

AN ABSTRACT OF THE THESIS OF

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The Civil War conjures up images of battles like Gettysburg, emancipation, or soldiers clad in blue and gray. Historians write about great leaders and heroic soldiers, but still some figures go almost unconsidered. A forgotten people by many, the Loyal Creeks have their own story of the Civil War.

This thesis uses both primary and secondary sources to create a historical narrative about the Loyal Creeks and shows their trials during the Civil War. Creeks struggled over question of allegiance and alliance as much as Americans, a struggle which culminated in a tragic and ultimately deadly intertribal split. This thesis reveals the reasons for the Creek split.

The story of the Loyal Creeks did not end with the wartime division of the Creek Nation. The division forced those who remained loyal to the Union to abandon their homes and country. The Loyal Creeks escaped to Kansas in search of government refuge but found only a three-year struggle to survive at various refugee sites. Survival for the Loyal Creeks was a struggle because government aid was scarce at best. Hard, cold winters and lack of clothing, shelter, and food caused many of the Indians to die either from the elements or to become susceptible to disease that ultimately took untold lives.

The Loyal Creeks' struggle with the government is not a new story, but combined with their intertribal split it is not only an important event in Indian history but in American history as well. The goal of this work is to bring to light the story of the Loyal Creeks and make them no longer a forgotten people.

A FORGOTTEN PEOPLE:  
THE LOYAL CREEKS AND THEIR TRIALS DURING THE CIVIL WAR

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A Thesis

Presented to

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In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

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by

Eric Neill Oldham

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Approved by the Dean of Graduate Studies and Research

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## **CHAPTER ONE**

### **INTRODUCTION**

The Civil War is among the most researched subjects in American History. Many historians feature the social implications that caused a nation to divide into war. Yet, we still do not know all there is to know about the war, especially how it spawned civil war among the Creeks in Indian Territory. This study reconstructs the sequence of events, explores the causes, and explains their effects on a once united but subsequently tragically divided Creek Nation.

Events prior to the 1860s prepared the Creek Nation for division and war. The Creek Nation divided between full-bloods, who wanted to remain faithful to tradition, and mixed-bloods who disregarded the cultural ways of their ancestors for those of the white men. Factionalism also grew out of continual Creek land sales to the United States and the government not upholding its treaty requirements to keep whites from encroaching on the Creeks' land. Factionalism accompanied the Creeks from their homelands in Georgia and Alabama to their settlements in Indian Territory.

Central to the Creek civil war was the fact that the Union did not maintain a strong military presence in the Indian Territory, while the Confederacy actively courted and aligned the Nations of the Indian Territory with them. Creeks once again split over what to do. Some Creeks believed the white man's war was of no concern to them, while others, mainly mixed-bloods, felt the Creek Nation should align itself with the newly



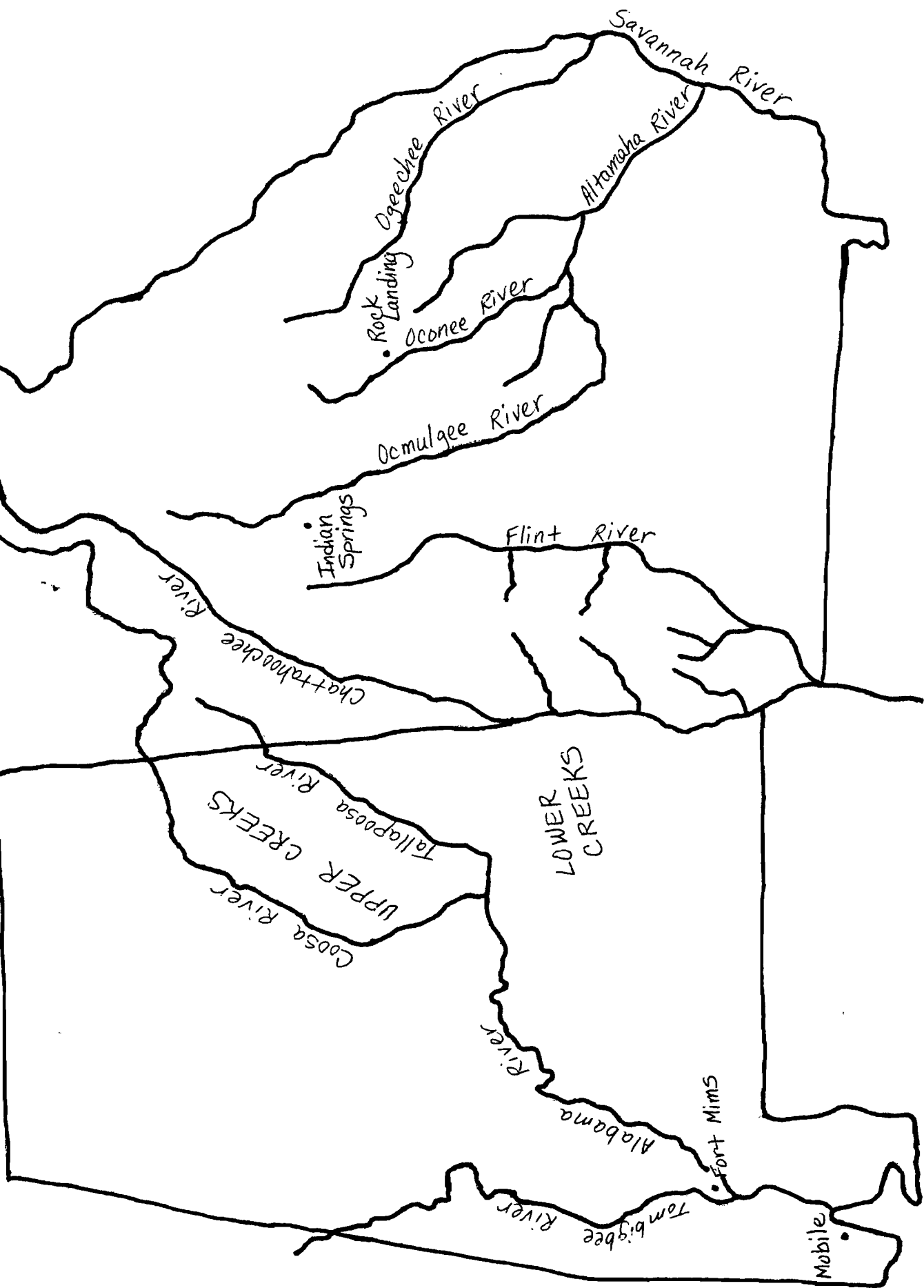
formed Confederate States of America. High emotions fueled old and deep divisions, causing Creeks to take up arms against their fellow Creeks. Another civil war was occurring, but this time it was not Union versus Confederacy. It was within the Creek Nation.

The Federal government's attempts to aid the Creeks is another key factor. Creeks loyal to the Union had to flee those aligned with Confederate forces. Upon arriving in Kansas, the Loyal Creeks did not receive military assistance or food promised by the Union. These Loyal Creeks became refugees reliant upon the government for subsistence, but the government's aid was lacking. Their insufficient aid helped to bring about the deaths of thousands of Creek refugees who relied on their aid. The Loyal Creeks spent three years as refugees and spent every year hoping to return home.

During this exile, the Creek people showed a determined resiliency in the face of privation and war. As refugees, the Loyal Creeks were broken but not defeated. Creek leaders continually pressured the Federal government to return them to their homes and even offered to assist any expedition. The government enlisted Creek males to participate as an Indian Brigade to assist white forces in regaining the Indian Territory. Attempts at first were futile, but over time their efforts brought their families and friends back to the Indian Territory and out of Kansas.

The final point I present is the consequence of the Civil War on the Creek Nation. Once the war was over, the Federal government held the entire Creek Nation responsible for the faction who signed the treaty with the Confederacy. The war cost the Creeks over three million acres of land that they ceded to the government. The land remaining in Creek possession was devastated by three years of war and those who returned faced a

daunting task of rebuilding not only their homes but also their lives. In the end, a war that some Creeks saw as no concern to them, cost them greatly.



## **CHAPTER TWO**

### **A SHORT HISTORY OF THE CREEKS**

The Creek story in the Civil War does not begin in Indian Territory, but in their eastern homelands of Georgia and Alabama. Historians Theda Perdue and J. Leitch Wright, Jr., attribute Indian factionalism, like that which the Creeks endured, to white influence and the introduction of a market economy.<sup>1</sup> As white settlers colonized areas around Indian lands, they interacted with the Indians through trade and in some cases, marriage. Over time, some Creeks began to accept and take on ways of the white men. Their assimilation caused conflict within the Creek Nation because many of the other Creeks believed they should remain true to the ways of their ancestry and reject the white men's system of individuality. White influence and the market economy did begin to cause factionalism among the Creeks, but America's western expansion ultimately divided the members of the Creek Nation.

By the eighteenth century, the Creek Nation maintained land in Alabama and Georgia and settled most of its towns along rivers in Alabama. Geographically, the Nation consisted of an upper town region along the Alabama, Coosa, and Tallapoosa Rivers and a lower town region along the Chattahooche and Flint Rivers. Appropriately, early English traders referred to the Creeks who lived in the lower towns as Lower Creeks and those who lived in the upper towns as Upper Creeks.<sup>2</sup>

Early eighteenth century Creek life revolved around close-knit towns that promoted a communal system. The Creek's communal system had well defined roles for its men and women. Men hunted game for both food and clothing material, built homes, carried out government work, fought wars, made farming implements, and when not hunting, helped clear ground and prepare it for planting. Women took care of the children, made clothes, gathered wood and water, prepared meals, and tended to the fields.<sup>3</sup> This was the Creek's culture, but with more white men settling around them, aspects of their culture began to change.

Wright and Perdue argue that the introduction of a market economy changed southeast Indian tribes, including the Creeks. White traders carried items such as blankets, clothing, firearms, powder and ball, and other objects the Creeks desired.<sup>4</sup> In order to obtain these goods, the Indians began to hunt commercially. They did not hunt solely to provide food or material for clothing for their families, but they hunted in order to engage in commercial exchange. Many Creeks failed as commercial hunters and quickly went in to debt, and had to find other means to pay off that debt.

Creeks, like the other southeast Indian tribes, desired firearms as a means for hunting and protection. Whites knew the Indians desired their goods, but providing them firearms concerned many settlers. For their protection and to gain Indian slaves, whites incited Indian tribes to stay constantly at war against each other. Before white expansion, Indian wars were a means of revenge against a tribe who had attacked and killed tribal members.<sup>5</sup> It was not customary to enslave male captives, but to torture and kill them so they could "exit this world in a manly fashion."<sup>6</sup> However, white settlers had a need and desire for these captives as slaves. So instead of torturing and killing their captives, war

parties captured male Indians to sell or trade for English goods. Market forces had transformed Indian campaigns for revenge into means for financial and material benefits and the elimination of debt.

By the late eighteenth century, whites had secured land in Georgia through a treaty between the new federal government and the Creek Nation. The Treaty of New York (1790) ceded Creek hunting lands in Georgia from the Oconee River eastward to the Savannah River. In their treaty, the Creeks turned over sovereignty of the land to the United States for a guarantee that the remainder of their land would go unmolested and that they could punish any offender as they saw fit.<sup>7</sup> This treaty quenched the white man's thirst for land only temporarily, up until the United States doubled its size with the Louisiana Purchase in 1803.

In 1801, the government devised a plan to acculturate the Creeks and other southeastern Indian tribes to abandon their commercial hunting ways and establish small individual farms, thus making it possible for the government to purchase the Indians' excess land.<sup>8</sup> In order for this plan to succeed, government agents like Benjamin Hawkins would have to get the Creeks to abandon their traditional communal way of life. Hawkins was the Creek agent at this time and he believed he could "'civilize' the Creeks 'and give the United States a more commanding influence over them.'"<sup>9</sup> Hawkins tried to impress upon the Creeks the need to abandon their close-knit towns and establish independent farms that promoted the practice of individualism, like that of white men's culture.<sup>10</sup> Many of the Creeks rejected his attempts because the work he suggested—tending fields—was traditionally women's work in Creek culture. However, some

Creeks accepted Hawkin's influence, learned to use the steel plow, and established individual farms.

Interestingly, some of Hawkin's efforts succeeded in part due to the Creek's introduction to and use of white men's form of slavery. As early as the 1730s, white traders from Georgia and South Carolina had introduced African chattel slavery to the Creeks, although the Creeks did not start acquiring Africans as slaves until the 1770s. What the Creeks witnessed in the whites' slave culture was African males performing what the Indians considered women's work, thus generating among some of them the view that the Africans were inferior to them.<sup>11</sup> Beginning in the 1770s, some Creeks started acquiring African slaves through two main channels: through raids on white squatters who had settled in the Creek hunting grounds or by enslaving those Africans who had fled into the Creek country after escaping from their white owners.<sup>12</sup> During the early stages, many Creeks who owned black slaves did not use them as a means to create a profit from their labor, as the white man did. Most Creeks who owned black slaves allowed them to participate within their communal system in a manner similar to their own existence within the community. Male slaves worked jobs similar to that of the male Indians, while female slaves worked with Indian women.<sup>13</sup> This, however, was not the case for all slaves owned by Creeks.

At the end of the eighteenth century and the beginning of the nineteenth century, the Lower Creeks had more contact with white settlers than had the Upper Creeks. Intermarriage had become more commonplace among the Lower Creeks and had created a new generation of mixed-blood children who were more susceptible to accepting the white men's culture. One of these mixed-bloods was William McIntosh,

who had established himself as one of the leaders of the Lower Creeks.<sup>14</sup> McIntosh, like other mixed-blood Lower Creeks, made the most of the opportunity to obtain slaves for the purpose of commercial agriculture. He not only acquired slaves for the purpose of making a profit from their labor (eventually owning two plantations), but slaves also allowed him to elevate his status among his Creek brothers and the United States government.

Assimilation by members of the Lower Creeks divided the nation more than just geographically. Black slavery and the whites' market economy were not at the core of the division. The Creeks who had not accepted assimilation, mainly the Upper Creeks, wanted to stop white encroachment upon their lands. However, individuals like William McIntosh, who had accepted the white men's ways, leaned towards keeping peace with white settlers. In 1805, McIntosh and a group of Creek leaders agreed to cede to the federal government more of the Creeks' hunting lands in Georgia. The government received Creek land between the Oconee River and the Ocmulgee River, and in addition, they received the right to construct a horse path from the Ocmulgee to the Alabama River. The horse path allowed white settlers to pass through the existing Creek Nation without harm to the newly opened West, but the path soon became overcrowded with emigrants, some of whom decided not to continue to the West. Instead, they squatted on Creek lands beside the road.<sup>15</sup> The government's desire for more Creek land and the mixed-bloods' willingness to sell it to them brought the Creek Nation to the brink of a civil war.

Historian Kathryn Braund argues that "the Creek War was a reaction to the new materialism of the mixed-blood elite by nonslaveholding traditionalists who hoped to



oppose American expansion by revitalizing Indian culture and driving out those who practiced commercial agriculture and supported the new system of government instituted by Hawkins and his supporters.”<sup>16</sup> In the fall of 1811, Tecumseh, a Shawnee warrior, entered the Creek Nation looking to unite the Indian Nations against the encroachment of white settlers. Tecumseh spoke at the Creek Nation council to some five thousand Creeks telling them to “destroy their live stock, abandon the plows and looms, and return to the old ways.”<sup>17</sup> He implored them that if the Indians continued to allow white men to encroach on their lands, then one day all their forests would be fields and they would themselves become slaves to the white man. Tecumseh’s words rang true to many of his listeners and caused them to react against white encroachers.

In February 1813, the Creek situation exploded when returning from a conference with Tecumseh, a small party of Upper Creeks killed seven white families near the mouth of the Ohio River.<sup>18</sup> This action caused officials in Tennessee to call to arms ten thousand militiamen to destroy the Creek Nation. Quickly reacting to the situation, Hawkins informed the Creek chiefs that the only way to avoid the destruction of the Nation was to punish these murders, but because of the tension in the Creek Nation, the chiefs dreaded creating more conflict with their own people. However, they realized what problems these warriors were about to bring down upon the Creek Nation, so they sent a party that killed eleven of the offenders.<sup>19</sup>

Upper Creeks responded to the death of their brothers by sending warriors to avenge their deaths. This war party killed members of the enforcement party and even threatened the head chiefs who ordered the punishment. Upper Creek war parties began destroying the farming tools and livestock of the “civilized” Indians, who in return asked

Hawkins for ammunition so they could put down the aggressors.<sup>20</sup> The Creek Nation was now thrust into its own civil war.

The Creeks' civil war (known now as the Creek War of 1813-1814) was an adjunct to the American-British War of 1812. The Red Sticks, Upper Creek warriors who carried red war clubs, attacked and destroyed several Lower Creek towns, then in August 1813, they attacked Fort Mims, located a few miles above Mobile.<sup>21</sup> Many white settlers and mixed-bloods had retreated to the fort for security against the warring Red Sticks. The fort, however, did not provide them much protection. The Red Sticks overran the fort, killing some one hundred soldiers, one hundred sixty civilians, and one hundred African Americans.<sup>22</sup> Those who survived fled the fort, warning of the attack. Enraged by the Red Sticks' actions, the surrounding states activated their militias to put down these "savage" Indians. The Upper Creeks were no longer fighting only with the Lower Creeks but also with the United States.

The war proved to be costly for the Upper Creeks. The division of the Nation left them with fewer warriors to fight the Americans, who received assistance from the friendly Lower Creeks. The Red Sticks lost battle after battle to the stronger American forces and after the devastating defeat in March 1814 at Horseshoe Bend, some Creeks retreated into Florida, but many realized the war was over. In August, thirty-five Creek chiefs, all but one or two had fought with the Americans against the Red Sticks, meet with General Andrew Jackson at Fort Jackson to negotiate a peace treaty. Jackson negotiated the treaty insisting that the chiefs sign a confession of war guilt for the Creek Nation, and they also had to cede almost half of their territory to the government.<sup>23</sup> The effects of the war and the treaty requirements left the Upper Creeks broken and

demoralized. Many of them lost their homes either by destruction during the war or by land cessions after it.

The war was not only devastating to the Upper Creeks but to the Creek Nation as a whole. Towns laid destroyed, making community farming almost non-existent. The effects of the war made it impossible for the traditionalist Creeks to return to the old ways and many were not prepared for any other way of living. The Lower Creeks were not immune to the war's effects either. Several of the Lower Creek towns and hunting grounds were lost in the land ceded to the government. The white settlers began settling these new lands and started to force the Creeks off their holdings.<sup>24</sup>

As soon as the government acquired these lands, white settlers quickly developed the available land and soon returned to the government asking for cessions of more land. Everywhere, white settlers built new farms and began to crowd out the Creeks. The federal government continued to pressure the Creeks and the other southeastern Indian tribes to cede their lands in exchange for lands in the west. Even the Choctaws, Chickasaws, and Cherokees, who assisted the United States in defeating the rebellious Red Sticks during the Creek War, were pressured to cede their lands. The Creeks grew tired of the government's continual pressure for more land and joined the Cherokees in resolving to make no further land cessions.<sup>25</sup> In May 1824, the Creek chiefs reconfirmed an old law against unlawful land sales, making death a punishment for any Creek chief who ceded tribal lands in return for a bribe.<sup>26</sup>

During the first few months of 1825, government officials tried to negotiate with the Creeks to sell the remainder of their lands in Georgia and the northern two-thirds of the lands in Alabama. During the first part of February, a full Creek council met with

government officials at Indian Springs, a white settled area of Georgia where William McIntosh owned a tavern. The government officials brought with them a treaty that called for the Creeks to sell the above-mentioned lands in exchange for land in the West, but the treaty allowed them to retain their land in Alabama south of the town Tuckabatchee.<sup>27</sup>

Opothleyahola, a young Upper Creek, attended these negotiations as the speaker for Big Warrior, the head speaker (or chief) of the Upper towns. Opothleyahola was against any cession of Creek lands to the white men and explained to the commissioners that they must have the approval of the whole nation, not just the concession of the Creeks in attendance. He then publicly warned McIntosh and the other Creeks in attendance of the consequences they would face if they ceded Creek land, and with those words, Opothleyahola left the negotiations.<sup>28</sup> Many of the Creeks in attendance took Opothleyahola's words to heart and began to leave the council; however, not all of the Creeks left. On February 12, McIntosh and thirteen other Creek chiefs signed the Treaty of Indian Springs. In the treaty, the Creek chiefs agreed to sell to the government the remaining lands of the Creek Nation in Georgia. They also agreed to the "removal of the tribe to the country lying between the Arkansas and Canadian rivers" in the west.<sup>29</sup> The government officials acknowledged Opothleyahola's threat and promised protection to those that signed the treaty, but none came to their support.

The Upper Creeks opposed the treaty calling it unlawful and accusing McIntosh and the other signers of a treasonous act against the tribe. The Upper Creeks, furious that these traders had not only sold Creek land, but that they sold land out from under the Upper Creeks, found the treaty signers guilty of treason.<sup>30</sup> On the morning of April 30,

about two hundred Creeks stormed McIntosh's plantation and set fire to several of the outbuildings. The mob called for the white men, women, and children to come out so no harm would befall them. Once they exited the house, the mob set the building on fire to force both McIntosh and Etomme Tustennugee, another signer of the treaty, out of the house. Both men fled the burning house and ran into the waiting guns of the attackers, who shot nearly one hundred balls into the two men.<sup>31</sup>

The disturbance in the Creek Nation came to the attention of President John Quincy Adams, who looked into the Treaty of Indian Springs and found it fraudulent. After expressing his findings, Adams ordered officials to make a new treaty with the Creek Nation. Although Adams renounced the Indian Springs Treaty, the government held leverage in the negotiations because if the Creek treaty party failed to come to terms they could fall back on the Indian Springs Treaty and make it legal, thus forcing the Creeks out of Georgia. The Creeks agreed to terms that ceded almost all of their land in Georgia to the government and they also promised to make concessions to the McIntosh party. The United States agreed to finance the removal of the McIntosh party and provide for their subsistence in Indian Territory for one year. They also promised to provide protection against outside aggression against Creek lands in Alabama.<sup>32</sup>

For the Creeks who remained in Alabama, the government did not live up to their obligation to protect them against white aggressors. As each year passed, the government made new treaties confiscating more of the Creeks' land. By 1829, the possibility of the Creeks remaining in their homelands looked bleak, as their adversary during the Creek War, Andrew Jackson, vowed as President to drive the Indians across the Mississippi.<sup>33</sup> Opothleyahola opposed removal, but recognized it was inevitable and in March 1832, he

and the other Upper Creek leaders agreed to the Removal Treaty and ceded the remainder of their land in Alabama for land in Indian Territory. The Upper Creek leaders insisted that their new homeland would be theirs to govern and protect from any foreign intrusions. The government agreed and the treaty stated, “The Creek country west of the Mississippi shall be solemnly guaranteed to the Creek Indians, nor shall any State or Territory ever have a right to pass laws for the government of such Indians.”<sup>34</sup> The lands in the west were to be their own and free of white intruders, for as long as the Creek Nation endured.

In September 1835, Opothleyahola and 2,300 followers began their trek to the new land west of the Mississippi.<sup>35</sup> They arrived in the Indian Territory to find that the McIntosh clan and the other Lower Creeks, who had left in 1828 before the signing of the Removal Treaty, had established their homes just west of Fort Gibson (near present-day Muskogee). Opothleyahola knew that these two parties could not live near each other due to the friction that had occurred in the east, so he led his followers to an area where the North and South Canadian Rivers met (near present-day Eufaula) and they began to settle the land.<sup>36</sup>

The two settlements kept to themselves, but the hostilities that existed some six hundred miles east remained as each group made their new start in Indian Territory. The McIntosh clan and the other Lower Creeks replicated the South’s socio-economic structure in the northern part of the new Creek country. They brought their slaves, allowing them to cultivate more land, entitling them to hold title to larger tracts of land than non-slaveholding Creeks. Not all Creeks in the northern part prospered; abandoning

towns for individual plantations left those who did not have the means to obtain large tracts of land demoralized and on their own.

The Upper Creeks, for the most part, stayed true to the old traditions and settled in communities. This does not mean that all Upper Creeks settled in towns, because Opothleyahola constructed a plantation and owned slaves. Most, however, settled in towns and built communal fields like those they had in their eastern lands and prospered as a clan instead of as separate individuals. The Upper Creeks brought the old ways with them and established them in the new land, whereas the Lower Creeks mimicked what they had learned from the whites.

