

# **The Five Civilized Tribes and the American Civil War**

**A Bibliographic Essay**

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**BIBLIOGRAPHIC ESSAY**

By the end of December 1861, the Trans-Mississippi Department of the Confederacy had recruited and equipped 41 individual cavalry regiments totaling 28,693 men. Included within this number were five regiments and five battalions (5,145) men raised from the Cherokee, Choctaw, Chickasaw, Seminole, and Creek Nations. Good reference sources for further study on this subject are Stephen B. Oates book *"Confederate Cavalry West of the River"*, (Stephen B. Oates, University of Texas Press, Austin, TX 1961) as well as Joseph H. Crute's book *"Units of the Confederate States Army"* (Joseph H. Crute Jr. 1987).

More specific to the individual tribes, additional references include W. Craig Gaines' book *"The Confederate Cherokees: John Drew's Regiment of Mounted Rifles"* (Louisiana State University Press, Baton Rouge, LA 1989), which is specific to the Cherokees, as well as an article appearing in the American Historical Review *"The Indians in the Civil War"* the American Historical Review 15 (1910): 281-96. An informative work related to the Creeks is an autobiography of Chief G.W. Grayson, edited by W. David Baird *"A Creek Warrior for the Confederacy: The Autobiography of Chief G.W. Grayson"* ed. W. David Baird (University of Oklahoma press, Norman, OK 1988).

Throughout the country, the sectionalism of the first half of the nineteenth century had opened many wounds, and certainly three of the southern tribes were no exception. Much of the conflict within the Cherokees, Creeks, and Seminoles dated back to the removal era when some of the people of these tribes favored emigration to the West while others insisted upon remaining on their ancestral lands. Also, at the outbreak of the Civil War, many people within

these tribes wanted nothing to do with the states, which had been responsible for their removal, nor did they want to follow the lead of other acculturated members of their tribes who promoted alignment with the Confederacy. Accordingly, heated antagonisms erupted between tribal factions the roots of which were traceable to these ancient, and complex, economic, political, and cultural tensions. Ultimately, these antagonisms resulted in factions from each of these tribes taking opposite sides in the war. A good overview of these conflicts is found in Arrell Morgan Gibson's book *"Oklahoma: A History of Five Centuries"* (University of Oklahoma Press, Norman, OK 1981), while a more detailed account specific to the Choctaws is contained in two important works. Paul Bonnifield's article *"The Choctaw Nation on the Eve of the Civil War,"* *Journal of the West* 12 (1973): 386-402, and Angie Debo's history of the Choctaw people in her book *"Rise and Fall of the Choctaw Republic"* (University of Oklahoma Press, Norman, OK 1934).

In much the same manner, Arrell Morgan Gibson's book *"The Chickasaws"* (University of Oklahoma Press, Norman, OK 1971) addresses these conditions within the Chickasaw Nation, and Andre Paul du Chateau makes an informative contribution to the history of the Creeks in an article *"The Creek Nation on the Eve of the Civil War"* (*Chronicles of Oklahoma* 52 (1974): 290-315. Finally, Angie Debo and Edwin C. McReynolds examine similar conditions within the Seminole Nation with their respective books *"The Road to Disappearance"* (University of Oklahoma Press, Norman, OK 1941) and *"The Seminoles"* (University of Oklahoma Press, Norman, OK 1957). Without

question, the events and conditions examined by the above works held serious implication for how the regiments were raised, and with which side they fought.

But raising Indian regiments was but only one part of the equation. Before this could be done effectively, Indian Territory had to be officially incorporated into the Confederacy. To accomplish this, Richmond decided to use the same treaty process, which the United States government had used in its dealing with the Indian on the frontier. In achieving this end, Albert Pike, a writer, teacher, and lawyer was selected and sent into Indian Territory to negotiate with the Indians. A good source for this is found in Carl Waldman's book "*Atlas of the North American Indian*" (Carl Waldman 2000). Within each treaty the Confederacy was obligated to assume the role of protector of the Indian Territory, although each tribe continued to maintain title to its traditional lands in perpetuity. Benefits conferred by the treaties to the Confederacy were the right to construct military forts, build roads, and establish a postal system. Rights of way for telegraph lines and railroads also granted under the treaties turned out to be precisely the sort of infringements on Indian lands that would lead to the Plains Indian Wars of the 1870's. The details of individual treaties are examined in The Official Report of Commissioner Pike, in manuscript, and bearing his signature in the Adjutant general's office on file in the U.S. War Department.

