of 1865, the last Confederate general officer to do so. The intra-tribal politics flared up within the Cherokee Nation once again leading to violence and a deeply divided people. The United States government imposed punitive treaties on the tribes in Indian Territory as

retribution for their alliances with the Rebels, despite the fact many citizens of all the tribes fought for the Union. As a rotten fruit of these treaties, Native lands were opened up for railroads and, eventually, White settlement, paving the way for the introduction of White culture into Indian Territory. In 1907, Indian Territory became a state under the name "Oklahoma," not as a state of united tribes but as one founded by White people. White culture came not only to dominate how wars were fought but also dominated the territory itself.[152]

As the war came to an end, the violence did not in Indian Territory. The violence often followed the pattern of the clash of cultures and racial violence of the Civil War. This was not the last salvo in the clash of competing grammars. As the United States deployed troops in the Euro-American grammar in World War I, many residents of Oklahoma resisted the Euro-American practice of conscription. White, Black, and Native people alike vowed to resist conscription by marching onto Washington, D.C. in order to overthrow the government and stop conscription. The Greek Corn Rebellion, so called because the nearly 1,000 rebels vowed to eat green corn on their way to the capital, began by utilizing the irregular, guerrilla style of the Native grammar of warfare. They ambushed a local sheriff and his deputy before authorities finally put a stop to it. In fighting against local law enforcement, the rebels acted in the same vein as those who had fought the guerrilla war in the midst of the Indian Territory Civil War.[153]

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[152] William G. McLoughlin, *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1830-1880* (Chapel Hill: University of North Carolina Press, 1993); Annie Heloise Abel, *The American Indian and the End of the Confederacy, 1863-1866* (Lincoln: University of Nebraska Press, Bison Books edition, 1993); Gayle Ann Brown, "Confederate Surrenders in Indian Territory," Marion Ray McCullar, "The Choctaw-Chickasaw Reconstruction Treaty of 1866," Paul F. Lambert, "The Cherokee Reconstruction Treaty of 1866," May Trees, "Socioeconomic Reconstruction in the Seminole Nation, 1865-1870," in *The Civil War Era in Indian Territory*, LeRoy H. Fischer, ed., (Los Angeles: Morrison and Morrison, 1974).

[153] Nigel Anthony Sellars, "With Folded Arms? Or with Squirrel Guns? The Green Corn Rebellion," *Chronicles of Oklahoma* 77 (Summer of 1999): 150-69, and "Treasonous Tennant Farmers and Seditious Sharecroppers: The 1917 Green Corn Rebellion Trials," *Oklahoma City University Law Review* 27 (Fall 2002): 1097-1141. For a wider context, see David A. Chang, *The Color of the Land: Race, Nation, and Policies of Land Ownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010).

The grammars of war communicated a message. During the Indian Territory Civil War this message was often one of "savagery" and racial inferiority. Unwittingly, Whites demonstrated their hypocrisy in ignoring their heritage of Native-style tactics utilized by their forbearers in the American grammar. The Euro-American grammar was an attempt to Europeanize — to whiten — the American way of war, distinguishing it from the Native grammar, reviled as "savage" and "barbarous" by British fighting in North America and later White people during the American Civil War. Such epithets were used after Pea Ridge when Cherokee Confederates scalped Union dead and perhaps murdered Union wounded. The clash of cultures that resulted from the intersection of the Euro-American and Native grammars of war on the battlefield reinforced White ideas of Native racial inferiority. Whites tries to drill this out of Native troops, organizing them in Euro-American formations, outfitting them (poorly) with Euro-American uniforms and weapons, and expecting Euro-American discipline. While members of the Five Tribes had to take on White cultural norms, their title of "civilized" given to them by Whites could be stripped when they transgressed the Euro-American norms. Natives were one Native act of war away from being "savage" instead of "civilized."

The racialized violence did not stop at White attitudes and treatment of Native people. Massacres demonstrated and reinforced the perceived inhumanity of those considered the "other," as the Hay Field Massacre and the Tonkawa Massacre demonstrate. Atrocities committed against Tonkawas came by Native soldiers wearing blue uniforms, who used the war as an excuse to enact violence against those they deemed "other." African-American soldiers wearing blue uniforms suffered the outrageous indignity of massacres and wanton butchering because they transgressed the Euro-American grammar simply by being participants of it. In this way, the Indian Territory Civil War was a race war, continuing the racial violence by White

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people and Native people, who had adopted White, Southern cultural norms, against black bodies.

The clash of cultures that resulted from the competing grammars of war reflected and reinforced racial antagonisms. Long after the war past, those antagonisms turned violent in Indian Territory and Oklahoma. Violent massacres continued in Indian Territory beyond the war, continuing the bloody legacy of the racial violence within the Civil War. Nearly three and a half years after Confederate Brigadier General Stand Watie surrendered to Union forces, Colonel George Armstrong Custer, in command of the 7th Cavalry Regiment, attacked Chief Black Kettle's Cheyennes on the banks of the Washita River, massacring many of the Cheyenne before hastily withdrawing. The Tonkawa Massacre and the Washita Massare reveal to the violence against the "other" continued after the Civil War. The federal government sought to move the "savage" Cheyenne, who lived the nomadic lifestyle of the reserve tribes of the plains, onto a reservation, so they could be "civilized." The "civilized"-"savage" dichotomy existed before the Civil War and was merely a link in the chain of racial "otherness" that often led to violence after the war.[154]

The racial violence did not stop when soldiers were present. After Indian Territory became the State of Oklahoma, African-Americans, many of whom were formerly enslaved, held by White and Native people, built successful communities in small towns and in large cities. The Greenwood District of Tulsa was one of these communities, and the scene of the Tulsa Race Massacre, as White Tulsans butchered Black Tulsans after a misunderstanding between a young

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[154] Stan Hoig, *The Battle of Washita: The Sheridan Custer Indian Campaign of 1867-69* (Lincoln: University of Nebraska Press, 1980); Richard W. Steward, ed., "Winning the West: The Army in the Indian Wars, 1865-1890," *American Military History, Volume 1: The United States and the Forging of a Nation, 1775-1917* (Washington, D.C.: United States Army, Center of Military History, 2005).

African-American man and a White girl led to days of bloodshed, ending with the conflagration of Greenwood District. The fighting of the Civil War in Indian Territory was link in a chain of racial violence and antipathy.[155]

The cultural clashes and Indian wars of competing grammar raged on the plains and in the mountainous regions of the United States, continuing the racialized warfare. The Euro-American grammar ultimately won the clashes, as in November 1898, United States troops butchered Lakota at Wounded Knee Creek in South Dakota, bringing an end to the warfare of competing grammars. The Civil War in Indian Territory was more about the conflict between Union and Confederacy. The war was about the clash of cultures that led to violence, a meaning often obscured when the only colors one sees in the Civil War are blue and gray.

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[155] Alfred L. Brophy, *Reconstructing the Dreamland: The Tulsa Race Riot of 1921, Race Reparations, and Reconciliation* (New York: Oxford University Press, 2002). See also Oklahoma Commission, "Final Report," February 28, 2001, *Oklahoma Commission to Study the Tulsa Race Riot of 1921*.

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