The move from the east to the west did not leave political differences behind either. Up until 1840, each settlement had their own government and stood independently of each other. In 1840, the two Creek settlements agreed to create a General Council that would rule the Creek Nation as a whole.<sup>37</sup> The Creeks constructed the General Council in a similar fashion to that of the American government. Instead of states, each town had representatives who spoke for the town, and they were the elected voice of their town. The Lower Creek settlement elected Motey Kennard as their principal chief and Jacob Derrisaw as the second chief, while the Upper Creeks elected Echo Harjo principal chief and Oktarharsars (Sands) Harjo second chief.<sup>38</sup> The Creeks may have agreed to create a united government, but they were far from being a united people. The move to the new land did not remove the hostility between these groups; it only allowed them to sweep it under the proverbial rug until some event re-ignited their hostilities.

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## NOTES

- <sup>1</sup> Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville: The University of Tennessee Press, 1979); J. Leitch Wright, Jr., *Creeks and Seminoles: The Destruction and Regeneration of the Muscogulge People*, with an introduction by Theda Perdue and Michael D. Green (Lincoln: University of Nebraska Press, 1986). Theda Perdue's book focuses on the Cherokees, but it gives us an overview of how the white settlers influenced Indian culture.
- <sup>2</sup> Wright, Jr., *Creeks and Seminoles*, p. 3.
- <sup>3</sup> *Ibid.*, p. 69; Angie Debo, *The Road to Disappearance: A History of the Creek Nation* (Norman: University of Oklahoma Press, 1989), p. 19.
- <sup>4</sup> Wright, Jr., *Creeks and Seminoles*, p. 41.
- <sup>5</sup> Perdue, *Slavery and the Evolution*, pp. 4-5.
- <sup>6</sup> Kathryn F. Braund, "The Creek Indians, Blacks, and Slavery," *Journal of Southern History* 57 (November 1991), p. 602.
- <sup>7</sup> Debo, *The Road to Disappearance*, p. 50.
- <sup>8</sup> Wright, Jr., *Creeks and Seminoles*, p. 143.
- <sup>9</sup> Debo, *The Road to Disappearance*, p. 68.
- <sup>10</sup> *Ibid.*, pp. 68-69.
- <sup>11</sup> Braund, "The Creek Indians, Blacks, and Slavery," p. 608.
- <sup>12</sup> *Ibid.*, p. 607.
- <sup>13</sup> *Ibid.*, p. 622.
- <sup>14</sup> Wright, Jr., *Creeks and Seminoles*, p. 167. McIntosh was the son of a Creek woman and Captain William McIntosh, a British agent to the Creeks during the Revolutionary War.
- <sup>15</sup> Debo, *The Road to Disappearance*, pp. 73-75.
- <sup>16</sup> Braund, "The Creek Indians, Blacks, and Slavery," p. 631.
- <sup>17</sup> Debo, *The Road to Disappearance*, p. 77.
- <sup>18</sup> *Ibid.*, p. 78.
- <sup>19</sup> *Ibid.*
- <sup>20</sup> *Ibid.*
- <sup>21</sup> *Ibid.*, p. 79; Wright, Jr., *Creeks and Seminoles*, p. 173; Braund, "The Creek Indians, Blacks, and Slavery," p. 632.
- <sup>22</sup> Debo, *The Road to Disappearance*, p. 79.
- <sup>23</sup> *Ibid.*, p. 82; Wright, Jr., *Creeks and Seminoles*, p. 177.
- <sup>24</sup> Wright, Jr., *Creeks and Seminoles*, p. 177.
- <sup>25</sup> Mary Elizabeth Young, *Redskins, Ruffleshirts, and Rednecks: Indian Allotment in Alabama and Mississippi, 1830-1860* (Norman: University of Oklahoma Press, 1961), p. 37.
- <sup>26</sup> *Ibid.*; Grant Foreman, *Indians and Pioneers: The Story of the American Southwest before 1830* (Norman: University of Oklahoma Press, 1936), p. 252.
- <sup>27</sup> Debo, *The Road to Disappearance*, p. 89.
- <sup>28</sup> *Ibid.*
- <sup>29</sup> Foreman, *Indians and Pioneers*, p. 252.
- <sup>30</sup> Wright, Jr., *Creeks and Seminoles*, p. 240; Debo, *The Road to Disappearance*, p. 97.



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<sup>31</sup> Young, *Redskins, Ruffleshirts, and Rednecks*, p. 37.

<sup>32</sup> Foreman, *Indians and Pioneers*, p. 253; Debo, *The Road to Disappearance*, p. 91.

<sup>33</sup> Debo, *The Road to Disappearance*, p. 97.

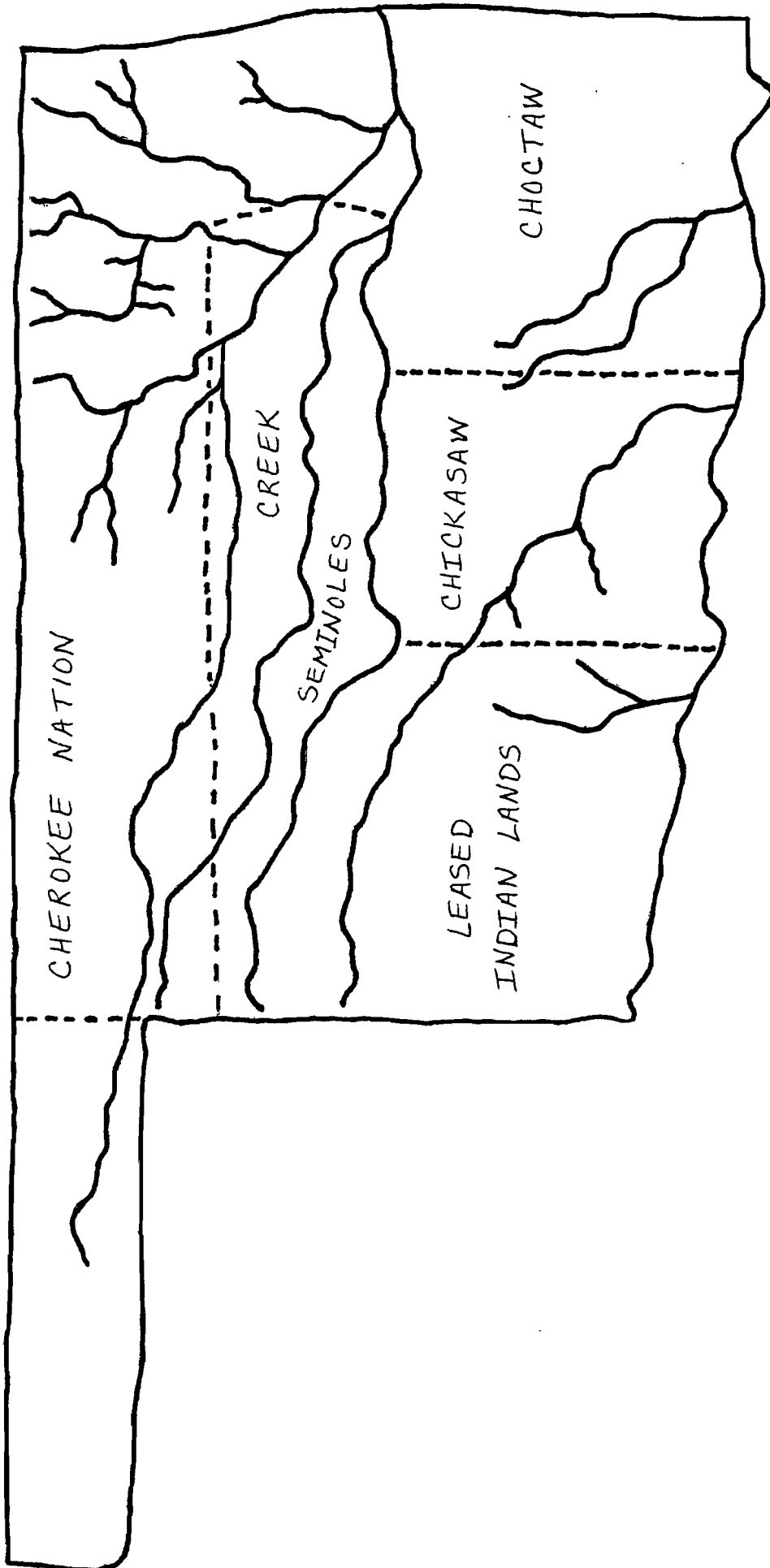
<sup>34</sup> *Ibid.*, p. 99.

<sup>35</sup> Wright, Jr., *Creeks and Seminoles*, p. 296.

<sup>36</sup> *Ibid.*, p. 306; Debo, *The Road to Disappearance*, p. 102.

<sup>37</sup> Debo, *The Road to Disappearance*, p. 124.

<sup>38</sup> *Ibid.*



Map 2: Indian Territory, 1861

## **CHAPTER THREE**

### **UNION BETRAYAL**

The beginning of the 1860s found the Creek Indians living in a time of peace and prosperity. They now had lived almost thirty years in the Indian Territory and had successfully settled an area with wooded hills, rich cropland, and many fresh water streams. Many of the Creeks remained respectful of the old ways but started to take on farming methods of the white man for survival. Through this adaptation, the Creeks found themselves in a comfortable condition with prosperity from agriculture and an increase in their population.<sup>1</sup> The prosperity of the Creek Nation and their acceptance of their new homeland brought about the revival of their spirit. They were also able to quell the hostility brought from the east for the benefit of maintaining a united Nation. Though their removal was now a part of their past, they had not forgotten the events. The tribal atmosphere looked to be peaceful within their Nation, but events between the North and South would soon influence the Indian Territory and the Creeks.

The atmosphere around the United States was not as peaceful, as sectional unrest brewed between the North and South. In November 1860, Republican Abraham Lincoln won the presidential election and on December 20, South Carolina seceded from the Union. In January 1861, Mississippi, Florida, Alabama, Georgia, and Louisiana followed South Carolina and seceded from the Union. By February, the Confederate States of America had organized itself as a new government and elected Jefferson Davis as their

president. Events continued to escalate with the seceded states laying siege to government forts and supplies that lay within their borders. One of the forts they besieged was Fort Sumter, located in the harbor of Charleston, South Carolina. The Union would not peacefully hand over the fort to the Confederacy, so on April 12 the first shots of a thirty-three hour bombardment were fired. The following day the fort surrendered to the Confederates and the Civil War had begun.<sup>2</sup>

By 1861, the sectional unrest between the North and the South had exploded into a war. Creek Indian Jim Tomm commented that, “the war between the north and south was getting underway but here in the territory no one cared much about it.”<sup>3</sup> He continued by saying that, “the Indians really didn't want to fight on either side but their sentiment was with the south because they came from the south to this country and some of them owned slaves.”<sup>4</sup> While some Creeks supported the South, not all felt such ties. Many felt they should stay on their farms and away from the white man's war. Their past made them all too aware of the tragedy of war and they shunned fighting.<sup>5</sup>

The Indian Territory held the possibility of being strategically important to either the North or South. If the North controlled the Territory, they could use it as a base for attacks on the southern states of Texas and Arkansas. If the Confederacy controlled the Territory, they could threaten the free state of Kansas. With a new administration taking office in Washington, disorganization prevented the federal government from initiating any serious action. According to historian David Nichols, President Lincoln “placed a low priority on holding the Indian Territory at that moment. He was more concerned with the border states and protecting Washington.”<sup>6</sup> Creek Indian Barney Deere told of the first communication the Creeks received from the federal government as saying, “if

you are to stay out of a war which has no concern about you, you will stay in you[r] own yards where you will not be molested.”<sup>7</sup> The problem was that they were staying in their own yards, but individuals sympathetic with the South pressured them to join the Confederacy.

The Confederate States of America took a different position on the Indian Territory. They did not have shortsighted policies that ignored the Indians and regarded them as unimportant. Bringing the Five Civilized Tribes into the Confederacy meant more armed men and the possibility of a half million head of cattle to feed the Confederate forces.<sup>8</sup> Near the end of February 1861, members of the Provisional Congress proposed that communications be opened with the Five Civilized Tribes with the intent of bringing them into the Confederacy. By the middle of March, the Confederate Congress had created the Bureau of Indian Affairs and appointed David Hubbard as its Superintendent. During Congress’s first session it passed a bill to send a commissioner to the Indian Territory to create an alliance and to assure protection for these tribes. The Confederates did not immediately pick a commissioner for this task, but they laid a foundation for future work with the Indians.

As the Confederacy worked at creating their Bureau of Indian Affairs, the Creeks desired more from the United States Bureau of Indian Affairs. Around the first of May, a delegation consisting of the two principal chiefs, Motey Kennard of the Lower Creeks and Echo Harjo of the Upper Creeks, Samuel Checote, and John G. Smith went to Washington to meet with Commissioner of Indian Affairs Alfred B. Greenwood. This same delegation had meetings in Washington during the fall of 1860 complaining of whites illegally settling in the Creek country. Their meeting in May “inquired how their

landed interests would be protected during ‘the commotion now shaking the United States’ and ‘earnestly’ requested that their annuities, unpaid for the past year, should be placed in Garrett’s hands for distribution.”<sup>9</sup> William H. Garrett of Alabama, who was the Creek agent and advocate for southern secession, joined the delegation of Creeks in Washington. Little attention was given to their request and shortly after the meeting all Indian allowances were stopped, out of fear that the money might fall into the hands of Confederate sympathizers in the Territory. This federal action angered the Indians and helped to drive a wedge between certain members of the Creek Nation and the federal government.

The unrest in the nation caused great concerns with the other Five Civilized Tribes. Even before the war began, the Chickasaws were so concerned that they made an official call for an inter-tribal council with the other four tribes:

Be it enacted by the Legislature of the Chickasaw Nation, That the Governor of the Chickasaw Nation, be and is hereby authorized to appoint four Commissioners . . . on the part of the Chickasaw Nation, to meet a like set of Commissioners appointed respectively by the Choctaw, Creek, Cherokee, and Seminole Nations, to meet in General Convention at such time and place That the Chief of the Creek Nation, may set, for the purpose of entering into some compact, not inconsistent with the Laws and Treaties of the United States, for the future security and protection of the rights and Citizens of said nations, in the event of a change in the United States, and to renew the harmony and good feeling already established between said Nations by a compact concluded & entered into on the 14<sup>th</sup> of Nov. 1859, at Asbury Mission Creek Nation.<sup>10</sup>

The act was sent to the other Civilized Tribes of the Indian Territory to arrange a meeting so that the tribal delegates could discuss what position they would take if the southern states separated from the Union. The Creeks had the responsibility of hosting this meeting, because of their central location among the other tribes. The Cherokee Nation bordered the Creek Nation to the north and northeast, while the Seminole Nation

bordered to the west. The Chickasaw and Choctaw Nations bordered along the southern edge of the Creek Nation. The meeting of the Five Civilized Tribes at Wekiwa Hulwe (High Springs), the General Council Grounds of the Creek Nation, was set for February 17, 1861.<sup>11</sup>

All of the Nations were concerned with the threat of war. They knew that when the Chickasaws wrote the act, South Carolina and five other southern states had already seceded from the Union and several more states were threatening the same. In a letter from Chief John Ross of the Cherokee Nation to the Cherokees' four commissioners he advised, "discretion and to guard against any premature movement, on our part, which might produce excitement or be liable to misrepresentation."<sup>12</sup> Ross, along with the Creek leaders, understood from treaties signed with the federal government, that their Nations would be protected from any foreign invasion as long as they held to their treaty. At the meeting on February 17, only the Creek, Seminole, and Cherokee Nations had delegates at High Springs. During their time together, the three parties' commissioners felt that in the present condition their duty was to abide by their Treaty obligations and simply do nothing.<sup>13</sup>

Yet inertia became more and more difficult as each day passed. Two states bordering the Indian Territory were concerned with the Indians' loyalty. Years before the unrest occurred between the North and South, both Texas and Arkansas were concerned with keeping Indian Territory true to the South because of their common interests of slavery. Now they were even more concerned, because if the Indians remained loyal to the North they would need to fortify their borders in case of a Union attack through the Indian Territory. Arkansas Governor Henry Rector sent several letters to Chief John

Ross concerning this issue. Chief Ross received one letter in January trying to convince him that he and his people should join the southern cause. Rector wrote: “Your people, in their institutions, productions, latitude, and natural sympathies, are allied to the common brotherhood of the slave-holding States. Our people and yours are natural allies in war and friends in peace.”<sup>14</sup> Rector also insinuated that the Lincoln administration saw the Indian lands as being “fruitful fields, ripe for the harvest of abolitionism, free-soilers, and Northern mountebanks.”<sup>15</sup>

Chief Ross responded, telling Governor Rector that the Cherokees would not break their treaty with the government. He was also aware that many southern states had already seceded and that others were planning on it. Chief Ross expressed his “hope and trust in the dispensation of Divine power to overrule the discordant elements for good, and that, by the counsel of the wisdom, virtue, and patriotism of the land, measures may happily be adopted for the restoration of peace and harmony among the brotherhood of States within the Federal Union.”<sup>16</sup> He felt that this war could be avoided and hoped both sides would make peace through talks and avoid the battlefield.

Chief Ross and the Cherokees were not the only tribe for which bordering states held interest. On February 1, 1861, Texas seceded, creating pressure on the Chickasaw and the Choctaw tribes, who occupied the southernmost portions of Indian Territory. Neighboring Texas extended pressure on them to join the Confederacy. A General Council of the Choctaw Nation assembled on February 7, 1861, and resolved in the event of “a permanent dissolution of the Union,” their “relations with the General Government must cease, and we shall be left to follow the natural affections, education, institutions, and interests of our people, which indissolubly [sic] bind us in every way to the destiny



of our neighbors and brethren of the Southern States, upon whom we are confident we can rely for the preservation of our rights of life, liberty, and property.”<sup>17</sup> Their main concern was to protect themselves and their property from the Texas ruffians who were raiding their territory. They hoped that their pledge to join the Confederacy if the Union became dissolved would stop these raids and ease their fears of being overrun by the Texans. Immediately after making these resolutions they sent copies to inform their “immediate neighbors, the people of Arkansas and Texas, of our determination to observe the amicable relations in every way so long existing between us, and the firm reliance we have, amid any disturbances with other States, the rights and feelings so sacred to us will remain respected by them and be protected for the encroachment of others.”<sup>18</sup>

While the Chickasaws called an intertribal council and the Choctaws passed the resolution to join the Confederacy if the Union dissolved, delegates from both tribes were in Washington. They met with the Commissioner of Indian Affairs Alfred B. Greenwood and asked for help to remove the intruding white men. During the meeting, the delegates expressed their desire for their Nations to remain neutral. Greenwood understood these comments to mean that the Choctaws “would be inactive spectators of events, expressing no opinion, in word or deed, one way or the other.”<sup>19</sup> Information from the Indian Territory was not only slow reaching government officials, but also the delegates of the tribes themselves. This slowness in communication allowed the Confederacy to have a greater success in the Indian Territory.

Southern influence on the Creeks occurred April 8, when Texans James E. Harrison and Captain C. A. Hamilton addressed a Creek convention on supporting the Confederate cause. The two men left the Creeks believing that they overwhelmingly

shared southern views.<sup>20</sup> Their visit only stirred up old animosities, and a council meeting for May was called to determine the Nation's course. In this meeting, many of the mixed bloods tried to get the Nation to side with the Confederacy by making mention of their victory over the Union at Fort Sumter in April. There was confusion at the meeting over what the Creeks should do. There is no written record of this meeting, but one author has used a little license in recreating a couple of the speeches. Clee Woods wrote that this meeting was in a stalemate until "the sage of the Creek Nation arose."<sup>21</sup>

Everyone quieted down as Opothleyahola stood to make his speech. He was not a chief of the tribe, but he was a respected man and many believed he was the reason they survived the removal from their homelands. The exact words of Opothleyahola are not known because they were never written down. However, a general idea can be created because of the neutral position that Opothleyahola took on Indian involvement in the Civil War. He might have emphasized to them that this was not a fight of the Indians and they should remain neutral and fight for neither side. They should not die to keep blacks enslaved or to remove the yoke off of their back. He believed they should stay on their own farms and let the white men go about killing themselves.<sup>22</sup> Many of the people present voiced their acceptance of Opothleyahola's speech.

Another member of the convention, however, offered a rebuttal. He asked, how could one ignore a war that is right on their own doorstep? "You can't escape the death in a great prairie fire by declaring you want to stay out of it!"<sup>23</sup> He also pointed to the Indians in the territory who had already recruited regiments to fight for the Confederacy. The Indian agent Douglas Cooper had left the Union and now was a colonel in the Confederacy leading the regiments of the Choctaws and Chickasaws. Neutrality was not

an option. They must decide who to give their loyalty to before it was too late. No official position was made at the convention, but sides were drawn and old divisions reemerged.

Texas citizens played a large role in exciting the Indians. Once news of South Carolina's secession reached Texas, they wanted to bring the Choctaws and Chickasaws into the Confederacy in hopes that it would have a domino effect on the rest of the Indian Nations. Douglas Cooper, a federal government agent to the Choctaws and Chickasaws, assisted in putting pressure on them to side with the Confederacy. His pressure had some success. In early June 1861, P. P. Pitchlynn, the resident Commissioner of the Choctaws in Washington, returned to the Indian Territory. He impressed upon Principal Chief George Hudson that the Choctaws should remain neutral and not take part in this inevitable war. Chief Hudson called a council meeting, where he planned to give a speech advocating neutrality to the Choctaw Nation. The meeting was held on June 4 and many white men from Texas were in attendance. Cooper had learned Hudson's intentions and warned certain individuals in Texas about the council meeting. During this meeting, Robert M. Jones stood up and gave a speech declaring "any one who opposed secession ought to be hung."<sup>24</sup> This concerned Chief Hudson so much that he did not give his speech, but instead sent a note that recommended the Council begin negotiations with the Confederacy.

Even though Principal Chief Hudson supported making a treaty with the Confederacy, many of the Choctaws were reluctant to join. They found troubling the idea that by joining the South they would ultimately destroy their Nation. Joseph Folsom, a council member and graduate of Dartmouth College, said, "we are choosing in

what way we shall die.”<sup>25</sup> Others believed that “if the north was here so we could be protected we would stand up for the north but now if we do not go in for the south the Texans will come over here and kill us.”<sup>26</sup>

The Office of Indian Affairs and Commissioner Greenwood were informed that troops were needed to counter the southern influence as early as mid-February, but they failed to act.<sup>27</sup> Under Lincoln’s administration, William P. Dole was selected the new Commissioner of Indian Affairs, and he made a new attempt to get authorities to secure the Indian Territory for the Union. He wrote:

I desire again to call your attention, and through you that of the War Department, to what seems to me the necessity of sending a military force into the Indian country west of Arkansas. My information from the tribes in that country is to the effect that extraordinary efforts are making by emissaries from the so-called southern confederacy to induce the Indians in that country to unite their destinies with them, and take up arms against the government of the United States, and that a majority of these Indians are disposed to be true to their allegiance to the government; but, as is found to be the case in some of the border slave States, this majority is overawed by the minority, who band together to make war on the legitimate government. Experience has shown that in all such cases the presence of even a small force of federal troops located in the disaffected States has had the effect to preserve the peace, encourage the friends of the Union, and induce the people to return to their allegiance.<sup>28</sup>

All of the tribes were concerned that the government would not uphold their part of the treaties. They wanted assurance that the government was concerned for them and would protect them against outside forces. Dole called for the protection of the Indians with “a military force of two or three thousand men located in the Indian Territory, near the borders of Arkansas and Texas.”<sup>29</sup> He felt this “would have the effect to secure the neutrality of the Indian tribes in our southern superintendency” and that it might help influence those surrounding states to remain under the Union.<sup>30</sup> He finally pleaded:

that unless this course is adopted by the government we shall soon find it impossible to maintain our agencies with the Choctaws, Chickasaws, Creeks,

and other tribes on our southern borders, and incur the danger of having many thousands of these savage warriors in arms against our people. Our duty under treaty stipulations requires that we protect these tribes from the mischievous intermeddling of white persons without their borders, and our interest as well as that of the Indians, it seems to me, demands that steps should be taken to secure peaceable relations with them.<sup>31</sup>

Dole's plea had very little effect on those in power. Historian Annie Abel states, "the failure of the United States government to give the Indians, in season, the necessary assurance that they would be protected, no matter what might happen, can not be severely criticized."<sup>32</sup> Abel points to a lack of harmony between the departments in Washington as a reason little protection came for the Indians. A plan on how to provide the needed assurance of protection did not get drafted until the second week in May and by then the southerners had already influenced the Indians. From this plan, the Indian Office wrote a letter reassuring the Indians that the government had not forgotten them and would furnish defenses for their protection.<sup>33</sup> The only problem with this assurance is that it did not get to the Indians until after all of the Five Civilized Tribes had signed treaties with the Confederacy. The government was not ignorant of the work done in Indian Territory by the South, they simply maintained the attitude that the Indians were of little importance, strategically or otherwise.