In to the Confederacy, each treaty likewise imposed obligations and benefits upon each of the tribes. An important obligation imposed upon each of the tribes was that of raising a quota of troops for the Confederacy – one regiment from the Cherokees, one regiment from the Creeks and Seminoles, and

one regiment from the Choctaws and Chickasaws. In addition, the Confederacy pledged to equip and arm, as well as pay the Indian troops, and agreed that Indian troops would not be required to fight outside the borders of their traditional lands without the consent of the respective tribal governments. Reciprocal handling of fugitive slaves was agreed, and slavery was proclaimed legal in Indian Territory. Finally, the Confederate government promised to protect Indian Territory from invasion, and agreed to assume all annuity payments owed the tribes by the United States government. The tribes responded, quickly raising troops.

By August 1861, a Chickasaw Choctaw Regiment of Mounted Rifles had been raised, as had a regiment of Creek and Seminoles with the help of Lieutenant Colonel Chilly McIntosh and Major John Jumper. Soon thereafter, John Ross called upon the Cherokees to honor their obligations under their treaty, resulting in the raising of a regiment of Cherokee full bloods. The details of the raising of these regiments are included within in the (Official Records, vol. viii, 745-746).

In addition to the internal social and economic conditions discussed above, many tribal leaders, still reeling from the harsh reality of their removal thirty years previous, were slaveholders, and thus, found more political and economic commonality with the Confederacy than declaring loyalty to the Union. Michael F. Doran's article "*Negro Slaves of the Five Civilized Tribes*" *Annals of the Association of American Geographers* 68 (1978): 335-350 is an excellent overview of slavery among the Five Civilized Tribes. In addition, Wyatt F. Jeltz's

book *"The Relations of Negroes and Choctaw and Chickasaw Indians"* Journal of Negro History 33 (1948): 24-37 addresses the issue of slavery among the Choctaws and Chickasaws, while Daniel F. Littlefield's book *"Africans and Creeks: From the Colonial Period to the Civil War"* (Greenwood Press, Westport, CT 1979); and, J. Leitch Wright's *"Creeks and Seminoles: The Destruction and Regeneration of the Muscogulge People"* (University of Nebraska Press, Baton Rouge LA 1986) deals with slavery among the Creeks and Seminoles.

Although the war came to Virginia in July, first blood was not shed in Indian Territory until November 1861, when the first Confederates entering the territory attempted to force Opothleyaholo, the 80 year old Chief of the nonaligned Upper Creeks into the Confederacy. Excellent sources for this and the battles that followed immediately thereafter, namely Chusto Talasah, or Caving Banks and Chustenalah which marked the expulsion of the nonaligned Creeks from Indian Territory are described by Edwin C. Bearess in his article *The Civil War Comes to Indian Territory, 1861: The Flight of Opothleyaholo,* Journal of the West 11 (1972): 9-42; and Carter Blue Clark's article *"Opothleyaholo and the Creeks During the Civil War,"* Indian Leaders: Oklahoma's First Statesman, ed. H. Glen Jordan and Thomas M. Holm (Oklahoma Historical Society, Oklahoma City, OK, 1979) pg. 49-63. LeRoy H. Fisher and William L McMurray likewise contributed to this body of literature in their article *"Confederate Refugees From Indian Territory"* to the Chronicles of Oklahoma 57 (1979) 451-62 which contains an excellent accounting of the Indian migration out of Indian Territory. When the Indian survivors reached Union Kansas, counted among

their numbers were 5,600 Creeks, 1,000 Seminoles, 140 Chickasaws, 315 Quapaws, 197 Delawares and an additional 300 Indians of various tribes had survived the march into Kansas.

A few months later, Opothleyaholo's warriors took Union uniforms and returned to Indian Territory as the First and Second Union Indian Brigades determined to avenge their previous treatment. The Confederate victory at Chustenalah closed out the first phase of the Civil War in Indian Territory. The attempt by Union Indian troops to re-take the territory opened the second.

Aware of the weakened condition of the Confederacy west of the Mississippi River after the defeat at Pea Ridge (Elk Tavern), Federal commanders undertook initiatives to re-take the territory, an important part of which was the organization of an expeditionary force in the spring of 1862. This expeditionary force, known as the Indian Expedition was comprised of two brigades of cavalry mustered from Wisconsin, Ohio, and Kansas as well as an artillery battery from Indiana, and two regiments of Indian troops recruited from Opothleyaholo's followers. Excellent reference for a study of this expeditionary force are as follows: Gary N. Heath's article "*The First Federal Invasion of Indian Territory*" *Chronicles of Oklahoma* 44 (1966-67): 409-419; Donald I. Rampp's book "*The Civil War in Indian Territory*" (Presidial Press, Austin, TX 1975); and LeRoy H. Fischer's book "*The Civil War Era in Indian Territory*" (Lorrin Morrison, Los Angeles, CA 1974).