There were several Union military posts located within the Indian Territory. The southernmost fort was on the Washita River near the border of the Chickasaw Nation and Texas. This was "a highly important military post," Assistant Adjutant-General E. D. Townsend described to the Secretary of War Edwin Stanton in March 1861.<sup>34</sup> Another fort just north of Washita was Fort Arbuckle, but Townsend declared it as having little value as a military post and he recommended moving the men to another site. A third was Fort Cobb, and its location northwest of Fort Washita deemed it a rendezvous for the

soldiers should retreat if Washita occur because of an attack by a superior force.<sup>35</sup> A problem for these forts was that they received their main supplies from Fort Smith, Arkansas, which the rebels now possessed.

Matthew Leeper, the agent for the Reserve Indians, sent an appeal to the federal government pleading for assistance. It informed the government that individuals were trespassing into the Leased District and causing concern with the local tribes.<sup>36</sup> The government began to act after hearing this appeal. Orders were issued, instructing Colonel William H. Emory to occupy Fort Cobb in the Leased District. At the time, Emory was in Washington and just before his departure he received amended orders to form his regiment at Fort Washita instead of Fort Cobb.<sup>37</sup> His orders changed due to the receipt of a letter that reported of a threatened attack by the Texans on Fort Washita. Emory learned that both the Indian agents and the delegates from the Chickasaw Nation had asked for support against the Texas invaders.

Upon receiving his amended orders, Emory sent orders to the troops at Fort Cobb and told them to evacuate it and report to Fort Washita. They were to inform the Indians who fell under the protection of the fort of its abandonment, and that they may follow the troops and take up camp near Fort Washita.<sup>38</sup> Emory sent a second order to Fort Arbuckle commanding one company of infantry to move to Fort Washita.<sup>39</sup> This would give Emory a force of two cavalry companies and five infantry companies once all the troops had merged at Fort Washita.

Emory made good progress in getting to Fort Washita. He reached Arkansas near the end of March, but low water, which made travel on the Arkansas River difficult, slowed him down in getting to Fort Washita.<sup>40</sup> While he was waiting, he sent letters to

Fort Arbuckle instructing the troops to continue to Fort Washita and told them that he would be there shortly. Emory arrived at Fort Washita around April 13 to find that not all of the troops he had called for had arrived. He also discovered that necessary supplies were seized by Texas troops.

On his trip, Emory had found out that forts in Indian Territory received supplies either through Fort Smith, Arkansas or through Texas. He was concerned that with the recent events in both states, these supply lines would be cut off and the only other way to supply these forts was through an old military trail. This trail ran parallel to the Arkansas border, and Emory felt any supplies sent along this trail “would be constantly exposed to seizure.”<sup>41</sup> Keeping these forts adequately supplied and manned was unpromising.

Rumors reached Emory that an attack by Texas rebels on the Union forts was to occur in the upcoming days. With this news, the lack of supplies, and the late arrival of his troops, Emory decided to abandon Fort Washita and move up to Forts Arbuckle and Cobb.<sup>42</sup> The rumors of the rebel’s attack came to fruition, because on May 5 Fort Arbuckle was lost to a reported two thousand rebel men.<sup>43</sup> Emory would have to continue moving his men north towards Fort Cobb, but now he had a rebel force in his rear. As Emory was moving to Fort Cobb, he received a letter from the Assistant Adjutant General E. D. Townsend ordering him to move all troops in Indian Territory to Fort Leavenworth, Kansas.<sup>44</sup> Emory followed the orders and removed his men and all the equipment they could carry.

The removal of Union troops from the Indian Territory confused the Indians. A few of the Indians packed up their belongings and followed the troops north, while others headed towards Texas. The Indians who stayed became even more concerned about their

protection, now that the Confederates controlled the three forts. The Confederates' new hold in the Indian Territory caused the Indians to doubt the government and the protection they promised. They had witnessed the troops evacuate the forts and had heard about other Union troops in Arkansas evacuating Fort Smith. What they had just witnessed created the belief that the federal government was weak and could not protect them.

The Confederacy used these actions to help recruit Indians. Secretary of War Leroy P. Walker best presented the Confederates' position on the Indians in a letter to Agent Douglas Cooper saying, "the desire of this Government is to cultivate the most friendly relations and the closest alliance with the Choctaw Nation and all the Indian tribes west of Arkansas and south of Kansas."<sup>45</sup> Brigadier General N. Bartlett Pearce requested that President Davis act "to secure the co-operation of the Indians in the West" in hopes this would "prevent any emissaries of the Republicans from poisoning the minds of the full-bloods."<sup>46</sup> On May 13, 1861, Walker ordered the occupation of Indian Territory and the raising of two regiments of Indian troops.<sup>47</sup> He gave orders to Superintendent of Indian Affairs David Hubbard stating that, "you are now specially charged to proceed to the Creek Nation, and make known to them, as well as the rest of the tribes west of Arkansas and south of Kansas, . . . the earnest desire of the Confederate States to defend and protect them against the rapacious and avaricious designs of their and our enemies at the North."<sup>48</sup> Hubbard was also to "impress upon the Creek Nation and surrounding tribes . . . the real design of the North and the Government at Washington in regard to them has been and still is the same entertained and sought to be



enforced against ourselves, and if suffered to be consummated, will terminate in the emancipation of their slaves and the robbery of their lands.”<sup>49</sup>

Before Hubbard was sent to the Indian Territory, President Davis appointed Albert Pike as diplomatic agent to the Indians in the area west of Arkansas and north of Texas. The position Pike filled was originally created by the first session of the Confederate Congress back on March 5, 1861.<sup>50</sup> Pike was a friend to the Indians and understood how to work with them because of his work as a frontier lawyer representing them in legal matters. He was born in Boston, but moved to the West as a youth and now at the age of fifty-two made his home in Arkansas.<sup>51</sup> Pike was a successful lawyer and poet, but now his task was to bring the Indians into an alliance with the South. The Confederates were so concerned with acquiring the Indian Territory that they sent both Hubbard and Pike to treat with the Indians. Also during this time, General Ben McCulloch was assigned “to take charge of the military district embracing the Indian country” and was to raise a mounted regiment from the Choctaws and the Chickasaws. His instructions were to try and raise two more regiments from the Creeks, Cherokees, and Seminoles.<sup>52</sup>

Before contracting pneumonia and not continuing to the Indian Territory, Hubbard sent a letter to Chief Ross the Cherokee leader. He told Ross that the southern people were arming themselves faster than “ever seen in the world before” and that they were “daily gaining friends among the powers of Europe.”<sup>53</sup> He also wrote that if the North won they would lose their slaves, since this was one reason for the war. Also, if the North won, their government would move into “your rich lands and settle their squatters,” and by settling among you, they will destroy “the powers of your chiefs and

your nationality.”<sup>54</sup> Hubbard brought up the issue of debt annuities owed to the Indian people by the federal government. He emphasized that all of these debts were held in southern bonds and if they sided with the North, they would never receive them. However, if they sided with the Confederacy they could expect payment on all of their bonds. Ross replied, saying that the Cherokees would “take no part in the unfortunate war between the United and Confederate States of America.”<sup>55</sup>

Albert Pike was a perfect choice as commissioner to the Indian Territory. He understood and proclaimed that the South should take immediate advantage of the Union pulling their troops out of the Territory. He was “absolutely certain that the enemy’s Government will not permit the Indian country west of us to belong to the Confederate States without a severe struggle.”<sup>56</sup> He felt that volunteer troops would be sent to reoccupy the forts left behind. Now was the time to use his past experiences and friendships with the Indian leaders to bring them under a treaty with the Confederacy.

The Confederacy gave Pike \$100,000 to spend on items that would help to bring the Indians into an alliance. Pike’s role grew more important when Hubbard came down with pneumonia and would not be able to fulfill his mission. Pike would have to bring the Indians into an alliance on his own. By the end of May, Pike, a short but robust man, climbed into his buggy and made his way to Indian Territory. A convoy of wagons possessing “potted foods, cases of wine, and assorted goods for the Indians,” followed him.<sup>57</sup>

When Pike entered Indian Territory he found the “Five Civilized Tribes torn with unrest and internal dissension.”<sup>58</sup> He understood that the move from their original homelands had created divisions in each tribe and that the question of which side to join

brought these divisions back to the surface. His plan was to exploit this division in hopes it would bring them more quickly under a treaty. Pike, accompanied by General McCulloch, left Arkansas and went to meet Chief Ross. Ross, as he told Governor Rector earlier, declared that the Cherokees wanted to remain neutral and would take no part in this war between the whites. Pike and McCulloch were displeased with Ross's stance, but both knew a group of Cherokees led by Stand Watie were eager to join the ranks of the Confederacy.

While Pike was meeting with the Cherokees, the Senate and House of Representatives for the Chickasaw Nation assembled. They created a resolution that released them from their alliances with the Union based upon the idea that "the Government of the United States has been broken up by secession" and "the Union as it existed by the Federal Constitution is irreparable."<sup>59</sup> They expressed their concern over the Union troops evacuation from their country and their anger over the unlawful holding of allowances promised them by passed treaties. The Congress felt that being deprived of both money and the means of protection, they could not remain neutral and avoid the war. On May 25, 1861, they declared their independence through a resolution in which they expressed confidence that the Confederacy would protect their tribal and individual rights, along with securing and paying the funds owed to them.<sup>60</sup>

Following the actions of the Chickasaw, on June 14, 1861, the Choctaw Chief Hudson proclaimed the independence of the Choctaw Nation from the Federal Government. Chief Hudson stated in his proclamation:

by the withdrawal of eleven States formerly comprising a part of said Government, and their formation into a separate government, and the existing war consequent thereon between the States, and the refusal on the part of that portion of the States claiming to be, and exercising the functions of the

Government of, the United States to comply with solemn treaty stipulations between the Government of the United States and the Choctaw Nation, said nation was absolved from all obligations under said treaties, and thereby was left independent, and free to enter into alliance with other governments, and to take such other steps as may be necessary to secure the safety and welfare of the nation.<sup>61</sup>

He also appointed commissioners to make an alliance with the Confederacy. He made it known to all Choctaw male citizens of age that they were to prepare themselves for military service and the defense of the Choctaw Nation. Two of the Five Civilized Tribes had now publicly declared their support for the Confederacy.

Pike's job was becoming a little easier with the proclamations from the Choctaws and Chickasaws. Pike's destination after meeting with Chief Ross was the Creek Nation. He was also fortunate that upon his arrival, few whites could be found in the Creek territory promoting the North and many of the anti-secessionist leaders were away talking to other tribes on the plains. The Creek Nation was in turmoil, so much so that they were on the brink of violence over the issue of which side they should support. He found that Chief Motey Kennard and Chief Echo Harjo were eager to join the Confederacy, along with Daniel and Chilly McIntosh, the sons of William McIntosh, who were anxious to begin recruiting a Creek regiment. However, not all Creeks were ready to join the Confederacy. Opothleyahola had gained a large following after his speech at the past council meeting, but since he was not a chief he had no voice in the meeting with Pike. On July 10, 1861, the Creeks signed the treaty with Albert Pike to join the Confederacy. Officially, the Creek Nation was the first of the Five Civilized Tribes to sign a treaty with the Confederacy.

Commissioners from the Chickasaw and Choctaw Nations went to North Fork in the Creek Nation to meet with Pike. To entice the Indians to council, Pike brought

presents and food for the Indians. He gave gingham and calico to the women and playing cards and pants to the chiefs.<sup>62</sup> He also had an abundance of food, such as “canned corn, green peas, peaches, oysters, salmon, asparagus, lobsters, sardines, pineapple, six bottles of Schnapps, two of Worcester sauce, and two of castor oil.”<sup>63</sup> Two days after getting the Creeks to sign a treaty, both the Choctaws and Chickasaws signed treaties with Pike as well. Pike’s next meeting was with the Seminoles.

The division among the Seminoles was as intense as it was with the Creeks. Several of the Seminole chiefs wanted nothing to do with the war or with Pike and his treaties. A principal chief, John Jumper, along with four self-appointed individuals, met with Pike on behalf of the Seminole Nation. These five men agreed to and signed a treaty with Pike on August 1, 1861. The head chief, Billy Bowlegs, and other chiefs refused to sign this treaty. With the Seminoles aligned, only the Cherokees remained neutral.

Pike had successfully negotiated southern alliances with factions of four of the civilized nations and now he set his sights on bringing in the Cherokees. Things were stacking up against Chief Ross and his followers. General McCulloch had grown tired of waiting on Ross to come to their side and commissioned Stand Watie “a colonel in the Confederate Provisional Army.”<sup>64</sup> Watie's followers were growing daily and were causing great concern for Chief Ross. Southern sympathizers were surrounding the Cherokee Nation and no help was coming from the North. Not only was the South successful in Indian Territory, but they were winning battles in the east and appeared that they might take Washington, D.C. Even closer to home, a battle took place at Wilson’s Creek, Missouri, where the Union forces lost and General Nathaniel Lyon, one of the only Union generals left in the area, was killed. The hope of remaining neutral and

staying loyal to the old treaties was fading for Ross. Stand Watie was threatening his position as head chief, and Chief Ross knew that something needed to be done. On August 21, a council meeting for the Cherokees met and Ross authorized “negotiations for a treaty of alliance with the Confederacy.”<sup>65</sup> Pike returned to the Cherokee Nation and on October 7, Ross signed a treaty joining the Cherokees with the Confederacy. In just four months, Pike was able to negotiate deals with at least some factions in each of the Five Civilized Tribes; now all that was needed for the Confederacy to have the upper-hand in the Indian Territory was the Confederate Congress to ratify the treaties.

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## NOTES

- <sup>1</sup> Jake Simmons to L. W. Wilson, Indian Pioneer Papers, Vol. 9, hereinafter cited as I.P.P., p. 353, Oklahoma Historical Society, hereinafter cited as O.H.S.
- <sup>2</sup> James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 1988; New York: First Ballantine Books, 1989), pp. 273-274.
- <sup>3</sup> Jim Tomm to L.W. Wilson, 19-20 April 1937, I.P.P., Vol. 112, p. 280, O.H.S.
- <sup>4</sup> Ibid.
- <sup>5</sup> Scott Waldo McIntosh to L. W. Wilson, 12 July 1937, I.P.P., Vol. 35, p. 216, O.H.S.
- <sup>6</sup> David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (Columbia: University of Missouri Press, 1978), p. 28.
- <sup>7</sup> Barney Deere to Billie Byrd, 19 July 1937, I.P.P., Vol. 22, p. 167, O.H.S.
- <sup>8</sup> Jay Monaghan, *The Civil War on the Western Border, 1854-1865* (Boston: Little, Brown, 1955; reprint, Lincoln: University of Nebraska Press, 1984), p. 213.
- <sup>9</sup> Angie Debo, *The Road to Disappearance* (Norman: University of Oklahoma Press, 1989), p. 142; Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist*, with a introduction by Theda Perdue and Michael D. Green (Cleveland: The Arthur H. Comapany, 1915; Lincoln: University of Nebraska Press, 1992), p. 192.
- <sup>10</sup> Abel, *The American Indian*, pp. 68-69; Christine Schultz White and Benton R. White, *Now the Wolf has Come: The Creek Nation in the Civil War* (College Station: Texas A&M University Press, 1996), p. 9.
- <sup>11</sup> Debo, *The Road to Disappearance*, p. 142.
- <sup>12</sup> John Ross to William P. Ross, Thomas Pegg, John Spears, and Lewis Downing, February 12, 1861, John Ross Collection, hereinafter cited as J.R.C., Gilcrease Museum, hereinafter cited G.M., Tulsa, Oklahoma.
- <sup>13</sup> William P. Ross, Thomas Pegg, John Spears, and Lewis Downing to John Ross, March 15, 1861, J.R.C., G.M.
- <sup>14</sup> Henry Rector to John Ross, 29 January 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1885), Series I, Vol. XIII, p. 491.
- <sup>15</sup> Ibid.
- <sup>16</sup> John Ross to Henry Rector, 22 February 1861, *The War of the Rebellion*, Series I, Vol. XIII, p. 491.
- <sup>17</sup> Resolutions of the General Council of the Choctaw Nation, 7 February 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1880), Series I, Vol. I, p. 682.
- <sup>18</sup> Ibid.
- <sup>19</sup> Abel, *The American Indian*, p. 75.
- <sup>20</sup> Ibid., p. 94.
- <sup>21</sup> Clee Woods, "Oklahoma's Great Opothele Yohola", *North South Trader*, Vol. VI, No. 2, January/February 1979, p. 23.
- <sup>22</sup> Ibid.; White and White, *Now the Wolf has Come*, p. 23.
- <sup>23</sup> Ibid.
- <sup>24</sup> Abel, *The American Indian*, p. 77.
- <sup>25</sup> Ibid.

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- <sup>26</sup> Ibid., pp. 77-78.
- <sup>27</sup> Nichols, *Lincoln and the Indians*, p. 26.
- <sup>28</sup> "Letter No. 2," *Report of The Commissioner of Indian Affairs* (Washington: Government Printing Office, 1861), p. 35.
- <sup>29</sup> Ibid.
- <sup>30</sup> Ibid.
- <sup>31</sup> Ibid.
- <sup>32</sup> Abel, *The American Indian*, p. 79.
- <sup>33</sup> Ibid., p. 80.
- <sup>34</sup> E. D. Townsend to Edwin Stanton, 27 March 1861, *The War of the Rebellion*, Series I, Vol. 1, p. 659.
- <sup>35</sup> Ibid., p. 660.
- <sup>36</sup> Abel, *The American Indian*, p. 96. The Leased District was in the southwest corner of Indian Territory and the United States leased this section of land from the Choctaws and Chickasaws. The United States established it for the Indians, mainly from Texas, that were run out of the state due to the Texans intolerance of them. The three main tribes in the Leased District were the Wichitas, Tonkawas, and Euchees [Ibid., p. 52].
- <sup>37</sup> E. D. Townsend to William H. Emory, 18 March 1861, *The War of the Rebellion*, Series I, Vol. 1, p. 656.
- <sup>38</sup> William H. Emory to Commanding officer of Fort Cobb, 6 April 1861, *The War of the Rebellion*, Series I, Vol. 1, p. 662.
- <sup>39</sup> E. D. Townsend to Edwin Stanton, 27 March 1861, *The War of the Rebellion*, Series I, Vol. 1, p. 660.
- <sup>40</sup> Abel, *The American Indian*, p. 97.
- <sup>41</sup> William H. Emory to E. D. Townsend, 13 April 1861, *The War of the Rebellion*, Series I, Vol. I, p. 666.
- <sup>42</sup> William H. Emory to E. D. Townsend, 19 May 1861, *The War of the Rebellion*, Series I, Vol. I, p. 648.
- <sup>43</sup> Charles A. Campbell to William H. Emory, 5 May 1861, *The War of the Rebellion*, Series I, Vol. I, p. 652.
- <sup>44</sup> E. D. Townsend to William H. Emory, 17 April 1861, *The War of the Rebellion*, Series I, Vol. I, p. 667.
- <sup>45</sup> Leroy P. Walker to Douglas H. Cooper, 13 May 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1881), Series I, Vol. III, p. 574.
- <sup>46</sup> Ben McCulloch to Douglas H. Cooper, 13 May 1861, *The War of the Rebellion*, Series I, Vol. III, p. 576.
- <sup>47</sup> Ibid., pp. 575-576.
- <sup>48</sup> Ibid., p. 576.
- <sup>49</sup> Ibid., pp. 576-577.
- <sup>50</sup> Abel, *The American Indian*, p. 132.
- <sup>51</sup> Ibid.; Alvin M. Josephy, Jr., *The Civil War in the American West* (New York: Vintage Books, 1991), p. 323.
- <sup>52</sup> Leroy P. Walker to Douglas H. Cooper, 13 May 1861, *The War of the Rebellion*, Series I, Vol. III, p. 574.



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- <sup>53</sup> Ben McCulloch to John Ross, 12 June 1861, *The War of the Rebellion*, Series I, Vol. XIII, p. 497.
- <sup>54</sup> *Ibid.*
- <sup>55</sup> John Ross to David Hubbard, 17 June 1861, *The War of the Rebellion*, Series I, Vol. XIII, p. 498.
- <sup>56</sup> Albert Pike to R. W. Johnson, 11 May 1861, *The War of the Rebellion*, Series I, Vol. III, p. 572.
- <sup>57</sup> Josephy, *The Civil War in the American West*, p. 324.
- <sup>58</sup> *Ibid.*, p. 325.
- <sup>59</sup> Resolutions of the Senate and House of Representatives of the Chickasaw Legislature, 25 May 1861, *The War of the Rebellion*, Series I, Vol. III, p. 585.
- <sup>60</sup> *Ibid.*
- <sup>61</sup> Proclamation by the Principal Chief of the Choctaw Nation, 14 June 1861, *The War of the Rebellion*, Series I, Vol. III, p. 593.
- <sup>62</sup> Monaghan, *The Civil War on the Western Border*, p. 215.
- <sup>63</sup> *Ibid.*, p. 216.
- <sup>64</sup> Josephy, *The Civil War in the American West*, p. 328.
- <sup>65</sup> *Ibid.*, p. 329.

## **CHAPTER FOUR**

### **A NATION DIVIDED**

The Creek treaty Albert Pike sent to Richmond, Virginia, during the first part of December 1861 was more favorable than any treaty the Creeks had ever made with the United States. He took it upon himself to guarantee that the Confederacy would assume the annuities that the federal government formerly paid. According to historian Annie Abel, “Albert Pike had been given no specific authority to do this but he knew well that no treaties could possibly be made without it.”<sup>1</sup> The treaty specifically laid out the boundaries of the Creek Nation and gave the Creeks the power of self-government. Article III of the treaty guaranteed that the Creek lands would not be sold or ceded to any foreign nation or people. The land belonged to the Creeks for “so long as grass shall grow and water run” and any persons who were not members, and who entered their lands could be removed either by the Indians or through Confederate military force.<sup>2</sup> In exchange, the Creeks were to provide men for military service and they would receive the same pay as white Confederate soldiers. The Confederate treaty promised that the Indian soldiers would “not be moved beyond the limits of the Indian country west of Arkansas without their consent.”<sup>3</sup> Pike secretly made a deal with Principal Chief Motey Kennard that made him a cavalry colonel for life, and he was to receive a uniform, saber, rifle, and ammunition to help defend the Creek Nation.<sup>4</sup>

Under Creek law, the treaty signed on July 10, 1861, could only become valid through ratification by the Creek General Council. The Creek leaders decided that the General Council would meet on July 20 to ratify the treaty. During the ten days, Oktarharsars (Sands) Harjo and several other full-bloods returned from their mission of making “a treaty of peace and friendship with the Prairie Indians.”<sup>5</sup> Pike benefited from Sands and the other full-bloods absence. Sands, the Second Chief for the Upper Creeks, and several of the other full-bloods who had been meeting with the Prairie Indians, believed the Creeks should remain loyal to the Union. According to historian Angie Debo, Sands felt that Pike made the half-bloods believe they should secede and help the South.<sup>6</sup> Then the half-bloods made some of the full-bloods believe it. During the General Council, Sands and others refused to sign the treaty with the Confederacy. They said “that they already had a treaty with the United States, which was good enough for our safety, and that we should call upon our Great Father for protection, which had been granted us in our former treaties.”<sup>7</sup>

The problem with Sands’s argument was that many Indians saw nowhere to turn but the Confederacy. The federal soldiers had already abandoned their forts in the territory to protect the Indians from outside forces. Previous payment of annuities were held back, and with war raging, the probability of repayment declined. Of even more concern was the news that President Lincoln’s Secretary of State, William Seward, had made a speech suggesting, “that Indian Territory ‘must be vacated’ by the Indians to provide room for the whites who wanted the lands.”<sup>8</sup> The lack of federal assistance and the increased pressure from the South made joining the Confederacy the only logical thing to do for many of the Creeks. United States Indian Agent Edwin H. Carruth even

recognized that “the wonder is not that the Indians should have seceded, but that any remained true.”<sup>9</sup> On July 20, the General Council ratified the treaty and illegally affixed the forged signatures of Sands, Tallise Fixico, and Mikko Hutke to the document.<sup>10</sup>

The Loyal Creeks left the council grounds and returned to their homes leaving the affairs of the tribe in the hands of the southern supporters. After the ratification, Daniel McIntosh mustered a Creek regiment and had a Confederate flag raised over the Creek agency grounds.<sup>11</sup> On August 5, the Loyal Creeks called for a convention to discuss the legitimacy of the General Council’s actions in ratifying the Confederate treaty. The convention members declared that the chiefs had violated a fundamental law of the tribe by signing the treaty outside the National Council. They referred to the forged signatures placed on the ratifying document as evidence that it did not reflect the will of the Nation. The convention members found the chiefs’ actions warranted forfeiture of their administrative rank, and they promptly voted Sands the acting principal chief of the tribe. Upon hearing about Sands’s promotion to principal chief, the Confederate Indians put a five thousand-dollar bounty on his head.<sup>12</sup>

On August 15, Sands and Opothleyahola wrote a letter to President Lincoln calling for protection that was promised by the Treaty of 1856. In their letter they said:

Now I write to the President our Great Father who removed us to our present homes, & made a treaty, and you said that in our new homes we should be defended from all interference from any people and that no white people in the whole world should ever molest us unless they come from the sky but the land should be ours as long as grass grew or waters run, and should we be injured by anybody you would come with your soldiers & punish them, but now the wolf has come, men who are strangers tread our soil, our children are frightened & the mothers cannot sleep for fear. This is our situation now. When we made our Treaty at Washington you assured us that our children should laugh around our houses without fear, and we believed you. Then our Great Father was strong. And now we raise our hands to him we want his help to keep off the intruder & make our homes again happy as they used to be. . . .

I was at Washington when you treated with us, and now White People are trying [to] take our people away to fight against us and you. I am alive. I well remember the treaty. My ears are open & my memory is good.<sup>13</sup>

The Creeks who wanted to stay loyal to the Union and remain neutral in the war began to move onto Opothleyahola's two thousand-acre plantation. Indians from other tribes who did not want to follow their own tribes in joining the Confederacy came to Opothleyahola's plantation for refuge. Slaves fleeing from owners who supported the Confederacy came to Opothleyahola's plantation because of rumors they would receive their freedom once the war was over.<sup>14</sup> Opothleyahola and the other leaders knew that they needed protection from those who had joined the Confederacy. The council leaders sent Micco Hutke (White Chief), Bob Deer, and Jo Ellis to deliver the letter Opothleyahola and Sands had written and an oral message asking for federal assistance. These delegates headed to Kansas under nightfall in hope that it would protect them from capture by southern supporters.<sup>15</sup>

The delegate party headed for Barnseville, Kansas, to meet with Kansas Senator James Lane, who, word had it, was commanding the Kansas Brigade, in hopes of receiving assistance from this force. Lane was off raiding in Missouri, but they talked with agent Edwin H. Carruth. Carruth led them to LeRoy, Kansas, in hopes of meeting with William Coffin, the Southern Superintendent of Indian Affairs, who was responsible for the Indians in Kansas and Indian Territory.<sup>16</sup> Coffin, however, was away visiting Indian reservations when Carruth and the delegates went to speak with him. Carruth informed Coffin's son, Oliver, that the Confederacy had taken over Indian Territory and inquired about the possibility of getting help to these Indians who remained loyal. Oliver Coffin expressed to the delegates that he was under the impression that troops from Fort

Scott or Leavenworth, Kansas, would soon get orders to march south. He also informed them that supplies were being stockpiled for those who came to Kansas.<sup>17</sup> After the meeting, Carruth promised the delegates that the Indians would not be forgotten and sent them home to gather “their best men to meet again in Kansas for a parley.”<sup>18</sup>

Carruth then wrote letters to the Cherokees’ Chief Ross, Opothleyahola and Sands, the Wichita chief Tusaquach, the Seminole leaders, and the Loyal Choctaws and Chickasaws. He informed Chief Ross that delegates from the Creek tribe were presently at General Lane’s headquarters in Barnesville, Kansas, seeking Union support. Carruth’s purpose was to convince each of the recipients to send delegates to Kansas to meet with commissioners of the federal government. He informed all the recipients, “the Indians who are true to the Government will always and everywhere be treated as friends by her armies. Your rights will be held sacred; you will be protected in person and property.”<sup>19</sup> Carruth wrote to Opothleyahola and Sands that he received their letter and he was authorized to assure them “that the President will not forget you.”<sup>20</sup> He informed them that Confederate rumors of Lincoln’s death were false, and federal soldiers would soon come into Indian Territory to drive out the “men who have violated your homes.”<sup>21</sup> He assured them that those who remained loyal to the Union would be protected and considered friends of the government.

In September, while the delegates were in Kansas, Opothleyahola and the other Loyal Creek leaders received a letter from Chief John Ross. He explained that the Cherokees were ready to form an alliance with the Confederacy. Ross advised that all the civilized tribes should unite and support their common rights and interests, meaning that

they should join the Confederacy and bring peace among the Indian Nation.<sup>22</sup> The unity and peace Chief Ross hoped for in the Indian Nation would not occur.

The division among the Creeks was becoming bitter. For years, Chilly McIntosh remembered barely escaping with his life from the full-blood mob that assassinated his father, William McIntosh back in their eastern homelands. Chilly and his half-brother, Daniel, convinced the Creek chiefs to talk with Pike about joining the Confederacy. Their motive was more than government protection and annuities paid; they wanted revenge for their father's death. Daniel McIntosh was raised "in the traditional fear and hatred of those distant days."<sup>23</sup> Daniel's appearance was more like a white man than an Indian. He kept his face groomed with a mustache and goatee and he kept his hair long and curled at the ends in cavalier fashion. Daniel became a Baptist minister and tried to lead the Creeks away from their traditional beliefs and educate them in southern planter mores.<sup>24</sup>

All of Daniel's life, he believed that Opothleyahola manipulated members of the tribe with his words and kept those who followed him to traditional ways. He even felt that Opothleyahola should have been put to death for advising to sell tribal lands and for signing a treaty that ceded millions of acres of tribal lands to the federal government.<sup>25</sup> Daniel believed that Opothleyahola organized the Upper Creeks in order to challenge the McIntoshes' authority for his own means. In his mind Opothleyahola had done this back in their eastern homelands and was now doing it again by opposing the Creeks joining the Confederacy. Daniel believed any Creek civil war that was to come was the fault of Opothleyahola for dredging up old hatreds and exciting those around him. Daniel could not get past his belief that Opothleyahola was responsible for publicly condemning his

father and shaming the Council into ordering his father's execution.<sup>26</sup> The time had come when Daniel could avenge his father's death. After signing the treaty with Pike, Daniel proclaimed "the hatchet dug up" and raised a Confederate flag above the Creek agency.<sup>27</sup>

On September 11, 1861, Daniel McIntosh sent a letter to Col. John Drew of the Cherokee Home Guard explaining how Opothleyahola had gathered many of the plains tribes and declared the Confederacy an enemy. McIntosh had already received a letter from the Choctaw command agreeing to assist and now wanted Col. Drew's help in putting down the Loyal Indians.<sup>28</sup> Native and African Americans from all over the territory came to Opothleyahola's plantation looking for a leader. In an interview by Billie Byrd, Walter Foster told how Confederate soldiers who had enlisted to serve in the Indian regiments tried to block some Indians from joining Opothleyahola's camp. They raided homes of affluent Indians, plundering and stealing the possessions of the homeowners. Some were able to escape the raiders with their lives, while others were less fortunate.<sup>29</sup>

By late September, Opothleyahola would not speak to anyone representing the rival faction. He refused to speak with Colonel Cooper and others who tried to bring him and his followers into the Confederacy. Around Opothleyahola's plantation, more than thirty-five hundred Indian men, women, and children were crowded into camps. The Indians who came to Opothleyahola's plantation brought their livestock, most of their possessions, wagons, and oxcarts.<sup>30</sup> Of the Indians, the majority consisted of the young and elderly, but there were around fifteen hundred warriors armed and prepared for battle. With all the people and livestock roaming around the plantation, the pasture was



rapidly being eaten up. Something had to be done, as remaining on the plantation and waiting out the war was no longer an option.

The hostilities among the Creeks affected old and young and left impressions for a lifetime. James Scott was around nine or ten when hostilities broke out among the Creeks. In an interview with Billie Byrd, he told how the McIntosh Creeks were ruthlessly raiding and destroying the homes of those who remained loyal to Opothleyahola and the Union.<sup>31</sup> James Scott told how he did not understand the magnitude of the events that were going on around him, but he knew Opothleyahola “was sad at all the war talk.”<sup>32</sup> Opothleyahola did not want to leave his home and Indian Territory, but he realized for the welfare of those who came to follow him it must be done. Livestock was gathered, killed, and the meat dried for the journey north to Kansas. The Loyal Indians gathered their belongings and prepared for the journey.<sup>33</sup>

On October 1 and 3, 1861, Chief Motey Kennard wrote two letters to Chief Ross explaining that the Creek Nation was divided on the issue of joining the Confederacy and the one faction that remained loyal to the Union was planning to attack the Creek regiment organized for the Confederacy.<sup>34</sup> Chief Ross responded to these letters telling Chief Kennard that he would send a delegation to talk with Opothleyahola and invite him to attend a Cherokee council that was scheduled to meet in just a few days. If Opothleyahola declined, Chief Ross then would instruct the delegates to tell him the Cherokees identified themselves with the Confederate states. Chief Ross also told Chief Kennard to avoid any confrontation with Opothleyahola and his followers.<sup>35</sup>

The Cherokee delegates met with Opothleyahola and could not persuade him to change his position of remaining loyal to the Union. Chief Motey Kennard and Chief

Echo Harjo wrote to Chief Ross informing him that his delegates were unsuccessful in their visit and that the two Creek chiefs saw “no hope for a friendly adjustment of the difficulty.”<sup>36</sup> The Creek chiefs were concerned that Opothleyahola and his followers might get aid from the Union and with the aid of the Loyal Indians, the Confederate Creeks could be overtaken. They also reported that many African Americans were fleeing to Opothleyahola’s camp away from many of the Creeks’ best citizens. The Creek chiefs felt that “these and other considerations make it necessary for them [the Loyal Creeks] to be put down at any cost.”<sup>37</sup>

On October 3, Daniel McIntosh wrote to General Pike, who was in the Cherokee Nation talking with Chief John Ross about the Cherokees joining the Confederacy. Daniel expressed to General Pike that the Loyal Creeks had mounted six thousand men to aid them in an attack on the Creek Confederate forces. McIntosh felt that “forces in the Cherokee Nation” should be sent to “put an end to the whole matter.”<sup>38</sup> On October 7, 1861, Pike sent a letter to Opothleyahola offering him and those in his camp a pardon. In order to receive the pardon, they would have to submit to the Confederacy and lay down their weapons. Their warriors could form a battalion and elect their own lieutenant colonel to serve the Confederate States and would not be required to leave the Indian country without their consent.<sup>39</sup> Opothleyahola refused Pike’s pardon offer and its stipulations.

Principal Chiefs Motey Kennard and Echo Harjo sent a letter to Colonel John Drew, a follower of Chief Ross and leader of a Cherokee regiment, explaining that they were threatened daily with attacks by Opothleyahola’s followers. The Creek chiefs explained that they had tried to take a defensive approach, but members of their ranks

were dwindling. They requested “aid as soon as circumstances [would] permit.”<sup>40</sup>

Colonel Drew also received a letter from Chief Ross about the problems in the Creek Nation. Chief Ross expressed that the north and northwest portions of the Cherokee Nation needed guarding. Chief Ross felt that this would stop any northern invasion from Kansas “and the existing Creek feuds would be more readily checked and silenced without a conflict or arms between them.”<sup>41</sup> He also inferred that actions by Creek authorities pushed their conflict away from a peaceful settlement and to a point of civil war.

The date was fast approaching when Carruth wanted delegates from several of the Indian tribes to come and speak with federal commissioners in Kansas. The delegates for this second meeting were Sands, White King, Bob Deer, and David Fields from the Creek and Shawnee nations, while several others not named came from the Seminole and Chickasaw nations. Upon their arrival in LeRoy, Kansas, they found that Carruth and Coffin were gone. However, for the first time in many months they found a Creek agent, Major George Cutler. Cutler had never been in Indian country and had little experience working with Indians.<sup>42</sup> Sands explained the situation in the Indian Territory and wanted Cutler to understand that he represented a group that wanted to remain loyal to the treaty with the federal government. He wanted the Union to send troops into Indian Territory and he believed that by leading them, all the Creeks would then support the Union. Sands told Cutler that he left his people surrounded by secessionists, but some thirty-five hundred warriors were ready to fight for the Union.<sup>43</sup> Cutler escorted the delegates to Fort Scott where they could talk with General James Lane, only to find that he was away meeting with President Lincoln.

At this point, the Indians had every right to question the sincerity of the federal government. The delegates did not know how to interpret the actions of the government agents. Had not government officials called for this meeting? They had just met George Cutler, their Indian agent whom they had not seen for a long while. In the first meeting, Carruth informed the delegates that the Indian Territory was too dangerous for civilians and should be left to the military.<sup>44</sup> These were not signs of a strong government or one deeply concerned with what was happening to the Loyal Indian followers of the Union.

A voice of reason came from an unidentified soldier, who proposed the idea that the Indian delegates “go to Washington to plead their case to the highest authorities.”<sup>45</sup> From Fort Scott, they headed towards the railhead at Fort Leavenworth to take them to Washington. On their way to Fort Leavenworth, the Indians saw a community of runaway slaves from Missouri living in tents and cabins. In front of their living areas the refugee slaves had campfires with large boiling pots of soup. The government supplied the food along with the tents and cabins. The sight of the government helping the refugees stirred the Indians hopes for support if the rest of the Loyal Indians would come to Kansas.<sup>46</sup>

General David Hunter was the Union commander for the state of Kansas, Indian Territory, and the territories of Nebraska, Colorado, and Dakota. Hunter, whose headquarters were at Fort Leavenworth, received this position after a reorganization of the Western Department. The Indian delegates met with Hunter, and he approved of their mission to Washington. Hunter explained to the delegates the true nature of what was occurring in the region and what help they could expect from the government.<sup>47</sup> He informed the delegates that he did not have the forces to move into Indian Territory

because of the threat of a Confederate attack from Missouri. He also told them that Lane's brigade was nothing more than a drunken mob created by a worthless politician.<sup>48</sup> The only hope for the Indians to receive military support would be if reinforcements arrived in Kansas or the Confederates were forced out of Missouri. The Indians received even more disturbing news in that Fort Leavenworth would not be able to feed the fleeing Indians. On this issue, they would have to talk with William Coffin, the regional superintendent of the Office of Indian Affairs, whom they had tried unsuccessfully to meet several times.<sup>49</sup>

Upon their arrival in Washington, the Indian delegates and Agent Cutler toured the Federal Arsenal so they could see the power of the federal armies. They then saw the military camp on Arlington Heights and the number of uniformed men in the camp impressed them. They saw many more men in uniform at this place than there were warriors back Indian Territory. The delegates went to the War Department, where they received reassurance from many of the bureaucrats and officers that help would come and no expense spared in their defense.<sup>50</sup> The Indians never met with Senator James Lane, but were told that the "Great Father," Abraham Lincoln, wanted to speak with them. According to historians Christine Schultz White and Benton R. White the Indians met with someone they believed to be Lincoln; Lincoln never knew they were in town.<sup>51</sup>

The effort to get military support from Washington was in vain. Meanwhile, the preparations for the journey by Opothleyahola and his followers to Kansas were finished. Opothleyahola wanted to move his followers north to find more grass and be closer to the needed military support from Kansas.<sup>52</sup> He told his followers of the danger that lay ahead of them, but he showed them the letter from Carruth telling the Indians to unite and that

Union troops would be there to help. On October 27, Daniel McIntosh wrote to Colonel Douglas Cooper telling him that Opothleyahola and his followers had left Opothleyahola's plantation. McIntosh said they broke into three different groups. One group left under the pretext of hunting, while another group pretended to return to their homes. The third group "took a large lot of Negroes and went from their present encampment north over the waters of Deep Fork."<sup>53</sup>

Colonel Cooper saw Opothleyahola as a threat to the Confederacy's hold on Indian Territory. He did not believe that Opothleyahola was a pacifist, and he felt that the Creek chief was planning an attack on his camp with the aid of the Lane's Jayhawkers.<sup>54</sup> Cooper reported to Secretary of War Judah P. Benjamin:

Having exhausted every means in my power to procure an interview with [Opothleyahola], for the purpose of effecting a peaceful settlement of the difficulties existing between his party and the constituted authorities of the Creek Nation, finding that my written overtures, made through several of the leading captains, were treated with silence, if not contempt, by him, and having received positive evidence that he had been for a considerable length of time in correspondence, if not alliance, with the Federal authorities in Kansas, I resolved to advance upon him with the forces under my command, and either compel submission to the authorities of the nation or drive his party from the country.<sup>55</sup>

Cooper had amassed a fighting force of around fourteen hundred Indian soldiers to drive Opothleyahola out of the territory or make him submit to the Confederacy. Colonel Cooper combined "six companies of his Choctaw and Chickasaw regiment, Colonel Daniel McIntosh's Creek regiment, a mixed battalion of pro-Confederate Creeks and Seminoles led by Lieutenant Colonel Chilly McIntosh and Major John Jumper and five hundred whites of the 9<sup>th</sup> Texas Cavalry" to chase down Opothleyahola.<sup>56</sup>

The Loyal Creeks moved from Opothleyahola's plantation north to around where the North Fork and Deep Fork Rivers join (near present-day Eufaula). The families and

wagons moved slowly towards the river junction to meet with others who would join them in their flight to Kansas. Their movement was slow due to broken wagons, childbirth, and tiredness. A constant fear of attack pervaded the Loyal Indians, but they arrived at the junction unharmed.<sup>57</sup> During their journey, according to James Scott;

We were joined by other groups and we in turn joined other larger groups. These were the Indians that Opuithli Yahola had mobilized near the junction of the North Fork and the Deep Fork of the Canadian River, near the present town of Eufaula and consisted almost exclusively of the Muskogee faction of which he was the recognized grand old man who had led them only a few years before over the Trail of Tears from their homes on the Coosa and Tallapoosa in Alabama.<sup>58</sup>

As each day passed, more groups of Indians came into the camp. Camping in the wild made them embrace the ways of old, singing ancient chants and listening to the sounds of the drum and rattle. Many of the men went back to wearing more traditional garments, like breechcloths and leggings. This behavior signified why many would not join the McIntoshes and the southern Confederacy. They wished to reject the white man's world that Daniel McIntosh preached for; they wanted to stay faithful to the old Indian traditions.<sup>59</sup>

The spirit of the people was rising; the belief that Opothleyahola would lead them to safety was strong. Hopes grew even higher when the Seminoles joined their encampment, for the tribe had the reputation of being strong warriors who would not run from a battle. Opothleyahola was glad to see the Seminoles, but knew that no one could remain at this encampment for long. Scouts had already reported of an enemy party's advancement, so the flight to Kansas continued.

Opothleyahola knew that with the large number of people and livestock in the party, the convoy must break up. Their large number would be too obvious to the enemy

and the cattle would not have enough grass to eat if they all remained together. The plan was to send a small party of warriors ahead of the other groups, so that they could secure passage for those who followed. A second group consisted of the women, children, and elderly, who traveled with the wagons. The livestock would follow behind the second group in smaller herds that traveled parallel to one another, so that they would have enough grass to eat. The rest of the warriors, who would create a buffer between the enemy and their families, brought up the rear. This was a dangerous plan because if attacked, the smaller groups would be helpless against their attackers.<sup>60</sup>

Historians Christine Schultz White and Benton R. White capture the essence of the moment when they wrote:

A few wagons and families were still arriving at Big Pond when the first parties began to leave for the Arkansas River. It would be several days before everyone was away. The clouds were low and heavy the morning the first wagons broke camp. A mist sifted down—the kind of dreary mist that often comes with autumn—slowly soaking everyone to the skin. As the wagons moved out, wheels soon caked with a heavy red clay that had to be knocked off by men and boys following on foot.

The column of wagons stretched across the prairie like a snake, fading into the mist and fog. Next went the cattle and horses, then the sheep. The mist kept away the dust cloud, but nothing could stop the bawling and bleating of the herds. Then another column moved out, heading north but veering away slightly from the first wagon party. Still later went another party of wagons.<sup>61</sup>

Opothleyahola mounted his horse and left with the last group of wagons. The long days of riding and sleeping on the cold ground quickly took its toll on many of the travelers, especially Opothleyahola. It wore on him so much that he retired to traveling in a wagon. Others dropped out of the party because they could no longer keep up. Some of the elderly and sick died on the open prairie, forcing a small group to pull off from the party and bury the deceased. After paying their respects, they continued on with the journey.<sup>62</sup>



As the parties moved towards the north, more Indians joined them, including the Yuchis whose homes were located near those who followed the McIntoshes. Now they came to Opothleyahola because they put their trust in the way of their ancient Indian brothers, just like him.<sup>63</sup> Other Indian tribes came as well. The Delawares and the Shawnees came from the west. From even farther came the Quapaws, the Kickapoo, and the Piankashaws to join with Opothleyahola. Each day brought more followers from almost every Nation in the Territory.<sup>64</sup>

On November 15, Colonel Cooper led his forces towards the encampment of Opothleyahola and his followers along the Deep Fork River. Coming upon the camp, Cooper discovered that Opothleyahola's party had already abandoned the site. However, they discovered a large trail that led from the camp in the direction of the Red Fork of the Arkansas River. It appeared to be a week or more old.<sup>65</sup> They followed the trail for several days and discovered another abandoned campsite, and littered among the matted grass and dead fires, were wagon tracks leading out of the camp towards the north. They followed the wagon tracks and each day scouts examined the freshness of the horse droppings among the ruts.<sup>66</sup> The Confederate column also came upon those who fell behind the party and took them prisoner. Cooper learned from the stragglers, that "a portion of [Opothleyahola's] party were near the Red Fork of the Arkansas River, on their route towards Walnut Creek [near present-day Arkansas City, Kansas], where a fort was being erected, and which had for some time been their intended destination in the event of not receiving promised aid from Kansas before being menaced or attacked."<sup>67</sup>

The weather turned against the Loyal Creeks and delayed their travel. They stopped to rest for the night knowing that the Arkansas River was close. During the

night, a frigid wind blew upon them bringing a storm that dropped torrential rains on the Indians and the plains. The rain fell so quickly that the ground could not absorb it and the ditches and draws flooded with water, delaying any travelling the next day.<sup>68</sup> The Creeks waited to continue their journey. That night the winds calmed, but the air grew colder causing the ground to be covered in frost the following morning. The frosty ground and ice covered puddles did not stop the Indians from continuing towards the Arkansas River.<sup>69</sup>

The Confederate force was closing in on Opothleyahola and his party. Around November 18, a black slave of the McIntoshes' brought a command for the Loyal Creeks to halt their wagon train.<sup>70</sup> The messenger rode up and down the column of travelers telling them to turn around or face death at the hands of the Confederate army. Many of the people ignored the messenger and continued moving north, while one Indian responded "we are not going to stop, we are on our way."<sup>71</sup>

Opothleyahola now knew that the Confederate forces and the McIntoshes were on his trail. The party would not be able to stop for the night, they must continue towards the Arkansas River. He knew that if the women and children could get to the river, the warriors who were making for safe passage across the river could protect them. Opothleyahola created a plan that he hoped would give the women and children time to get to the river. He and the warriors did not follow behind the last of the wagons; they veered off in a different direction. As the warriors moved they left behind broken wagons and buggies in hopes this would be the trail the enemy would follow.<sup>72</sup>

The Confederates did follow Opothleyahola's trail and moved closer to the warriors' position. The warriors had picked out the place they wanted to fight the

Confederates. The landscape rolled slightly with a singular round hill that was taller than the rest. The hills were marked with ravines and draws, where cedars and scrub oaks clustered together. On the flat clay grew wild grasses and brush.<sup>73</sup> This would be the spot into which the warriors hoped to lure the enemy, for the tree line provided cover and the ravine, shaped like a bow, allowed the warriors to surround the open prairie in front of them. The men prepared for battle by painting their faces and putting feathers and cornhusks in their hair. Opothleyahola ordered large fires built, in hopes the smoke would draw the enemy.<sup>74</sup> They were ready; the only thing to do was to wait for the Confederates arrival.