Colonel William Weer of Kansas was placed in command of the Indian Expedition, and on June 1, 1862, began the re-entry into Indian Territory from the

Union supply depot at Baxter Springs Kansas. As they marched, the Union invaders followed the Grand River valley into the heart of the Cherokee Nation. Throughout the march, Colonel Watie's cavalry harassed the Union column with hit and run tactics against the unit and its supply lines. Finally, the Union expeditionary force fought with, and defeated Watie's cavalry at Locust Grove on July 3. An excellent source for this battle is found in Annie Heloise Abel's book *"The American Indian in the Civil War"* (University of Nebraska Press, Lincoln, NE 1992). The resulting Confederate defeat at Locust Grove opened up Union approaches to Tahlequah and Fort Gibson at which time Weer divided his force, capturing Fort Gibson with one, and the Cherokee capital at Tahlequah with the other. Good sources for this phase of the expedition are William P Corbett's article *"Confederate Strongholds in Indian Territory: Forts Davis and McCulloch"* Early Military Forts and Posts in Oklahoma (Oklahoma Historical Society, Oklahoma City, OK 1978): 65-77, and Richard C. Rohrs' article, *"Fort Gibson: Forgotten Glory"* Early Military Forts and Posts in Oklahoma (Oklahoma Historical Society, Oklahoma City, OK 1978): 26-38. Ultimately, the Indian Expedition lost its momentum due to concerns that Watie's continuing raids would ultimately cut the Union supply lines back to Kansas. After the fall of Tahlequah, Weer's command staff met in secrecy and decided to abort the expedition and return to Kansas. As the Union troops withdrew, Confederate Indian troops re-occupied Fort Gibson, Tahlequah, and other key points in the Cherokee Nation previously surrendered to the Federals.



In September 1862, Union General J.M. Schofield directed his field commanders in the Southwest to drive the Confederates out of Arkansas and Indian Territory. In October, a more-determined and better-organized Union Army returned to Indian Territory and drove the Confederates out of the territory north of the Arkansas River. This second Federal invasion into Indian Territory is described in William J. Willey's article, "*The Second Federal Invasion of Indian Territory*" *Chronicles of Oklahoma* 44 (1966-67): 420-30

In July, the Confederate cause in Indian Territory was dealt yet another blow when an attempt to drive Union forces back into Kansas was crushed. Confederate General Douglas Cooper had driven north on the Texas road to a place called Honey Springs, twenty-six miles southwest of Fort Gibson. The resulting battle, and the subsequent fall of Fort Smith, coupled with the discontinuance of logistical support of territory west of the Mississippi River by the Confederacy, signaled the last significant Civil War engagement in Indian Territory. This series of events is detailed in an article written by Kip Lindberg and Matt Matthews "*To Play a Bold Game: The Battle of Honey Springs*" *North and South Magazine* December 2002: pgs. 56-61.

The effects of reconstruction were especially hard on the people of Indian Territory, as the territory became a dumping ground by the Federal government for Indians from all sections of the United States, which were colonized on lands taken from the Five Civilized Tribes under reconstruction policies. Joining the Cherokees, Creeks, Chickasaw, Choctaw, and Seminole peoples were the Caddos, Wichitas, Delawares, Shawnees, Kickapoos, Poncas, Pawnees,

Osages, Modocs, and others. Excellent sources for the study of the effects of reconstruction on the Indian peoples of the territory are Wiley Britton's article "*Some Reminiscences of the Cherokee People Returning to Their Homes, The Exiles of a Nation*" *Chronicles of Oklahoma* 6 (1928): 163-77; Edmund J. Danziger, Jr's article, "*The Office of Indian Affairs and the Problem of Civil War Refugees in Kansas*" *Kansas Historical Quarterly* 35 (1969): 257-75; Angie Debo's article "*Southern Refugees of the Cherokee Nation*" *Southwestern Historical Quarterly* 35 (1932): 255-66, and William A. Dunning's book "*Essays on the Civil War and Reconstruction*" (Macmilliam Company, New York, NY 1898)