By now, the slave messenger had returned to the Confederate column and informed them that Opothleyahola and his followers were not stopping. The news brought excitement to the Texas Cavalry, who cheered for the upcoming fight. On November 19, smoke was seen from a distant campsite indicating to the Confederates that Opothleyahola was nearby. Colonel Cooper sent a detachment of the Texas Cavalry to ride upon this camp, but to their surprise, it was deserted.<sup>75</sup> The Confederates had taken the bait and followed the warriors instead of the women and children. The Texans, determined to be the first to find Opothleyahola, did not wait for the rest of the force to join them before they charged off following tracks that led down a slope and into some leafless trees.<sup>76</sup> The soldiers saw the flickering of the fires the warriors had built through the tree line and charged towards them.

The sun had finished falling behind the hills when the Texans began their charge on the Indian warriors. The Texans broke into the open area in front of the tree line hiding the warriors. All at once, the tree line exploded with gunshots and arrows

whistled towards the oncoming Texans. Men and horses cried out with pain as the warriors' bullets and arrows hit their marks. The scene was chaotic, as one of Opothleyahola's men had set fire to the prairie. The backdrop lit by the flames allowed the Indians to see the horses and men in a desperate situation trying to find their bearings. An officer attempted to gather the soldiers and make another charge, when from out of the darkness of the trees a bullet struck him in the head, killing him.<sup>77</sup>

The momentum was on the side of the Loyal Indians. They charged out from behind the tree line after the Texas soldiers. Their position allowed them to flank the Texans, and they quickly tried to enclose them among their numbers. The only choice left for the enemy was to run or die. The flames helped to light up the sky and the fleeing men were easy targets. The Texans retreated to the safety of the oncoming Confederate forces. Cooper quickly got his men into battle lines, but the soldiers could not fire because of the fleeing Texans were still coming in. Cooper sent men to scout the front and determine where the enemy's front line began. The prairie was ablaze with men and horses fearfully retreating, and the swirling fire made this job difficult. Captain R. A. Young of the Chickasaw and Choctaw Mounted Rifles wrote in a report:

The prairie was on fire on my right, and as we advanced to the attack I could see very distinctly the enemy passing the fire, and I supposed a large body of men (200 or 300), but they were about 300 yards from me and the prairie was burning very rapidly, and I may have taken the motion of the grass for men."<sup>78</sup>

Chaos was the order of battle as the Confederate soldiers fired at the slightest sound or movement. A group of Opothleyahola's warriors slipped around the line of the Confederates towards the supply wagons encamped a couple miles behind the fighting.<sup>79</sup> These warriors were able to sneak up on the unsuspecting men and set the prairie around them on fire. The mules broke free from their ropes and ran looking for relief from the

flames. The men could not stop them for they were ducking bullets and arrows that flew overhead. As quickly as it began, it was over. The bullets and arrows stopped and the warriors vanished into the night.<sup>80</sup>

The sunrise brought a new day for both sides. Daylight revealed a war-torn battlefield filled with dead and wounded men and animals, along with the prairie scorched from the fires. Through the tree line, the Confederates could see wagons and the blaze of campfires. The Confederates broke their lines and headed towards the camp. Arriving in the camp, Cooper found that Opothleyahola and his warriors had abandoned it during the night. The camp was littered with several wagons, Opothleyahola's buggy, and partial bags of sugar, flour, and salt. The cattle and horses that were left gave the illusion of a hasty retreat. Among the camp debris were bodies of dead white men who were stripped of their clothing and scalped. One dead man's skull was crushed by what looked like an Indian woman's hominy pestle. The Confederates gathered all the supplies and animals left by Opothleyahola and considered his retreat a Confederate victory. Daniel McIntosh knew better. He knew that this camp and its appearance of a hasty retreat was a trick used by Opothleyahola; they had most likely left soon after the fighting ended.<sup>81</sup> The Battle of Round Mountain (or Red Forks, as the Confederates called it), the first battle of the Civil War in Indian Territory, was over.

Cooper and his forces were not able to chase after Opothleyahola, because General McCulloch called for their assistance. The Union forces in Missouri had recovered from their loss at Wilson's Creek and were advancing south against Major General Sterling Price.<sup>82</sup> The Union army had forced General Price to abandon Springfield, Missouri, and he was retreating to the Arkansas border to join with General

McCulloch. Cooper's orders were to disengage from his chase of Opothleyahola and move his troops towards the Arkansas border to help against a Union advance. Cooper had just started toward Arkansas, when he received notice that he did not need to follow the previous orders. General Fremont halted the advance of the Union forces and retired back to winter quarters near Sedalia and Rolla, Missouri.<sup>83</sup>

Opothleyahola and his warriors returned to the wagon train and successfully crossed the Arkansas River. The Indians made several camps along the creeks that ran into the Arkansas River. They found no Union troops there to aid them. The Indians could not delay; for all they knew, the Confederate forces would be back to attack them. Opothleyahola had to come up with a new plan. The Kansas border and safety lay only a few days ride across the open plains from their camps, but this land was controlled by the Komantsi Indians and the Creeks feared that they would be waiting and would strike without warning.<sup>84</sup> Opothleyahola was also afraid that if Cooper's forces caught up with them in the open, they would be destroyed. Some of the people grew discontented with Opothleyahola and doubted his leadership. Indians began to leave for Kansas on their own, while others left to return to their homes. Opothleyahola tried to reassure the people that the government would help by pulling out the letter from Carruth guaranteeing help would come for the Loyal Indians. Some left, but more groups kept coming from the south to join Opothleyahola.<sup>85</sup>

Opothleyahola had devised a plan for his followers to escape to Kansas from their current position. He received word from a scout that two separate Confederate camps were close to breaking camp to pursue the Loyal Indians. A Cherokee regiment led by Colonel John Drew was located to the east near Tahlequah and Colonel Cooper and his

forces were southeast at Concharta (near present-day Haskell). The position of these forces could trap the Loyal Indians if they made a concerted attack.<sup>86</sup> Opothleyahola devised a plan to march into the Cherokee Nation towards the enemy. This would be an unexpected maneuver and with luck the women and children could continue moving north through the hills while the warriors were attacking. The women and children could follow the Verdigris River north and the trees and hills that lined its banks would provide protection for them.

Colonel Cooper received information that Opothleyahola was again on the move, but he was not heading towards Kansas. The information said “that [Opothleyahola], with his forces, had taken refuge in the Cherokee country by invitation of a leading disaffected Cherokee” and Cooper continued his pursuit.<sup>87</sup> Cooper gathered his forces and moved them north towards Tulsy town (near present-day Tulsa). He also sent the Texas Cavalry to join Colonel John Drew’s forces located at Dick Coody’s settlement near the Verdigris River.<sup>88</sup>

At Tulsy town, Cooper received word by way of an escaped prisoner from Opothleyahola’s camp that the Loyal Indians “had been reinforced by various friends of Indians from the Plains and threatened an attack upon the Confederate forces at Tulsy town.”<sup>89</sup> From the informant, Cooper learned that Opothleyahola’s camp was near Shoal Creek near the house of Cherokee James McDaniel. Cooper then marched his forces up to the junction of Bird Creek and the Verdigris River (near present-day Catoosa) and sent orders for Colonel Drew to join him. For some unknown reason, Drew received the order but misunderstood it and headed closer to Opothleyahola’s camp instead of towards

Cooper. Drew was positioned about six miles northeast of Opothleyahola's camp and was there for about a day before Cooper and his forces joined them.<sup>90</sup>

On December 8, Cooper met with Drew and learned that a messenger from Opothleyahola's camp had come to express the desire of the Loyal Indians to make peace. A delegation, headed by Major Thomas Pegg, from Colonel Drew's command, was selected to meet with Opothleyahola and assure him that the Confederates did not want any more bloodshed and proposed a meeting for the next day. Major Pegg left to meet with Opothleyahola, but upon his arrival discovered the warriors painted for battle and he was not allowed to speak with Opothleyahola. Cooper wrote that "about 7 o'clock at night several members of Colonel Drew's regiment came to my camp with the information that Major Pegg had returned without being able to reach [Opothleyahola], who was surrounded by his warriors, several thousand in number, all painted for the fight, and that an attack would be made upon me that night."<sup>91</sup> This was the least of the bad news Cooper received from the delegation. Cooper also learned that many of the Cherokee soldiers from Drew's regiment had broken up and left.

Historians Christine Schultz White and Benton R. White claim that the Keetoowahs in Colonel Drew's regiment "had been planning a way to destroy Confederate power in the Cherokee Nation."<sup>92</sup> The Keetoowahs made contact with Opothleyahola to work together. While the delegates were off meeting with Opothleyahola to talk about a peaceful solution, the Keetoowahs were telling those in the Cherokee regiment that Opothleyahola and his warriors would attack tonight and the Cherokees would be overrun. They claimed that their the only hope was to join Opothleyahola, causing about five hundred men to flee from the regiment.<sup>93</sup>



Undaunted, the Confederates prepared for an attack that evening. Cooper put the camp on first alarm to protect and defend it on all sides for the remainder of the night. No attack came that evening and at first light a detachment gathered the supplies from the Cherokee regiment's campsite and brought them back to Cooper's camp. Cooper decided it would be best to move his men south across Bird Creek and towards the oncoming reinforcements from the Creeks, Seminoles, and Choctaws. Anxiety among the Confederate soldiers was high because no one seemed to know the location of Opothleyahola and his warriors. The Confederates made their way along Bird Creek, when two scouts rode rapidly towards Cooper to inform him that Opothleyahola and his warriors were entrenched up ahead along the river.<sup>94</sup> Just as Cooper received the news, shots rang out from the rear.

Cooper had marched his men into a trap. Opothleyahola and his warriors chose a section of Bird Creek that was shaped like a horseshoe and extended out some five hundred yards. The edge of the creek was lined with heavy timber, matted undergrowth, and thickets that provided perfect cover for the warriors. The Creeks had also placed fallen timbers along the stream for added protection. At certain points, steep embankments lined the edge of the water and in these embankments, the warriors made a ledge so that they could stand along it as if it were a parapet. The overgrowth along the edge hid them from sight and allowed them to shoot from behind protection. A log cabin and corncrib protected by a heavily wooded area and overgrown grass and weeds occupied the right edge of the bend.<sup>95</sup>

Daniel McIntosh expressed how Opothleyahola's warriors had three advantages over the Confederates. He believed it was a "premeditated affair" and that the Creek

leader knew the Confederate forces would have to come along this portion of the creek.<sup>96</sup> He also pointed out that the ground was “extremely difficult to pass,” because of the steep banks and the deep water, keeping them from crossing and pushing the warriors out of their stronghold.<sup>97</sup> Finally, the side the Confederates were attacking was open prairie that ran the edge of the creek and left them vulnerable to the enemy’s strong position among the timber.<sup>98</sup>

The attack from the rear and the scouts’ report that the Indians were in large force in front of the column forced Cooper to align his men into three columns. He ordered the Choctaws and Chickasaws to attack on the right, the Texans and Cherokees in the center, and the Creeks on the left.<sup>99</sup> By dividing his forces, Cooper weakened the strength of his army and the Confederates had to fight on Opothleyahola’s terms. The warriors had set up pockets in the prairie, knowing that they could fall back to their strong position along the creek bank. This plan allowed three different battles to occur.

Daniel McIntosh led his Confederate Creek forces across the open prairie towards the tree line, where Opothleyahola’s men lay waiting. As the Confederate Creeks came within firing range, both sides gave out a war cry and the battle began.<sup>100</sup> For the first time since the Creeks divided over where their loyalty would lie, they met in combat. In the previous battle at Round Mountain, they arrived after the fighting had ended. The Confederate Creeks kept trying to advance up on the tree line, but the warriors met them with fierce resistance. The fighting became close causing both parties to resort to hand-to-hand combat.<sup>101</sup> The momentum soon swung in favor of the McIntosh Creeks and they drove the warriors from their position and across the creek. Daniel was trying to

reorganize his men to chase the fleeing warriors, when he received notice that his forces were needed to aid fighting that was occurring on his right flank.<sup>102</sup>

The Texans and Confederate Cherokees were sent to the middle of the horseshoe bend to attack the enemy. A portion of the force charged towards the creek, but found no Indians and returned to the main column. They charged another ravine and found the enemy waiting for them under cover of the brush. Both sides exchanged fire and after some time, the Confederates took the ravine. The Confederates chased the enemy towards another ravine and upon coming to it, they received heavy fire by the Keetoowahs, who had abandoned their position in the Confederate Army a few nights before. The battle went back and forth as the Confederates continued to charge the ravine only to be pushed back by the well-positioned Indians. The Indians held their strong ground for the remainder of the day.<sup>103</sup>

The attack in the rear drove the Confederate Choctaws and Chickasaws towards a wooded ravine. They charged bravely towards the ravine, braving fire from warriors within, and dismounted from their horse to attack on foot. The Confederates drove the warriors from their position along the ravine and followed the retreating Indians towards the cabin about a half-mile away.<sup>104</sup> The warriors had positioned themselves in the log cabin and the trees that surrounded it. The Confederates mounted their horses and charged for the timber below the log cabin. Once they arrived at that position, they dismounted and took cover along the wooden fence. The fighting went back and forth from the cabin to the edge of the creek. Captain R. A. Young reported on the fighting:

. . . I had to pass down the creek, and discovered the regiment coming up to my right, and about the same time discovered the enemy to my right in a bend of the creek, formed around a house. I formed and charged. We routed them from this position and followed them into the swamp 200 yards. They flanked us, and I

fell back to the house in order to prevent them from surrounding us. We advanced on them a second time, and were compelled to fall back to the house in consequence of their flanking around.<sup>105</sup>

The warriors made a final attempt to defeat the Confederates by going after their horses. Several ran towards the rear of the Confederate to scatter the horses. Afraid that if they lost their mounts that they could be surrounded and overtaken, the Confederates raced to beat the warriors to the horses.<sup>106</sup> The warriors were winning the race when Daniel McIntosh and his Creek forces came to the aid of the Choctaws and Chickasaws. McIntosh's forces formed into line and attacked the warriors. Shortly thereafter, the warriors disappeared from the front and the battle ended as sunset approached. The pitched four-hour battle had caused the Confederate troops to withdraw and take up camp instead of chasing after Opothleyahola and his warriors.<sup>107</sup>

The Battle of Bird Creek (or Caving Banks) had ended. The Confederates reported it a victory with hundreds of the enemy killed, while only taken minor losses themselves. The reports to Cooper described how they were outnumbered overwhelmingly, yet still managed to make the Indians retreat from their positions. Opothleyahola's men gave some positions away but held their strongest position along the creek edge, and did not leave until the sun set. They started and ended the battle on their terms, not the Confederates. By the end of the day, the Confederates' ammunition was low and their casualties were higher than they reported. Opothleyahola and his warriors confronted the Confederate enemy and held them at bay while the women and children drew closer to the Kansas border.

That evening as Cooper's men set up camp and buried their dead, a light snow began to fall.<sup>108</sup> The day's battle had exhausted Cooper's ammunition supply and forced

him to move towards Fort Gibson to refill his supplies. Cooper's movement away from Opothleyahola gave the perception to some that Cooper was defeated at Bird Creek. Rumor spread that more Cherokees were going to join with Opothleyahola. Cooper went as far as to position his troops "to counteract any movement among the people in aid of [Opothleyahola]."<sup>109</sup> He also sent a message to Col. James McIntosh (no relation to the Creek McIntoshes) who was headquartered at Van Buren, Arkansas, informing him of the battle and how some of the Cherokees had deserted to join with Opothleyahola. Cooper wrote, "this disaffection, I fear, is wide-spread in the Cherokee Nation, and instead of withdrawing troops, it is absolutely necessary to have additional white forces."<sup>110</sup> Cooper was afraid that if he did not receive aid, the Confederates could lose the Indian Territory.

On December 14, Colonel McIntosh responded informing Cooper that he was sending additional forces, and upon their arrival Cooper should immediately march against Opothleyahola and defeat him.<sup>111</sup> Cooper remained at Fort Gibson to speak with Chief John Ross about addressing the Cherokees concerning the existing state of affairs among the Cherokee people. While Chief Ross and Col. Cooper arranged for this assembly, Colonel James McIntosh entered Fort Gibson with about two thousand troops who had fought at the Battle of Wilson's Creek, and expressed his intention to take the field against Opothleyahola.<sup>112</sup> Cooper informed McIntosh of the location of Opothleyahola's camp and educated him about the surrounding country. McIntosh's plan was for Cooper and his forces to "move up the Arkansas River and get in rear of [Opothleyahola's] camp at Ahchustanala on Shoal Creek," while McIntosh's forces would move up the Verdigris River.<sup>113</sup> With this plan, they were going to try to trap Opothleyahola between the two armies.

After the Battle at Bird Creek, Opothleyahola and the warriors returned to the caravan heading for Kansas. The weather once again turned against these people and kept them from moving for several days. Heavy rains drenched the ground and turned it into mud. The wagons, loaded with Indian possessions, could not move through the morass. After many days, the rain subsided and the sun dried the land enough for the wagons to begin moving again.<sup>114</sup> The road through the hills was narrow and only a few wagons could travel at a time. For several days wagon after wagon left the camp, but many still remained. Opothleyahola was anxious to get his followers through the hills when he received news from scouts that Stand Watie's Confederate Cherokees were preparing to move and that a white Confederate force had come into the territory from Arkansas.<sup>115</sup> This news frightened many of the people who remained in the camp. Some gathered what they could carry by hand or on the back of their horses and left their wagons, while others fled over the open plains towards Kansas.

This time Opothleyahola could not ambush the Confederate forces. Their numbers were too large and the men from Arkansas were trained soldiers. The women and children fleeing to Kansas had to be protected at all costs. The warriors would have to stand their ground, for there would be no strong position to move back to like before. The weather had affected more than the pace of travel, for the rain had ruined all but one of the barrels of gunpowder the Indians had. The warriors understood that many would have to give their lives to protect the women and children from being overrun by the Confederates. The warriors took their place among the ridges and gullies waiting for the inevitable Confederate attack.<sup>116</sup>

Colonel James McIntosh planned to arrive at a position twenty-five miles east of Opothleyahola's camp on December 24. He wanted Cooper to come up from behind Opothleyahola, and they would attack together on Christmas day. Cooper's forces were not moving as fast as McIntosh's and could not reach that destination until the twenty-sixth. Colonel Stand Watie received orders to meet with McIntosh by the 25th at Mrs. McNair's homestead along the Verdigris River.<sup>117</sup> McIntosh did not wait for Stand Watie's forces to join his before he went in pursuit of Opothleyahola.

The weather had turned bitterly cold, and snow blew across the hillside. On December 26, Colonel McIntosh led his men towards Shoal Creek and Opothleyahola's camp. The Confederates came to the creek and began looking for a place to cross the icy water. Shots rang out from the ridge in front of them, causing the soldiers to cross the creek rapidly and take shelter along its bank. The Indians held the high ground and were positioned behind boulders and scrub oaks. The Confederates began to fire up the hill as others began moving up the ridge. Men bravely fought their way to the top of the ridge and began to fight hand-to-hand with the Indians. The Indians repulsed the Confederate charge, but the Confederates' superior numbers and ammunition caused them to fall back. The Confederates forced Opothleyahola's warriors back into their camp where many women and children had not yet left. The scene around the camp was chaotic with warriors battling and women and children trying to flee from the fighting. James Scott, who with his mother were trying to flee the camp, recalled:

One time we saw a little baby sitting on its blanket in the woods. Everyone was running because an attack was expected and no one had the time to stop and pick up the child. As it saw the people running by, the little child began to wave its little hand. The child had no knowledge that he had been deserted.<sup>118</sup>

The fighting lasted about four hours and ceased when the Indians retreated through rocky gorges and wooded areas that made it difficult for the Confederates to follow.<sup>119</sup> The Indians took heavy casualties in the Battle of Chustenahlah not only in lives, but also in supplies that they would need for the remainder of the journey north. Colonel McIntosh reported that:

The loss sustained by the enemy was very severe. Their killed amounted to upwards of 250. . . . We captured 160 women and children, 20 negros, 30 wagons, 70 yoke of oxen, about 500 Indian horses, several hundred head of cattle, 100 sheep, and a great quantity of property of much value to the enemy. The stronghold of [Opothleyahola] was completely broken up, and his forces scattered in every direction, destitute of the simplest elements of subsistence.<sup>120</sup>

Stand Watie and his group of Cherokee Confederates arrived at the battlesite as the fighting was nearing an end. The Cherokees took up camp with McIntosh's men for the night in anticipation of pursuing Opothleyahola's scattered followers the next morning. At the first hint of light, McIntosh and Stand Watie and their combined forces went in pursuit of the Loyal Indians. After the Confederate forces traveled about twenty or twenty-five miles, a scout returned to Colonel Watie and informed him of an enemy force positioned in the hills.<sup>121</sup> The Confederate Cherokees divided into two forces and moved upon the Loyal Indians positioned in the hills and gorges. The Loyal Indians had only their knives to defend themselves, because all the ammunition was used the day before in the battle.<sup>122</sup> The fighting was quickly over as Col. Watie's force overtook the warriors and killed several of them and captured many of the women and children.<sup>123</sup> Both Confederate parties kept moving north following the Loyal Indians through bitterly cold winds from the north and wind-blown snow. With the weather turning into a winter storm, the Confederates camped for the evening and on the twenty-eight of December



began to head for Arkansas and their winter quarters. Colonel Watie was to gather the stock that the Loyal Indians left behind and return it to Fort Gibson.<sup>124</sup>

Cooper, along with Daniel McIntosh, knew that James McIntosh had already attacked Opothleyahola and they were trying to get to Shoal Creek as fast as they could. On December 28, they met James McIntosh and his forces as they were heading for winter quarters, but Cooper and his forces continued after the Loyal Indians. The snow on the ground revealed the tracks of the Loyal Indians and the path they were taking across the open plains. For several days, the Confederates rounded up stragglers and ordered them to return to their homes. They scoured the countryside unsuccessfully for a week trying to run down Opothleyahola. After this time, the weather became “exceedingly cold” and “sleet fell in considerable quantities during the day, and there being every appearance of a snow-storm,” the Confederates called off their chase.<sup>125</sup> The weather and lack of provisions caused the Confederates to break off their chase of Opothleyahola and for the first time, the Loyal Indians were no longer being chased. Now all they had to deal with in trying to get to Kansas, was a winter storm so severe that it caused one of Colonel Cooper’s men to freeze to death.<sup>126</sup>

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## NOTES

- <sup>1</sup> Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist*, with an introduction by Theda Perdue and Michael D. Green (Cleveland: The Arthur H. Company, 1915; reprint, Lincoln: University of Nebraska Press, 1992), pp. 163-64.
- <sup>2</sup> Creek Confederate Treaty, 21 May 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1900), Series IV, Vol. I, p. 428. The Creek Treaty has forty-eight articles and can be found on pages 426-439.
- <sup>3</sup> *Ibid.*, p. 434.
- <sup>4</sup> Angie Debo, *The Road to Disappearance* (Norman: University of Oklahoma Press, 1989), p. 145.
- <sup>5</sup> *Report of the Commissioner of Indian Affairs* (Washington, D. C.: Government Printing Office, 1865), p. 328. Oktarharsars Harjo was called Sands by the white men who knew him. The Prairie Indians Sands and the other leaders were most likely meeting with were the Kiowas, Arapahoes, Cheyennes, and Lipans who lived in the western part of Indian Territory.
- <sup>6</sup> Debo, *The Road to Disappearance*, p.145.
- <sup>7</sup> *Report of the Commissioner of Indian Affairs* 1865, p. 328.
- <sup>8</sup> H. Glenn Jordan and Thomas M. Holm, eds., *Indian Leaders: Oklahoma's First Statesmen* (Oklahoma City: Oklahoma Historical Society, 1979), p. 52; Abel, *The American Indian*, pp. 58 and 75. William Seward is reported saying these words in a speech he gave in Chicago during the presidential campaign of 1860.
- <sup>9</sup> "Letter No. 7 ¾ e.," *Report of the Commissioner*, p. 47.
- <sup>10</sup> Abel, *The American Indian*, p. 194; Debo, *The Road to Disappearance*, p. 146.
- <sup>11</sup> Jordan and Holm, *Indian Leaders*, p. 53.
- <sup>12</sup> Debo, *The Road to Disappearance*, p. 147; Abel, *The American Indian*, p. 244.
- <sup>13</sup> Abel, *The American Indian*, pp. 245-46; Debo, *The Road to Disappearance*, pp. 147-48.
- <sup>14</sup> Christine Schultz White and Benton R. White, *Now the Wolf has Come: The Creek Nation in the Civil War* (College Station: Texas A&M Press, 1996), p. 35; Motey Kanard and Echo Harjo to Chief John Ross, 18 October 1861, John Ross Collection, hereinafter cited as J.R.C., Gilcrease Museum Archives, hereinafter cited as G.M., Tulsa, Oklahoma.
- <sup>15</sup> White and White, *Now the Wolf has Come*, p. 70; Abel, *The American Indian*, p. 244; Debo, 148.
- <sup>16</sup> White and White, *Now the Wolf has Come*, p. 71.
- <sup>17</sup> *Ibid.*, p. 72.
- <sup>18</sup> *Ibid.*, p. 73.
- <sup>19</sup> Edwin Carruth to Chickasaws and Choctaws, 11 September 1861, *The War of the Rebellion: Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1883), Series I, Vol. VIII, p. 26.
- <sup>20</sup> Edwin Carruth to Opothleyahola, 10 September 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 25.
- <sup>21</sup> *Ibid.*

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<sup>22</sup> Chief John Ross to Opothleyoholo and other chiefs of the Creek Nation, 19 September 1861, J.R.C., G.M.

<sup>23</sup> Jay Monaghan, *Civil War on the Western Border, 1854-1865* (Boston: Little, Brown, 1955; reprint, Lincoln: University of Nebraska Press, 1984), p. 219.

<sup>24</sup> Ibid.

<sup>25</sup> White and White, *Now the Wolf has Come*, p. 101. Opothleyahola was involved in dealing with the United States after the illegal Treaty of Indian Springs in 1825.

<sup>26</sup> Ibid., p. 102.

<sup>27</sup> Monaghan, *Civil War on the Western Border*, p. 220.

<sup>28</sup> D. N. McIntosh to Col. Drew, 11 September 1861, Grant Foreman Collection, hereinafter cited as G.F.C., Volume 97, Box 43, G.M.

<sup>29</sup> Walter Foster to Billie Byrd, Indian Pioneer Papers, hereinafter cited as I.P.P., Vol. 63, pp. 43-44, Oklahoma Historical Society, hereinafter cited as O.H.S.

<sup>30</sup> Alvin M. Josephy, Jr., *The Civil War in the American West* (New York: Vintage Books, 1991), p. 330.

<sup>31</sup> James Scott to Billie Byrd, I.P.P., Vol. 9, p. 172, O.H.S.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Motey Kanard to Chief John Ross, 1 and 3 October 1861, J.R.C., G.M.

<sup>35</sup> Chief Ross to Motey Kanard, 4 October 1861, J.R.C., G.M.

<sup>36</sup> Motey Kanard and Echo Harjo to Chief John Ross, 18, October 1861, J.R.C., G.M.

<sup>37</sup> Ibid.

<sup>38</sup> Daniel N. McIntosh to General Pike, 3 October 1861, G.F.C., Vol. 97, Box 43, G.M.

<sup>39</sup> Albert Pike to Opothleyahola, Creek Nation Civil War Records, Oklahoma Historical Society.

<sup>40</sup> Motey Kanard and Echo Harjo to Col. John Drew, 10 October 1861, G.F.C., Vol. 97, Box 43, G.M.

<sup>41</sup> Chief John Ross to Col. John Drew or Lt. Col. Wm. P. Ross, 20 October 1861, J.R.C., G.M.

<sup>42</sup> White and White, *Now the Wolf has Come*, p. 73; Debo, *The Road to Disappearance*, p. 149.

<sup>43</sup> Debo, *The Road to Disappearance*, p., p. 149.

<sup>44</sup> White and White, *Now the Wolf has Come*, p. 72.

<sup>45</sup> Ibid., p. 74.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid., p. 75.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid., p. 141.

<sup>51</sup> Ibid., pp. 142-143. The Whites write that the government officials the Indian delegates met, misrepresented themselves as being friends of the Indians. They had little concern with the safety of these Loyal Indians. Those involved saw this as an opportunity to acquire the Indian land and use it in the interest of the railroad companies.

<sup>52</sup> Josephy Jr., *The Civil War*, p. 330.

<sup>53</sup> Daniel N. McIntosh to Col. Douglas Cooper, 27 October 1861, G.F.C., Vol. 97, Box 43, G.M.

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- <sup>54</sup> Douglas Cooper to Lt. Col. W. P. Rofs, 10 November 1861, G.F.C., Vol. 97, Box 43, G.M.
- <sup>55</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 5.
- <sup>56</sup> *Ibid.*
- <sup>57</sup> White and White, *Now the Wolf has Come*, p. 33.
- <sup>58</sup> James Scott to Billie Byrd, I.P.P., Vol. 9, p. 173, O.H.S.
- <sup>59</sup> White and White, *Now the Wolf has Come*, p. 33; Monaghan, *Civil War on the Western Border*, p. 220.
- <sup>60</sup> *Ibid.*, p. 34-35.
- <sup>61</sup> *Ibid.*, p. 35-36.
- <sup>62</sup> *Ibid.*, p. 36.
- <sup>63</sup> *Ibid.*
- <sup>64</sup> *Ibid.*, p. 37.
- <sup>65</sup> Section X, Creek Indians-Civil War, Opothleyahola, p. 3, O.H.S.
- <sup>66</sup> Monaghan, *Civil War on the Western Border*, p. 222.
- <sup>67</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 5.
- <sup>68</sup> White and White, *Now the Wolf has Come*, p. 38.
- <sup>69</sup> *Ibid.*, p. 39.
- <sup>70</sup> James Scott to Billie Byrd, I.P.P., Vol. 9, p. 173, O.H.S.
- <sup>71</sup> *Ibid.*, p. 174.
- <sup>72</sup> White and White, *Now the Wolf has Come*, p. 40.
- <sup>73</sup> *Ibid.*, p. 41.
- <sup>74</sup> *Ibid.*, p. 44.
- <sup>75</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 5.
- <sup>76</sup> Monaghan, *Civil War on the Western Border*, p. 222.
- <sup>77</sup> White and White, *Now the Wolf has Come*, p. 55.
- <sup>78</sup> R. A. Young to Douglas Cooper, 30 November 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 15.
- <sup>79</sup> White and White, *Now the Wolf has Come*, p. 57.
- <sup>80</sup> *Ibid.*, p. 58.
- <sup>81</sup> *Ibid.*, p. 63.
- <sup>82</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 7.
- <sup>83</sup> Josephy Jr., *The Civil War*, p. 331.
- <sup>84</sup> White and White, *Now the Wolf has Come*, p. 65.
- <sup>85</sup> *Ibid.*, p. 68.
- <sup>86</sup> White and White, *Now the Wolf has Come*, p. 92; Section X, Creek Indians-Civil War, Opothleyahola, p. 4, O.H.S.; Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 7.
- <sup>87</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 7.
- <sup>88</sup> Section X, Creek Indians-Civil War, Opothleyahola, p. 5, O.H.S.; Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 7.

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- <sup>89</sup> Section X, Creek Indians-Civil War, Opothleyahola, pp. 4-5, O.H.S.
- <sup>90</sup> Section X, Creek Indians-Civil War, Opothleyahola, p. 5, O.H.S.; Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 7.
- <sup>91</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 8.
- <sup>92</sup> White and White, *Now the Wolf has Come*, p. 97.
- <sup>93</sup> *Ibid.*, p. 98.
- <sup>94</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 8.
- <sup>95</sup> *Ibid.*, p. 9.
- <sup>96</sup> Daniel McIntosh to Douglas Cooper, 16 December 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 16.
- <sup>97</sup> *Ibid.*
- <sup>98</sup> *Ibid.*
- <sup>99</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 8.
- <sup>100</sup> White and White, *Now the Wolf has Come*, p. 103.
- <sup>101</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 9.
- <sup>102</sup> Daniel McIntosh to Douglas Cooper, 16 December 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 16.
- <sup>103</sup> William Sims to Douglas Cooper, 15 December 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 19.
- <sup>104</sup> Jackson McCurtain to Douglas Cooper, 18 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 21.
- <sup>105</sup> R. A. Young to Douglas Cooper, 30 November 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 15.
- <sup>106</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 10; White and White, *Now the Wolf has Come*, p. 106.
- <sup>107</sup> *Ibid.*
- <sup>108</sup> White and White, *Now the Wolf has Come*, p. 107.
- <sup>109</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 11.
- <sup>110</sup> Douglas Cooper to James McIntosh, 11 December 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 709.
- <sup>111</sup> James McIntosh to S. Cooper, 14 December 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 713.
- <sup>112</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 11.
- <sup>113</sup> Section X, Creek Indians-Civil War, Opothleyahola, p. 7, O.H.S.
- <sup>114</sup> White and White, *Now the Wolf has Come*, p. 109.
- <sup>115</sup> *Ibid.*, p. 110.
- <sup>116</sup> White and White, *Now the Wolf has Come*, pp. 115-116.
- <sup>117</sup> Douglas Cooper to Jeremiah Benjamin, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 12.
- <sup>118</sup> Debo, *The Road to Disappearance*, p. 151-152.

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<sup>119</sup> Monaghan, *The Civil War on the Western Border*, pp. 225-226; Josephy Jr., *The Civil War*, p. 332; Wiley Britton, *The Civil War on the Border*, 3d ed., Volume I, 1861-1862 (New York: The Knickerbocker Press, 1899; reprint, Ottawa: Kansas Heritage Press, 1994), pp. 172-173.

<sup>120</sup> Report of James McIntosh, 1 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 24.

<sup>121</sup> Stand Watie to James McIntosh, 28 December 1861, *The War of the Rebellion*, Series I, Vol. VIII, p. 32.

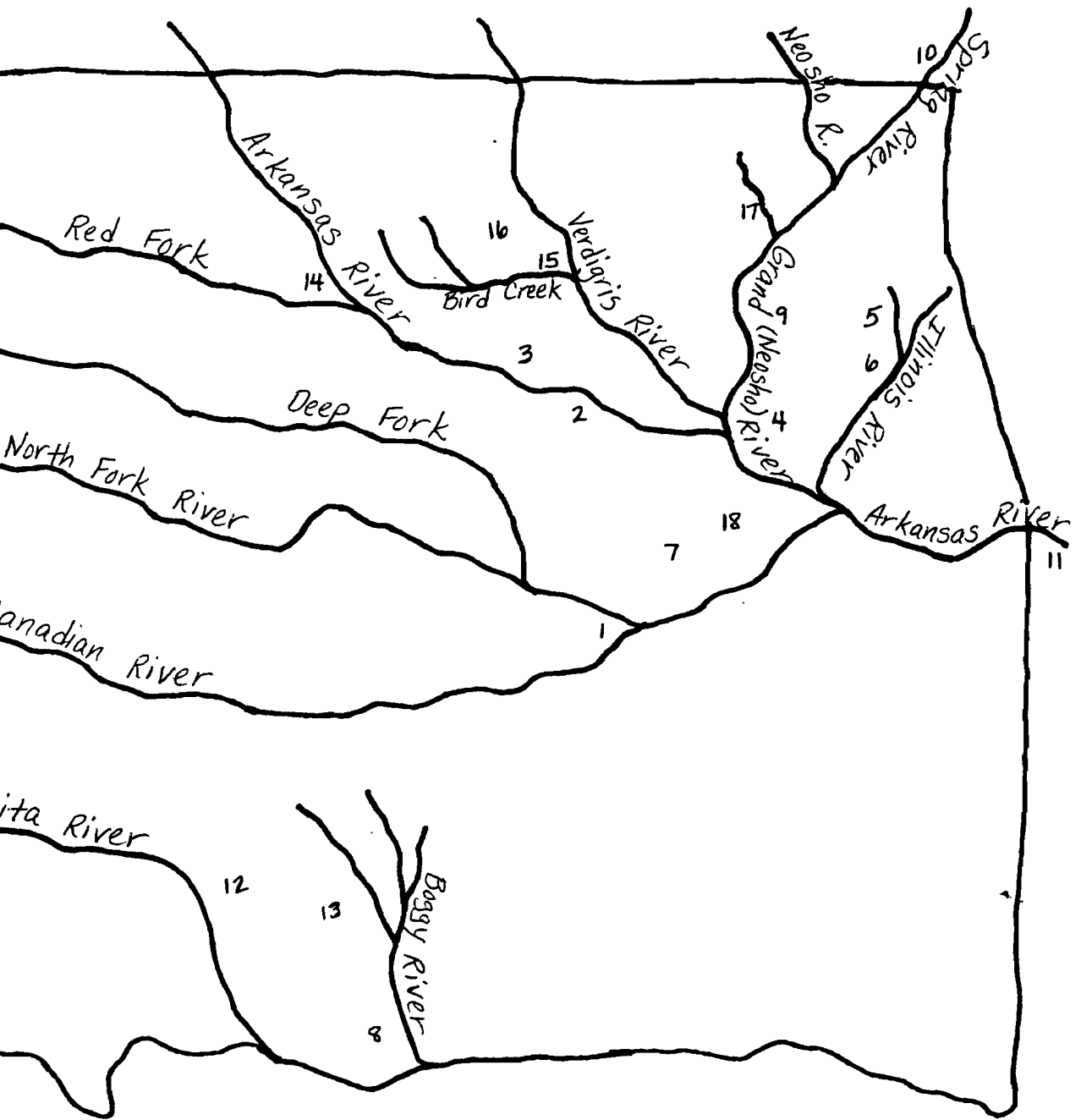
<sup>122</sup> White and White, *Now the Wolf has Come*, p. 127.

<sup>123</sup> Report of James McIntosh, 1 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 24.

<sup>124</sup> Report of Douglas Cooper, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 13; Stand Watie to James McIntosh, *The War of the Rebellion*, Series I, Vol. VIII, p. 32.

<sup>125</sup> Report of Douglas Cooper, 20 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 13.

<sup>126</sup> *Ibid.*



Map 3: Central and Eastern Indian Territory, 1861-1865

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|-------------------------------|--|
| 1. North Fork Town            | 10. Baxter Springs                         |
| 2. Concharta (Concharty)      | 11. Fort Smith                             |
| 3. Tulsey                     | 12. Fort Wachita                           |
| 4. Fort Gibson                | 13. Fort McCullough                        |
| 5. Tahlequah                  | 14. Battle of Round Mountain (Red Forks)   |
| 6. Park Hill                  | 15. Battle of Chusto-Talasa (Caving Banks) |
| 7. High Spring (Wekiwa Hulwe) | 16. Battle of Chustenahlah                 |
| 8. Chahta Tamaha              | 17. Cabin Creek                            |
| 9. Locust Grove               | 18. Honey Springs                          |

## CHAPTER FIVE

### A PLACE OF REFUGE?

As the end of 1861 drew near with the Loyal Indians fighting their way towards Kansas, the Federal Government's attitude towards the importance of the Indian Territory changed. In December 1861, before ever hearing about the Indians' last battle with the Confederates Commissioner of Indian Affairs William Dole renewed his request for troops to aid Opothleyahola and his followers. On December 3, President Lincoln addressed Congress and reported that the Confederates possessed the Indian Territory and were employing Indians in their armies.<sup>1</sup> Lincoln also told Congress that if the Union could repossess the Territory, the Indians who had joined with the Confederacy would abandon their hostile position and rejoin the Union. This idea of displaying the strength of the Union military to keep the Indians loyal was not new. In May 1861, Dole had asked for military help for the Loyal Indians in the belief that this would deter the others from joining the Confederacy. However, the Union pulled their forces out of the Indian Territory and many of the Indians saw the Union's actions as a sign of weakness. The rebels' possession of the Indian Territory changed how the Union perceived the Indian Territory and now Lincoln had decided that it was time to retake it.<sup>2</sup> Had Lincoln paid heed to earlier warnings from those who worked with the Indians, thousands of Native Americans would not have lost their lives.



Making the decision to retake Indian Territory was one thing, but doing it was another. Military troops were limited on the western frontier because of the fighting in the eastern theater. General Hunter, the commander of the Kansas Department, had only about three thousand men “scattered over an extended frontier” under his command in Kansas.<sup>3</sup> With the growing number of refugee Indians along the southern border of Kansas, suggestions of enlisting the Indians into the military increased. The idea was not new either. In May 1861, Secretary of War Simon Cameron turned down an offer by the Chippewa Nation of one hundred men to aid in defending the government, because the national ideology “forbids the use of savages.”<sup>4</sup> In November, Hunter asked permission from Washington to organize a brigade of Kansas Indians to assist the Loyal Creeks, but they denied his request. Hunter believed that “had this permission been promptly granted, . . . the present disastrous state of affairs, in the Indian country west of Arkansas, could have been avoided.”<sup>5</sup> At the beginning of January 1862, the Union organized a plan for the enlistment of Native Americans in the Union military.

On January 15, 1862, Hunter wrote to Adjutant General Lorenzo Thomas, repeating his request to muster Indians into service for the United States. Nine days later, Adjutant General Thomas sent Hunter a response, informing him that Brigadier General James Lane had urged President Lincoln and Secretary of War Simon Cameron to allow him to conduct an expedition into the Indian Territory.<sup>6</sup> The truth was that Lincoln had appointed Lane to brigadier general without discussing it with Cameron or any other military authorities.<sup>7</sup> Cameron was against the appointment and felt that Hunter should lead any expedition into the Indian Territory. Around January 2, Lane met with Cameron

and garnered his support, by reassuring him that he planned to act under full direction of Hunter.<sup>8</sup> Finally, Lane was going to get his expedition.

For several months, Lane wanted to lead a southern expedition into the Indian Territory so that he could attack what he believed was the exposed flank of the Confederacy: Arkansas and Texas.<sup>9</sup> Now appointed by the government, he was to lead a force of seven cavalry regiments, three artillery batteries, and four regiments of infantry who were to report to him in Kansas. Lincoln and Cameron also authorized Lane to raise eight thousand to ten thousand Kansas troops and organize four thousand Indians to aid his expedition. Many officials in Kansas felt that Lane would use this expedition as nothing more than a mission to “jayhawk” and pillage.<sup>10</sup> They “feared that Indians under Lane would inevitably revert to savagery” and “there would be no one to put any restraint upon them and their natural instincts would be given free play.”<sup>11</sup> However, Lincoln did not grant free rein to Lane for this expedition as seen in Thomas’s letter to Hunter. Thomas expressed that President Lincoln wanted Hunter to “understand that a command independent of you is not given to General Lane, but he is to operate to all proper extent under your supervision and control, and if you deem proper you may yourself command the expedition.”<sup>12</sup>

Before Hunter received either Cameron’s or Thomas’s letters, a letter from James Lane arrived at his headquarters. Lane wrote that he was to report to Hunter for an active winter campaign and that additional forces would be arriving to aid his present force. He also informed Hunter of his responsibility to work with the Indian Department and organize four thousand Indians for military service.<sup>13</sup> Upon receiving the letters from both Cameron and Thomas, he realized Lane’s appointment was official. This

appointment agitated Hunter, because he held feelings similar to the other Kansas officials as to Lane's probable use of force. On January 27, Hunter issued orders that he, rather than Lane, would take over the leadership of the southern expedition.<sup>14</sup>

While the political tug-of-war ensued over the questions of whether the Union would use Indians for military service and who would lead them, the Loyal Indians were retreating from their last battle with the Confederates. The Battle of Chustenahlah on December 26 was a defeat for the Loyal Indians, but the loss of warriors' lives during the battle was not the most devastating outcome of the battle. The fighting was pushed back into the camp where many of the Loyal Indians had not yet broken and headed towards Kansas. Indians fled from the campsite taking with them only the items they could carry on their backs. Wagons that held clothing and provisions were lost in the hasty retreat. Some warriors broke off from the fighting to help move their families away from danger and protect them from the Confederate forces.<sup>15</sup> Their retreat was slow and with the snow-covered ground, the Confederates were able to track them easily. The Indians panicked as they could see the enemy approaching rapidly. Women traveling on foot dropped the heavier items they carried in order to flee their pursuers faster. One survivor, Mrs. Hattie Gibson, told Jefferson Berryhill in an interview:

they were crossing a muddy creek that made the progress slow, and the enemy was just a little distance behind. The women had disposed of everything but the babies they clutched in their arms. But on the account of the babies they were lagging behind. Knowing that to expect mercy from the enemy was useless, they threw the babies away and stamped them in the mud.<sup>16</sup>

These mothers would rather kill their children than to let the Confederates do it. Jackman Pigeon told Billie Byrd during an interview that "some women carrying children would

be overtaken by Confederate soldiers and the soldiers snatched the children from the arms of the mothers and smashed their heads against the trees.”<sup>17</sup>

The Confederates chased after the Loyal Indians like bloodhounds on the scent of a fox. Those who had managed to escape the campsite with a wagon became easy targets on the open plains. Some were fortunate enough only to be captured and ordered to return to their homes, while others fell victim to the wrath of their fellow tribesmen who now pledged their loyalty to the Confederacy. Those who traveled on foot or by horseback hid along protected creek beds during the day. The scrub oaks and other natural growth not only protected them from the eyes of the Confederates who chased after them, but against the bitterly cold winds blowing from the north. Those who feared capture or death stayed in these protective areas until nightfall and then used the stars to guide them northward to another covered area.

Hunger began to overtake the Indians. Most of their food had been abandoned at the site of the last battle. Hattie Gibson recalled in her interview, “that the game was plenty but it was too dangerous to fire a gun as it would direct the enemy to the camp, so many went hungry.”<sup>18</sup> The Indians had used almost all of their ammunition in the battle. Others resorted to killing their animals for food. The cattle and oxen provided some food, but they were as diminished as their owners. Most of the time, they ate the meat raw, because the smoke from a fire would give away the camp’s position.<sup>19</sup> Some even killed the horses they had ridden on. Lindy Scott told Billie Byrd how an Indian named Dickie killed his horse in order to feed those who were with him.<sup>20</sup>

Others did not kill their horses and ponies for they were the fastest means of getting to Kansas. The Indians tried to keep the horses as fresh as possible by feeding

them corn and by clearing snow from the ground so they could get to the grass.<sup>21</sup> Hattie Gibson recalled:

Once after they had been on the march all day and no food had been taken, the horses had been fed with corn, and were tied up in a bunch. After the camp had been made the women went to where the ponies were kept and took the corn from the horse manure, washed it many times, and made bread out of it.<sup>22</sup>

Historians Christine Schultz White and Benton R. White capture the desperate measures taken by the Indians:

Still others tried to cook and eat leather straps or bridles, then the fringe from their shirts, anything that could keep them alive. But their hunger consumed them, crowding out any other thoughts and made worse by the bitter weather. In some camps the weak and wounded were the lucky ones. They would roll up in a little lump of frozen flesh, numb to the hunger and pain, simply waiting for the cold to work its will. When there was nothing left to eat and the screams of the little ones would not end, haggard mothers could only sit and watch in hollow-eyed stupor and pray for death to end their babies' misery. Some of the little ones even begged their mothers to let them die. The mothers killed their babies first, then themselves. Others went mad and wandered into the open country, longing to be shot.<sup>23</sup>

The weather and the exhausting travel killed more of the Loyal Indians than the wrath of the Confederates. The few clothes they wore became tattered and torn from exposure to the elements. At night, they slept on the cold, snow-covered ground with no blankets to keep the falling snow off of them. As day broke, families found loved ones frozen to death, and the frozen ground made it impossible for families to bury those who passed from the living world into the spirit world. The mourners could only cover the dead bodies with snow, knowing that their loved ones would become food for scouring wolves.<sup>24</sup> Those who could kept moving towards Kansas and the belief that there would be shelter, food, and clothing awaiting them as promised by Union officials.

Before they reached Kansas, a second blizzard heaped even more snow on the plains. On one hand, the blizzard was a blessing to the Loyal Indians because it covered

their tracks and ended Colonel Cooper and Daniel McIntosh's search for them. The negative, however, was that travel became even more difficult. The Indians turned the blizzard into more of a positive than negative. They could now move freely, since the falling snow covered them from sight. The Confederates stopped their chase of the Loyal Indians, because the snow covered everything that pointed to where they were or where they were going. Many more died because of exposure to the elements, but those who survived believed they would make it to Kansas and then wrap themselves in the safety of the Union.

The actual day the Loyal Indians crossed into Kansas is unknown, but an article in the January 18, 1862, edition of *The Emporia News* reported that about three hundred Creeks had been encamped for at least a week near the town of Chelsea, Kansas.<sup>25</sup> When they arrived in Kansas, they found no fort at Walnut Creek and no Union troops waiting there to help them. Commissioner of Indian Affairs William P. Dole wrote that:

It was in the dead of winter, the ground covered with ice and snow, and the weather most intensely cold. Without shelter, without adequate clothing, and almost destitute of food, a famishing, freezing multitude of fugitives, they arrived in Kansas entirely unexpectedly, and where not the slightest preparation had been made to alleviate their sufferings or provide for their wants.<sup>26</sup>

The trail to Kansas, littered with broken wagons and the bodies of those who passed on to the spirit world, was difficult enough to bear, but finding no help upon their arrival in Kansas was a more devastating blow. These refugees had left their homes and traveled this new trail of tears almost three hundred miles on the promise of Union aid. Each day, more Indians crossed into Kansas to find no help and that they had been lied to again. These Native Americans deserved more for their loyalty. George Cutler wrote

about how much some of these Indians gave up to stay loyal to the Union in a letter to William Coffin:

I doubt much if history records an instance of sufferings equal to these. Among the Creeks the suffering had been the most severe; they lost everything except what they had on their backs. Families who in their country had been wealthy, and who could count their cattle by the thousands, and horses by hundreds, and owned large number of slaves, and who at home had lived at ease and comfort, were without even the necessaries of life.<sup>27</sup>

Around December 27, 1861, the Indian delegates and Creek agent George Cutler, who had been in Washington, arrived in Kansas to discover that the Loyal Indians had fought several battles with the Confederates and were moving towards the Kansas border.<sup>28</sup> At Fort Leavenworth, Superintendent of Indian Affairs William Coffin had already heard of the Loyal Indians' hardships and movement to Kansas. In the early part of January, he sent notice to all the Indian agents under his control to meet him at Fort Roe on the Verdigris River in order to help the refugee Indians. Coffin determined that they were "without adequate means to meet the emergency" and contacted General Hunter for assistance.<sup>29</sup> Before doing anything else, Coffin and Cutler decided to wait for the arrival of William Dole, who they expected to arrive at Fort Leavenworth shortly. Dole, however, did not arrive until the end of January.

General Hunter was the first to send aid to the refugee Indians. He sent Captain John W. Turner, chief commissary of subsistence for his department, and Brigadier Surgeon Archibald B. Campbell to assess the needs of the refugees. On January 22, Campbell reported leaving Fort Leavenworth and traveling towards Burlington, Kansas, where he learned that a large portion of the refugees were encamped on the Verdigris River near Roe's Fork, some "twelve to fifteen miles south of the town of Belmont" located about four miles south and two miles west of present-day Yates Center.<sup>30</sup> When

Campbell arrived, he took a census of the Indians in the Fort Roe area. His census showed that some 3,168 Creeks, 53 Creek slaves, 38 free African-Americans, 777 Seminoles, 136 Quapaws, 50 Cherokees, 31 Chickasaws, and a few from the Kickapoos and other tribes were encamped near Roe's Fork.<sup>31</sup> These numbers, however, changed daily because of new arrivals and the deaths of those already there.

Campbell met with principal chiefs of the Creeks, Seminoles, and Chickasaws who all informed him that an even larger number of refugees "were scattered over the country at distances varying from 25 to 150 miles, and unable, for want of food and ponies, to come in."<sup>32</sup> Most of these other refugees were located on the Cottonwood, Fall, and Walnut rivers. Campbell reported:

It is impossible for me to depict the wretchedness of their condition. Their only protection from the snow upon which they lie is prairie grass, and from the wind and weather scraps and rags stretched upon switches; some of them had some personal clothing; most had but shreds and rags, which did not conceal their nakedness, and I saw seven, ranging in age from three to fifteen years, without one thread upon their bodies.<sup>33</sup>

Campbell did not leave Fort Leavenworth empty-handed, but took with him some supplies to hand out to the needy refugees. In these supplies he had thirty-five blankets, many of which were only about two feet by two feet in size, forty pairs of socks, three pairs of pants, seven undershirts, four pairs of underwear, a couple of shirts, and a few pillows and pillowcases to hand out.<sup>34</sup> He reported:

I unpacked the things and piled them up in the wagon in parcels of the same kind of articles. I had the wagon driven round the margin of the woods. I walked through the woods, and selected the nakedest of the naked, to whom I doled out the few articles I had, and when all was gone, I found myself surrounded by hundreds of anxious faces, disappointed to find that nothing remained for them.<sup>35</sup>



The pillowcases some of the Indians received became almost as important as food. They used the pillowcase to receive their portion of meal or flour Captain Turner arranged for their subsistence. Many of the Indians did not have any cooking utensils to prepare the food or cook it. Also, there was not enough wood lying around and many did not have an axe or hatchet to cut it, which caused great difficulty in building fires to keep warm or cook their meals. Many ate their provisions raw.<sup>36</sup>

Campbell also reported that the Indians greatly needed medical attention, because “many have their toes frozen off, others have their feet wounded by sharp ice or branches of trees lying on the snow” due to many of them not having any shoes or moccasins.<sup>37</sup> Many of the Indians suffered with infections in the chest, throat, and eyes. Even those who were just arriving were already ill or became ill soon after they arrived. He also made the observation that the dead horses that were scattered over the camp and near the river should be burned before the weather got warm and “breed[s] a pestilence amongst them.”<sup>38</sup> Campbell questioned why the Indian Department was not doing anything for the Indians and commented that “common humanity demands that more should be done, and done at once, to save them from total destruction.”<sup>39</sup>

While Coffin and Cutler waited on Commissioner Dole to arrive in Kansas, General Hunter took the “responsibility of supplying their [the refugee Indians] wants until the Indian department could make provision for their necessities.”<sup>40</sup> Captain Turner reported that he would only be able to provide food for the refugees until February 15. He urged the Indian department to be quick with their measures of relief, “for their [refugee Indians’] condition is pictured as most wretched.”<sup>41</sup>

Captain Turner was also responsible for reporting suggestions to Commissioner Dole for the best location for the refugee Indians, what they needed, and how they should carry out the arrangements to supply them. He estimated some five thousand Indians scattered over the countryside, but believed “their numbers would swell to at least eight thousand, and probably ten thousand, men, women, children, and negros.”<sup>42</sup> At the time, he believed the encampment near Fort Roe was the best place for the Indians, because it was on Indian land and no white settler in that area could make an objection to their being encamped there. He suggested the only other favorable location for the relocation of the refugees would be along the valley of the Neosho River. He believed this would bring the Indians closer to the supply depot, but moving them onto white settlers’ land could cause friction that would be more costly than what they would save by moving the Indians closer to the supplies.<sup>43</sup>

The winter season was the worst in memory and the Indians desperately needed clothing and shelter to survive. Turner suggested that each Indian should receive “a strong pair of pants, a pair of shoes, a flannel shirt, and a blanket.”<sup>44</sup> Turner also suggested that they could use blankets to make moccasins for the smaller children, so they would not be walking around barefooted. He believed a quick method to provide shelter for the Indians “would be to give them material for making shelter tents,” like that used for army tents.<sup>45</sup> He also felt that if they received bolts of material in a sufficient length, they could make a tent large enough to protect their families. He felt that the tent material and clothing would be sufficient until the Indians could get beef hides and other skins to replace these handouts.<sup>46</sup>

Turner recognized that because of their flight from the Confederates, the refugees were completely without cooking utensils. He suggested that “about one camp-kettle and three mess-pans would be ample for a family of six.”<sup>47</sup> Turner, like Campbell, reported that the Indians needed axes immediately so they could cut down wood for fires. Turner believed “in regard to their subsistence, beef and corn-meal” would “be their chief articles of food” because these were “the principal staples” in the part of the country in which the Indians were encamped.<sup>48</sup> Turner felt the government could contract delivery of beef at a week’s supply per delivery during the winter months, and they could acquire all the cornmeal they needed from the flour mills at Le Roy and Burlington.

Turner thought that construction of several log buildings at different points in relation to where the Indians were encamped was also needed. The buildings would be depots for issuing the provisions and since the Indians had to report to receive their provisions, those in charge could determine better the number of refugees they were feeding. The family head would draw provisions for the family and could draw for two, four, or six days, whichever was more convenient. His belief was that a chief and an interpreter should be present at each of the buildings to make sure that the Indians received what was allotted to them, and that no imposition was practiced by those in charge.<sup>49</sup>

William Coffin entered the refugee camps near Fort Roe around February 11 and began assessing the needs of the refugees. The supplies Hunter provided for the Indians did not last until February 15 as he had speculated, but actually ran out the day Coffin arrived. Coffin reported that more Indians kept arriving each day and that runners were coming in to get provisions for the destitute who were either trying to make their way to

Fort Roe or for those too sick to travel any farther. Coffin wrote, “the destitution, misery, and suffering amongst them is beyond the power of any pen to portray; it must be seen to be realized.”<sup>50</sup>

Before leaving Leavenworth, Coffin sent five wagons loaded with blankets, clothing, shoes, boots, and socks for the agents to hand out to the Indians. The agents did not hand out all of the supplies immediately, holding back some items for those who might arrive in a more destitute condition than those already encamped near Fort Roe. As more refugees came to Fort Roe each day, Coffin became concerned that the cost of supplying the refugees was rapidly consuming his allotted funds. He was also concerned because General Hunter’s food provisions had run out and now the Indian Department would have to purchase the needed food and clothing for the Indians. Coffin called for the funds that the Treasury Department owed the Indians to help with the expenses, but even if these funds came through, they would last only a short time.<sup>51</sup>

Before Dole ever received Coffin’s assessment of the refugees’ condition, he appointed William Kile as a special agent to purchase the needed food and clothing for them. William Kile was a doctor from Illinois appointed by President Lincoln to serve on General James Lane’s staff. Under Lane, he performed the duties of brigade quartermaster until Dole appointed him as a special agent. Kile was to use his best judgment to buy the needed quantities of clothing and provisions before he ever saw the true condition of the refugees. Once he purchased the supplies, he was to contact Coffin about delivery and then meet with him about other needed supplies.<sup>52</sup> Dole instructed Kile that General Hunter had a “considerable quantity of bacon” that he was to pick up and take to the refugees.<sup>53</sup> Dole informed Kile that purchasing supplies might be difficult

because the Indian Department did not have the funds applicable for this purpose. Kile would have to convince the merchants to have faith that the United States Congress would make the appropriations for any debts he incurred.<sup>54</sup> Dole instructed him to “be careful to seek out, if possible, such parties from whom to make purchases as are willing to sell to the government without extortion.”<sup>55</sup> Kile was not to purchase more than the needed supplies for a thirty-day period, because Dole hoped the government would help return the Indians to their homes in the spring.

While Dole was preparing to leave for Kansas, he received a letter from Secretary of the Interior Caleb Smith, informing him that the War Department had authorized the recruitment of four thousand Indians from the borders of Kansas and Missouri.<sup>56</sup> He was to assist General Hunter in the organization of the Indians and “take such action in the matter as may be necessary to effect the object contemplated by the War Department.”<sup>57</sup> Once Dole arrived in Kansas, he sent William Coffin to southern Kansas “to enroll the able-bodied men of the refugee Indians for military service.”<sup>58</sup> Almost all Indian men who could bear arms were eager to join, because they could now fight their way home.

While Coffin enrolled the men for service, Dole sent telegrams to Caleb Smith asking for instructions on how to go about purchasing the needed supplies for the refugees. In a February 6 telegram, Smith informed Dole that the new Secretary of War, Edwin Stanton, opposed the use of Indians in the military. President Lincoln and then-Secretary of War Simon Cameron had agreed to the original order to enlist Indians. Stanton maintained this attitude even after receiving a letter from Lincoln expressing his desire that the southern expedition should take place. On February 14, Dole received another telegram from Smith informing him that Congress would supply the means for

purchasing supplies for the refugees, but that the War Department would not organize the Indians.<sup>59</sup>

Coffin had almost completed enrollment when he received the order to stop enlisting Indians for military service. The Union's actions discouraged the refugees and what little confidence they held in the Union greatly decreased. Opothleyahola believed that an expedition led by Lane into the Indian Territory would be successful. He wrote to Lincoln pleading Lane be allowed to lead them:

Our people have been told that he would come with an army to restore them to their homes and to avenge the great wrongs they have suffered. It has made their hearts glad to hear it. Our people have suffered a great deal. They have been driven from their homes in the dead of winter when the earth was clothed with white. Many of them have frozen to death. All of them have lost all they possessed. There are now 6,000 women and children in Southern Kansas without tents, but scantily clothed, and exposed to all the horrors of a severe winter. Our agents have done all they can to relieve us, but we leave comfortable homes in our own country and we wish to be restored to them.<sup>60</sup>

After Coffin stopped enrolling male Indians, the tribal chiefs held a grand council meeting and determined that they would lead a spring expedition back to their homes in order to plant crops for the summer. However, a report of a large rebel force in the northern part of the Indian Territory led by Stand Watie, Daniel McIntosh, and Albert Pike put an end to their plan.

On February 14, the Senate read Dole's letter describing the wretched condition of refugees and asking for their help in providing relief for the Indians. By March 3, Congress voted to aid the refugees using the held back annuities from the Indians who joined the Confederacy. Dole was now about to get the financial means to relieve the suffering of the refugees. However, things were only going to get worse for the Indians.

Around the middle part of February, the Indian agents found the Indians still scattered over an area twenty-five to one hundred and fifty miles. Many of the refugees had already established camps in the Fort Roe area, so Coffin sent out supply wagons to gather the homeless Indians and bring them there.<sup>61</sup> Once the refugees were brought to the area, Dole wanted the agents to separate the different tribes of refugees into their own camps so their agents could better take care of their needs. The camps quickly became unsanitary, because the sick were not quarantined from the rest of the refugees. Illness ran rampant over the camps, affecting the Indians immediately as they settled into their camps. Horses dead of malnutrition lay all around the campsites and in the water sources. The camps bred disease that killed more Indians than did Confederate bullets.

In March, spring began to take hold in southern Kansas. The southern winds brought warmer temperatures that offered welcome relief to those Indians who had still not received adequate clothes for the cold. The warmer weather, however, caused the dead horses to emit a stench that made it necessary for the relocation of the refugees. Coffin and the rest of the agents decided that the Indians needed to move to a healthier location. A Sac and Fox delegation extended an invitation for the Loyal refugees to move onto their lands in Osage County.<sup>62</sup>

Around March 1, Coffin and Dr. William Kile went to Fort Roe to arrange to move the refugees. While on their way from Humboldt, Kansas, they discovered that about fifteen hundred Indians had already started moving north towards Le Roy. During the evening, the weather turned cold and snow began to fall and continued even harder into the next day. The first night of their travel, the Indians were able to find shelter among some timber and remained there for a day. On March 3, the refugees left their

camps among the timber and started to move north again. Witnessing their travel, Coffin wrote:

most of them [were] on the road [today] [though] it was too [cold] to travel in the fix they are in[.] I saw many of them barefooted and many more that the [feet] was a small part of them that was bare, these people [really] seem to be doomed to suffer for this Loyalty beyond measure.<sup>63</sup>

The order for goods and shoes that Kile placed during February had not arrived for the refugees. Kile stayed at Fort Roe to close accounts and settle any bills the agents had created in helping the Indians. Coffin went to Le Roy to care for those who had already left. Before leaving Fort Roe, Coffin discovered that many of the Indians were too sick to travel by foot and to move them they would need teams of horses and wagons. In order to move the refugees, the agents called upon the help of local citizens. These citizens received a government voucher of \$2.50 per day for the use of a single team of horses and wagon to help transport the Indians.<sup>64</sup> One citizen, J. P. Hamilton, Sr., described what he saw at the refugee camp near Fort Roe when he went to help relocate the Indians. He wrote:

We found that the majority of them had encamped in a heavily timbered bend of the Verdigris [River] but now it was denuded and looked as bare as the prairie with the exception of the stumps which alone remained. The stems and branches had been converted into fuel to keep them from freezing as they were exposed to all the [inclemency] of the weather, in few instances having nothing to break the bitter force of the wind. Women were to be seen with remnants of what had once been calico gowns, now in rents, and in many instances reeking with filth—very often bareheaded and barefooted, with babies clinging to their breasts and in plaintive tones pleading for that sustenance the breast denied them. Huddled together could be found women and children seeking that warmth to be found mutually but denied them alone. This was wretchedness most complete.<sup>65</sup>

Moving the large number of refugees who were located around Fort Roe was not only costly but also difficult. One to two families, along with their meager belongings,



were loaded into each wagon. Most of the wagons held only children and the elderly, while the men and women walked along side.<sup>66</sup> The wagon train slowly began making its way north towards the Sac and Fox lands. After traveling about thirty miles, many of the Indians “became obstinate, and refused to go any further.”<sup>67</sup> Opothleyahola objected to being moved further north. He and his people wanted to return to their homes.

Opothleyahola’s generation had lived through their forced banishment from their homelands in Alabama and Georgia. In just a short time, the Indians had settled the Indian Territory and made it home. They wanted to return home.

The refugees held up around the town of Le Roy and refused to travel any further north. The Seminole agent George Snow reported that the Seminoles had expressed many times that they wanted to return home. Snow, like many of the other Indian agents in the area, expressed “that no time should be lost in taking them back to their country as soon as a sufficient force of the federal army can be stationed in the Indian Territory to protect them.”<sup>68</sup> The Indians had become restless and began to complain about the government, which they believed was not listening to them. Had they not offered their services to aid in the taking back the Indian Territory? The government only teased the Indians by starting the enlistment process and then suddenly, without explanation, stopped it. The refugees were tired of being forced to rely on the government. All they found in Kansas were lies and the opportunity to watch as many of their loved ones died from hunger, disease, and the cold.

Refusing to move further north, the refugees settled and built camps between Le Roy and Neosho Falls along the Neosho River. Word circulated among them that the government was using their annuities to feed and clothe them. Anger mounted. This

caused George Snow to inform Coffin, "They [claimed] that the government ought to feed them, as they had not been protected according to treaty stipulations, and that they were not bound for any goods that they did not order, but would receive them from [the] government as presents."<sup>69</sup>

Near the end of March, George Collamore visited the refugee Indians at their campsites along the Neosho River. George Collamore came to Kansas as an agent for the New England Relief Society during the drought of 1860-1861.<sup>70</sup> He had affiliated himself with James Lane, who was after military promotion and planned to promote Collamore after receiving his own promotion. While the Indians made refuge in Kansas, Collamore was quartermaster-general of Kansas and made his visit to them under this title. He reported that the Indians were "supplied with clothing wholly inadequate to their actual wants."<sup>71</sup> He saw some refugees without a single piece of clothing to cover themselves. He also observed that their food supply was not "sufficient in quantity or of proper quality."<sup>72</sup> Several of the chiefs complained to him of the quality of bacon they received from the government. It made many sick from eating it and they said that it was "not fit for a dog to eat."<sup>73</sup> When he discussed this with the agents, they told him that Fort Leavenworth had condemned the bacon, meaning it was not good enough for the soldiers to eat. He spoke to one individual, who saw the bacon before it left Fort Leavenworth and it was of his opinion the bacon was "suitable only for soap grease."<sup>74</sup>

Their shelter, much like their food and clothing, was extremely poor. Collamore noted that he did not see one comfortable tent among the refugees. The Indians made tents in the crudest manner from pieces of cloth, old quilts, or any other material they could find to stretch over sticks. Most of the tents were so small "that they were scarcely

sufficient to cover the emaciated and dying forms beneath them.”<sup>75</sup> Collamore accompanied Dr. Samuel D. Coffin, brother of Superintendent William Coffin, in visiting some fifty patients. Under one of the tents, he found Opothleyahola’s daughter suffering from the last stages of tuberculosis. Almost all of the fifty patients they visited during that day suffered from incurable bouts of consumption or pneumonia, “brought on from exposure and privations of the common necessities of life.”<sup>76</sup> Collamore also learned from George Cutler that in two months two hundred and forty Creek refugees had died. The other tribes suffered in the same proportion as the Creeks. In the campsite, Collamore saw an eight-year-old boy who had his two feet removed above the ankles. Coffin estimated that one hundred amputations of frosted limbs had already taken place among the refugees.<sup>77</sup> Others lay around, doing nothing, because their limbs were severely frost bitten and they were unable to work.

Kansas was not the safe haven Carruth promised Opothleyahola and the Loyal Creeks. The government had not stockpiled any food or clothing and was completely unprepared for the refugees’ arrival. Once the Indians had arrived, some government agents alluded to and pushed for a quick return of the refugees’ back to their homes. Instead, the refugees were moved farther north into Kansas and further away from their homes in the Creek Nation. The winter weather also proved troublesome for the Indians. Many had lost any spare clothes they carried with them and those they wore were deficient for the northern winter. Their recent experience with the lack of government assistance and their struggle with the inclement weather shook their spirit, but the Loyal Creeks were still determined to survive and return home.

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## NOTES

- <sup>1</sup> David Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (Columbia: University of Missouri Press, 1978), p. 33.
- <sup>2</sup> *Ibid.*, p. 34.
- <sup>3</sup> David Hunter to Lorenzo Thomas, 11 December 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1883), Series I, Volume VIII, p. 428.
- <sup>4</sup> Simon Cameron to D. Cooper, 9 May 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1899), Series III, Volume I, p. 184.
- <sup>5</sup> Annie Heloise Abel, *The American Indian in the Civil War, 1862-1865*, with an introduction by Theda Perdue and Michael D. Green (Cleveland: The Arthur H. Company, 1919; reprint, Lincoln: University of Nebraska Press, 1992), p. 75.
- <sup>6</sup> Lorenzo Thomas to David Hunter, 24 January 1862, *The War of the Rebellion*, Series I, Volume VIII, p. 525.
- <sup>7</sup> Abel, *The American Indian in the Civil War*, p. 71.
- <sup>8</sup> Simon Cameron to David Hunter, 3 January 1862, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1898), Series I, Vol. LIII, p. 512.
- <sup>9</sup> Nichols, *Lincoln and the Indians*, p. 36.
- <sup>10</sup> Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist*, with an introduction by Theda Perdue and Michael D. Green (Cleveland: The Arthur H. Company, 1915; reprint, Lincoln: University of Nebraska Press, 1992) pp. 276-277.
- <sup>11</sup> Abel, *The American Indians in the Civil War*, p. 75.
- <sup>12</sup> Lorenzo Thomas to David Hunter, 3 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 525.
- <sup>13</sup> James Lane to David Hunter, *The War of the Rebellion*, Series I, Vol. VIII, p. 482.
- <sup>14</sup> David Hunter, 27 January 1862, General Orders No. 11, *The War of the Rebellion*, Series I, Vol. VIII, pp. 529-530.
- <sup>15</sup> Hattie Gibson and Sebron Miller to Jefferson Berryhill, Indian Pioneer Papers, hereinafter cited as I.P.P., Vol. 107, p. 60, Oklahoma Historical Society, Oklahoma City, hereinafter cited as O.H.S.
- <sup>16</sup> *Ibid.*, p. 61.
- <sup>17</sup> Jackman Pigeon to Billie Byrd, I.P.P., Vol. 107, p. 361, O.H.S.
- <sup>18</sup> Hattie Gibson and Sebron Miller to Jefferson Berryhill, I.P.P., Vol. 107, p. 61, O.H.S.
- <sup>19</sup> Christine Schultz White and Benton R. White, *Now the Wolf has Come: The Creek Nation in the Civil War* (College Station: Texas A&M Press, 1996), p. 130.
- <sup>20</sup> Lindy Scott to Billie Byrd, 29 October 1937, I.P.P., Vol. 44, p. 30, O.H.S.
- <sup>21</sup> White and White, *Now the Wolf has Come*, p. 130; Hattie Gibson and Sebron Miller to Jefferson Berryhill, I.P.P., Vol. 107, p. 61, O.H.S.
- <sup>22</sup> Hattie Gibson and Sebron Miller to Jefferson Berryhill, I.P.P., Vol. 107, p. 61, O.H.S.
- <sup>23</sup> White and White, p. 131.

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- <sup>24</sup> George Cutler to William Coffin, 30 September 1862, No. 25, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington, D. C.: Government Printing Office, 1863), p. 139.
- <sup>25</sup> "Indians on the Walnut," *The Emporia News*, 18 January 1862.
- <sup>26</sup> William P. Dole to Caleb B. Smith, 26 November 1862, *Report of the Commissioner*, p. 27.
- <sup>27</sup> George Cutler to William Coffin, 30 September 1862, No. 25, *Report of the Commissioner*, p. 139.
- <sup>28</sup> *Ibid.*, 138; Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist* (Lincoln: University of Nebraska Press, 1992), p. 267.
- <sup>29</sup> W. G. Coffin to William P. Dole, 15 October 1862, No. 24, *Report of the Commissioner*, p. 136.
- <sup>30</sup> A. B. Campbell to James K. Barnes, 5 February 1862, C., *Report of the Commissioner*, p. 151.
- <sup>31</sup> *Ibid.*
- <sup>32</sup> *Ibid.*
- <sup>33</sup> *Ibid.*
- <sup>34</sup> *Ibid.*
- <sup>35</sup> *Ibid.*, pp. 151-152.
- <sup>36</sup> *Ibid.*, p. 152.
- <sup>37</sup> *Ibid.*
- <sup>38</sup> *Ibid.*
- <sup>39</sup> *Ibid.*
- <sup>40</sup> David Hunter to William P. Dole, 6 February 1862, B., *Report of the Commissioner*, p. 150.
- <sup>41</sup> *Ibid.*
- <sup>42</sup> Jno. W. Turner to William P. Dole, 11 February 1862, D., *Report of the Commissioner*, p. 152.
- <sup>43</sup> *Ibid.*, p. 153.
- <sup>44</sup> *Ibid.*
- <sup>45</sup> *Ibid.*
- <sup>46</sup> *Ibid.*
- <sup>47</sup> *Ibid.*
- <sup>48</sup> *Ibid.*
- <sup>49</sup> *Ibid.*
- <sup>50</sup> W.G. Coffin to William P. Dole, 13 February 1862, No. 29, *Report of the Commissioner*, p. 145.
- <sup>51</sup> *Ibid.*, p. 146.
- <sup>52</sup> William P. Dole to Dr. Kile, 10 February 1862, E., *Report of the Commissioner*, p. 154.
- <sup>53</sup> *Ibid.*
- <sup>54</sup> *Ibid.*, p. 155.
- <sup>55</sup> *Ibid.*
- <sup>56</sup> Caleb B. Smith to William P. Dole, 3 January 1862, A, *Report of the Commissioner*, p. 150.
- <sup>57</sup> *Ibid.*

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- <sup>58</sup> William G. Coffin to William P. Dole, 15 October 1862, No. 24, *Report of the Commissioner*, p. 136.
- <sup>59</sup> Abel, *The American Indians in the Civil War*, p. 76.
- <sup>60</sup> Opothleyahola and Aluktustenuke to Abraham Lincoln, 28 January 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 534.
- <sup>61</sup> Danzinger, *Indians and Bureaucrats*, p. 133.
- <sup>62</sup> *Ibid.*, 134.
- <sup>63</sup> Abel, *The American Indian as Slaveholder*, p. 278.
- <sup>64</sup> J. P. Hamilton, Sr., "Indian Refugees in Coffey County," *Le Roy Reporter*, 14 August 1931.
- <sup>65</sup> *Ibid.*
- <sup>66</sup> *Ibid.*
- <sup>67</sup> George C. Snow to William G. Coffin, 29 September 1862, No. 27, *Report of the Commissioner*, p. 142.
- <sup>68</sup> *Ibid.*
- <sup>69</sup> *Ibid.*
- <sup>70</sup> Abel, *The American Indians in the Civil War*, p. 87.
- <sup>71</sup> George W. Collamore to William P. Dole, 21 April 1862, G., *Report of the Commissioner*, p. 157.
- <sup>72</sup> *Ibid.*
- <sup>73</sup> *Ibid.*
- <sup>74</sup> *Ibid.*
- <sup>75</sup> *Ibid.*, p. 156.
- <sup>76</sup> *Ibid.*
- <sup>77</sup> *Ibid.*

## CHAPTER SIX

### AN EXPEDITION

The Loyal Creeks were a strong people and their situation only manifested their strength even more. Refugee camps were full of sickness and suffering, but as special agent George Collamore discovered while visiting the refugees, they were a determined people. He wrote in a letter to Commissioner William Dole that:

Notwithstanding all their hardships and disappointments, these people, who have exhibited a courage and endurance beyond any in the United States, breathe out but one spirit of fidelity to the Union, and a desire once more to be restored to their homes and friends, and there, sustained by the federal government, to defend the cause they have espoused.<sup>1</sup>

Talking with Opothleyahola, Collamore learned that the Indians were willing, if properly armed, to fight their way home. However, reliable reports of five to six thousand rebel forces positioned to oppose the Loyal Indians from re-entering Indian Territory, stymied their action.<sup>2</sup> For the Indians to return home they would need the aid of Union troops. Collamore himself did not back either keeping the refugees in Kansas or returning them, but he did, however, present what the government could expect if they carried out either of these choices. If the government returned the Indians in time to plant, which would need to be done quickly, because they were already in the planting season, they would most likely be able to support themselves. If they were to remain in Kansas, they would be an expense for at least another year and the discouragement and demoralization would be immeasurable. To properly care for eight thousand refugees for

a year, Collamore estimated the cost of \$292,000 for subsistence alone and \$100,000 would not meet the need for clothing, let alone tents and other necessities.<sup>3</sup> As Collamore pointed out, the cost to keep the Indians in Kansas would be significant, especially since the government was financing a war against the Confederates. Collamore finished by writing, “we cannot shut our eyes to the demoralizing effect upon them, should they remain in their present condition as mere beneficiaries of the government.”<sup>4</sup>

Before Coffin and the other Indian agents began moving the refugees, Commissioner William Dole returned to Washington to secure funds and to recommend that the government arm the Loyal Indians for military service. Upon arriving, he learned that Congress had authorized the use of the Indians’ annuities for their relief. Dole explained to the War Department the Indians’ desire to return home in time to plant crops so they could support themselves.<sup>5</sup> He requested that the War Department detail two Kansas volunteer regiments to escort the Indians home and then protect them while they raised their crops. He also requested that the War Department furnish two thousand arms and ammunition to the Indians so they could assist in their return.<sup>6</sup> Dole’s persistence, along with the complaints of Kansas residents about the refugees and of members of Congress about how much money it was taking to care for them, made Lincoln reconsider the southern expedition.

President Lincoln authorized the application of white troops to escort the refugees back to Indian Territory and obtained an order commanding Fort Leavenworth to supply two thousand rifles and ammunition needed to arm the Indians.<sup>7</sup> Judge James Steele, a special agent from the Indian Office, had the responsibility of delivering a dispatch from



Stanton's office to General Henry Halleck. Halleck was originally the head of the Department of Missouri until Stanton ordered the arrangement of three military departments and made Halleck the head of the Department of Mississippi.<sup>8</sup> The communication from Stanton's office informed Halleck that President Lincoln desired that he "should detail two regiments to act in the Indian country, with a view to open the way for the friendly Indians who are now refugees in Southern Kansas to return to their homes and to protect them there."<sup>9</sup> In meeting with Halleck, Steele discovered that he was not eager to arm the Indians, in spite of the fact that he had received orders to do so. Halleck's resistance stemmed in part from his own prejudiced views of savage acts performed by Indians during battle and his views were reinforced by rumored reports of Confederate Indian atrocities at the recent battle of Pea Ridge.

On March 7-8, 1862, the Battle of Pea Ridge or Elkhorn Tavern, as the Confederates referred to it, took place in the northwest corner of Arkansas. In mid-February, Union forces had driven the Missouri Confederates, under the leadership of General Sterling Price, out of Springfield, Missouri, towards the Arkansas border. Then General Albert Pike received orders to gather his Indian forces and join forces with the Confederates' main army in Arkansas. Pike was able to get Colonel Stand Watie's Cherokee regiment, Colonel John Drew's Cherokee regiment, and two hundred cavalymen of the Ninth Texas to move with him towards Pea Ridge. The Choctaws and Chickasaws, however, would not leave Indian Territory because they had not received pay for their services or arms and clothing as promised.<sup>10</sup> The Cherokees held their own during the battle but their actions after charging a Union battery horrified Union leaders and the northern press. Brigadier General Samuel R. Curtis reported that the Confederate

Indians scalped, tomahawked, and mutilated the bodies of Union soldiers whom they captured during the attack on the battery. Officers from the Third Iowa Cavalry found eight bodies “scalped and others that had been riddled with musket balls or mutilated with knives.”<sup>11</sup> Northern newspapers exaggerated the numbers of individuals scalped by the Indians and falsely reported that Pike had riled up the Indians with liquor to excite their readers.<sup>12</sup> Pike was as much horrified about the Indians’ actions as those on the Union side. He ordered them to stop scalping and killing prisoners, as was common and accepted in Indian battle. Pike sent these orders not only to his troops, but to General Curtis as well to show that he was putting a stop to these atrocities.<sup>13</sup>

Pike did hold some blame for the Indians’ actions on the battlefield. During his treaty negotiation with the Indians, they agreed to furnish troops under the stipulation “that they should be allowed to fight in their own fashion.”<sup>14</sup> He most likely interpreted fighting in their own fashion as that they would “not face artillery and steady infantry on open ground” because they were “only used to fighting as skirmishers when cover [could] be obtained.”<sup>15</sup> Along with Pike, the Cherokee Nation Council expressed their stance as opposed to the actions of the Cherokees at the Battle of Pea Ridge. The Council resolved “that it be and is earnestly recommended to the troops of this nation in the service of the Confederate States to avoid any acts toward captured or fallen foes that would be incompatible with such usages.”<sup>16</sup>

The actions of the Confederate Indians at Pea Ridge made many of the Union officials hesitant to use Loyal Indians to take back the Indian Territory. General Halleck was not excited about arming the Loyal Indians, but he received an order from the War Department to arm two thousand Indians for an expedition into the Indian Territory. On

April 5, he reluctantly passed on the order to Brigadier General James W. Denver, who had replaced David Hunter as the commander of the District of Kansas, at Fort Leavenworth. Denver received his command from Lincoln because of his past work in Kansas. During President James Buchanan's administration, Denver served as Indian Commissioner until December 1857 when he took the oath of office as the territorial governor of Kansas.<sup>17</sup> Denver, now commander of Kansas, was to report what arms he had available for the Indians and prepare to send the available troops to either Fort Scott or Humboldt, Kansas, for an expedition into the Indian Territory. Halleck also informed Denver that the Indians they would arm could only be used "against other Indians or in defense of their own territory and homes."<sup>18</sup>

After delivering the orders from the War Department to Halleck, Judge Steele departed for Leavenworth, Kansas, with the orders to secure arms for two thousand Indians. At the time of his arrival, the arsenal at Fort Leavenworth held about four hundred Indian rifles and the head of the arsenal expected more to arrive.<sup>19</sup> Once all the guns arrived, they had to be inspected to make sure they worked properly. By April 8, the arsenal secured and inspected enough guns to arm two thousand Indians for the expedition and sent them to Coffin who was at the refugee site near Le Roy.

The Indians were hesitant about attempts to organize them for military service, due to the aborted enrollment the last time. The arrival of the weapons eased some of the Indians' suspicions and restored some of their confidence in the Union.<sup>20</sup> Coffin, however, was concerned that Indians who would not partake in the expedition would try to get guns meant for those who enlisted. He knew that if they got a hold of guns it would be nearly impossible for the federal authorities to monitor or retrieve them. Coffin

decided to hold back all weapons until closer to the time that the expedition was organized and the white troops had joined them.<sup>21</sup>

Coffin had more to worry about than some Indians getting guns and not enrolling for service. He was concerned whether there was even going to be an expedition. No white troops had reported to them for service nor had they heard of any white troops moving towards them to aid in the expedition.<sup>22</sup> On April 10, 1862, General Denver was relieved of his command over the District of Kansas, with General Samuel Sturgis becoming the new commander. Sturgis wanted to put a stop to the expedition and on April 25, he issued General Orders No. 8 stating that:

No Indians will be mustered into service in this district without direct orders from these headquarters. No Indians, therefore, will be raised for that purpose within the limits of this district; and the military authorities are hereby required and directed to arrest and bring to this post any person or persons acting in violation of this order.<sup>23</sup>

The orders came to Coffin by messenger around the twenty-ninth of April. Coffin wrote a letter to Sturgis informing him that he was acting in accordance with orders from the Department of the Interior and not the War Department.<sup>24</sup> He also wrote to Dole, enclosing the orders from Sturgis, explaining that he would continue to act under his orders unless otherwise notified. Coffin felt that if they called off the enrollment a second time the Indians would lose all confidence in the Union which would greatly increase the difficulties in working with them.<sup>25</sup> Colonel Robert W. Furnas, who was appointed by both the Secretaries of Interior and War to raise one regiment of Loyal Indians for the purpose of restoring the refugees to their homes and providing protection once they arrived back in their homes, wrote to Dole about his encounter with Sturgis's orders.<sup>26</sup> Furnas was successful in enrolling about one thousand and nine loyal Indians

for his regiment with the help of Indian agents George Cutler and George Snow.<sup>27</sup> He reported that he received a messenger with Sturgis's order, and the next day a Major Minor came with a company of cavalry "to look into matters."<sup>28</sup> He informed Major Minor that he was acting under orders of the Department of the Interior, and Minor declined to interfere.<sup>29</sup> Furnas and Coffin continued to enroll the refugees for military service and soon they would not have to worry about Sturgis and his orders.

On May 2, the War Department passed new orders stating that:

The Department of Kansas is hereby restored as described in General Orders, No. 97 of 1861, as follows: To include the State of Kansas, the Indian Territory west of Arkansas, and the Territories of Nebraska, Colorado, and Dakota; headquarters at Fort Leavenworth.<sup>30</sup>

General James Blunt replaced General Sturgis and took over command on May 5.

Blunt's first action was to rescind Sturgis's General Orders No. 8 and to instruct that the formation of two Indian regiments be carried out as quickly as possible.<sup>31</sup>

By the beginning of June, the organization of the Indian Expedition was advancing rapidly. Coffin communicated with Dole informing him of the progress of the enrollment, the organization of the Indians, and the preparations for their departure. He was concerned that they would not have enough to complete a second regiment, but believed that if he could recruit from the Indian tribes of Kansas, the Delawares, Shawnees, and Osages, he would fill the second regiment.<sup>32</sup> By June 9, the agents had successfully mustered the first Indian regiment, which consisted of eight companies of Creeks and two companies of Seminoles.<sup>33</sup> The second regiment took longer to enroll since the agents had to resort to recruiting extra forces from the Kansas tribes. The second regiment comprised of Cherokees, Quapaws, Delawares, Kansas, Shawnees,

Caddos, Kechees, Ironeyes, and Kickapoos, but they were not mustered in until after June 22.<sup>34</sup>

On June 15, Coffin wrote to Dole informing him that the First Indian regiment consisting of the Creeks and Seminoles and the partially filled Second regiment had left Le Roy and were headed for Humboldt to join the white troops.<sup>35</sup> Coffin estimated the two regiments to total about fifteen hundred, but felt that the number would increase by about two or three hundred by the time they moved through the Osage Nation. He was also optimistic about the possibility of some two thousand Cherokees joining the expedition once it entered the Cherokee Nation.<sup>36</sup> However, for now, only the two Indian regiments marched to Humboldt to receive equipment for the upcoming expedition into Indian Territory.

At Humboldt, they received the guns and uniforms that Coffin had held back in early April. Many of the Indians found that the guns they received were worthless, because they would not shoot.<sup>37</sup> The uniforms the Indians received were insufficient as well, being either too small or too large. Some had sleeves that only covered two thirds of their arms, while others had sleeves that went past their hands.<sup>38</sup> Coffin wrote to Dole telling how “ ‘the Indians with their new uniforms and small Military caps on their Hugh [sic] Heads of Hair made rather a Comecal [sic] Ludecrous [sic] appearance [as] they marched off.’ ”<sup>39</sup> Although they were a “Comecal” sight to the white troops, the Indians were ready to take back their lands and homes.

The Indians had received their supplies and were now ready to follow the Indian Expedition’s field commander, Colonel William Weer. Weer was a former officer in James Lane’s jayhawking brigade and as of April 12 had just been reinstated to the

position of Colonel in the Fourth Regiment Kansas Volunteers by orders of Secretary of War Stanton.<sup>40</sup> Coffin, by suggestion of Dole, assigned Edwin Carruth and Henry W. Martin to accompany the expedition in order to look out for the interests and welfare of the Indians.<sup>41</sup> A Reverend Evan Jones also accompanied the expedition. His task was to deliver a message for Chief John Ross assuring him and the other Indians that the government was concerned for the Indians and planned to regain Indian Territory and protect them.<sup>42</sup> Colonel Weer got white soldiers from the Sixth Kansas Cavalry, the Ninth Kansas Cavalry, the Tenth Kansas Infantry, the First Kansas Battery, the Second Ohio Cavalry, and the Ninth and Twelfth Wisconsin Infantry.<sup>43</sup> By the end of June, all of the forces for the Indian Expedition had gathered at Baxter Springs, a government post located in the southeast corner of Kansas, and they waited for orders to march south into Indian Territory.<sup>44</sup>

On June 28, the first brigade of the Indian Expedition commenced their march south at four in the morning. The Second Regiment Indian Home Guard was ordered to cross the Spring River and move southward along the eastside of the river to Round Grove on the Cowskin Prairie in the Cherokee Nation.<sup>45</sup> The other part of the brigade moved southward along a military road that led to Hudson's Crossing on the Neosho River.<sup>46</sup> Around eleven o'clock, they came upon the crossing and made their way across the river. Once reaching the other side, the troops stopped and made camp to wait for supplies that were to arrive from Fort Scott.<sup>47</sup> They spent almost two days waiting for the supplies to arrive, after which they continued the march southward. They marched along the west side of the Grand River for about twenty miles until they arrived at Carey's Ford, where they were able to cross the river. It took about three hours for the troops and

the wagon trains to get across the river due to steep embankment on the east side of the river.<sup>48</sup> Once they finally reached the other side, they only had to march about three miles to Round Grove where they set up camp.

Colonel Weer decided that the Union troops would move towards the Cowskin Prairie area after receiving reports that Confederate forces were in the vicinity, and because on June 6 Colonel Charles Doubleday had a small and indecisive engagement with Stand Watie in that area.<sup>49</sup> When the First Brigade arrived, only about 150 mounted white Confederates were there. The Confederates had reports of their own on the strength of the Union army and had already dispersed in several different directions towards the south.<sup>50</sup> Stand Watie took his troops to an area around his home on Spavinaw Creek (near present-day Spavinaw, Oklahoma) about twenty-five miles from where the Union troops encamped at Round Grove. Colonel J. J. Clarkson, who on June 26 received command of all forces in the Cherokee, Creek, and Seminole countries, had taken his regiment of Missourians even farther south to Locust Grove, some sixty miles south of Round Grove.<sup>51</sup> Chief John Ross sent a letter urging Pike to move north with his troops, but he would not leave Fort McCulloch, which was in the Choctaw Nation some two hundred miles south of Tahlequah. Stand Watie and John Drew appealed to General Thomas Hindman, the commander of the Trans-Mississippi Department for the Confederacy, to send Confederate troops from Arkansas to provide assistance against the Union forces as their treaties stipulated.<sup>52</sup> The Confederates, however, like the Union leadership before, left the Indians to defend themselves.

The Second Brigade of the Indian Expedition remained encamped at Baxter Springs until Colonel William Judson received orders to move his men south. Around



June 29, Judson was to take the large part of his troops and follow the route that the First Brigade took to Round Grove. Judson was to instruct the mounted portion of the First Indian Home Guard to cross the Spring River and “scour the country between [the] Grand River and the Missouri State line” especially the portion that the previous Indian Regiment might have failed to visit and arrest or drive out any rebels in that portion of the country.<sup>53</sup> This party of about two hundred mounted Indian soldiers scoured the area and made their way into Missouri about ten miles where they encountered a party of bushwhackers. They exchanged shots and believed to have killed the leader of the marauders. They were able to capture some of the bushwhackers and their stock, which they took with them to Round Grove where the First Brigade was camping.<sup>54</sup>

By July 1, both brigades of the Indian Expedition were encamped at Round Grove on the Cowskin Prairie in the Cherokee Nation. Colonel Weer learned from his scouts the positions of Watie and Clarkson and was ready to pursue them. To not impede his movement, Weer “sent all his baggage and supply trains, part of his artillery, the Second Ohio Cavalry, and the Ninth and Twelfth Regiments Wisconsin Infantry, from Round Grove to the west side of Grand River, with instructions to march down on the west side of that river on the military road to Cabin Creek,” between the present-day towns of Big Cabin and Adair.<sup>55</sup> Weer sent the Sixth Kansas Cavalry under the leadership of Lieutenant-Colonel Lewis Jewel down the eastside of the Grand River and towards Maysville, Arkansas, in pursuit of Stand Watie and his troops. They came across Watie’s trail and learned from an Indian family that he had passed only about an hour before with about four hundred men. Excitement spread through the men and they quickened their pace in their pursuit of the rebel Indians. After about two hours, they came upon Watie

having dinner at a home. His guard informed him of the Union troops' advance in time for him to escape and catch up with the rest of his command. The Union troops chased after him with vigor, shooting whenever a shot was available. They managed to kill one of the rebels and put the rest to flight through the hills.<sup>56</sup> Jewell organized his men and began moving toward where he thought Weer would be with his men along the Grand Saline River.

On July 2, Weer commanded a night march that had the First Indian Regiment in the advance and portions of the Ninth Kansas Cavalry, the Tenth Kansas Infantry, and First Kansas Battery following behind.<sup>57</sup> Weer was informed of Colonel Clarkson's position near Locust Grove, and quietly marched his men unnoticed into the area. The troops organized into positions that surrounded the Confederate camp. The first to act against the rebels were the Creek Indians from the First Indian Regiment.<sup>58</sup> The Confederates, completely caught off guard, could not form a battle line to counteract the attack. The Union forces fired into the Confederate camp causing many of the rebels to find shelter behind their wagons. Some of the rebels were able to escape on the first alarm before the Federals had them surrounded, but many were either captured or shot.<sup>59</sup> Those who did escape fled towards Tahlequah, the capital of the Cherokee Nation, and talked about their defeat, causing the local Indians to become concerned for their safety and to fear that the Loyal Indians were coming back for revenge. The Union forces captured one hundred of the rebels, including Colonel Clarkson, killed about thirty, and also captured sixty-four mule teams carrying the baggage and supplies, guns, ammunition, and tents.<sup>60</sup> Carruth and Martin wrote that:

In reality, it was a victory gained by the 1<sup>st</sup> Indian regiment; and while the other forces would, no doubt, have acted well, it is the height of injustice to claim this victory for the whites.<sup>61</sup>

The only casualty that any of the white soldiers could claim was the accidental killing of Dr. Holleday, the surgeon for the First Indian Regiment.<sup>62</sup> Weer and his troops escorted the Confederate prisoners toward where Weer had sent his supply and baggage trains to wait while they were marching on the rebels.

On July 4, the Federals made camp on Cabin Creek, just three miles west of Locust Grove, and they observed the day by firing the cannons and holding a review of the troops.<sup>63</sup> On the following day, Weer sent the captured rebels to Fort Scott along with some newly enlisted Cherokees who, once mustered in, made up the last three regiments that completed the Second Indian Home Guard.<sup>64</sup> They stayed encamped along Cabin Creek for about two weeks, waiting for supplies from Fort Scott. During this time, thousands of Cherokees came into their camp looking for refuge. Their motivation for refuge was not clear, either fear of revenge or loyalty to the Union. Whatever their reasons, the government now had more refugees for which to care.

Almost one thousand of the Cherokees who came over to the Union were enlisted as soldiers in Colonel John Drew's regiment. This was the second time Drew's troops abandoned the Confederate ranks. Four hundred of these soldiers were Indians who enlisted in the Second Indian Home Guard, while the others organized into a third Indian regiment.<sup>65</sup> William A. Phillips received the commission of colonel and led this new regiment. Before the war, Phillips came to Kansas in 1855 as an antislavery reporter for the *New York Tribune* and became a supporter of James Lane. When the war began, he

turned down an offer to be a war correspondent with the Army of the Potomac for active service in the West.<sup>66</sup>

By July 12, Weer had received his supplies and moved his forces south along the Grand (Neosho) River and encamped about twelve miles north of Fort Gibson.<sup>67</sup> The Indian Territory was drought stricken and the rebels were trying to burn the Union forces out by setting fire to the dried grass. Weer corresponded with Chief Ross asking for a meeting so that they could discuss the possibility of bringing “restoration of good feeling and the observance of law and order in this beautiful country, now threatened with the horrors of civil war.”<sup>68</sup> Chief Ross responded that he would not meet with Weer and the Cherokee people had entered a treaty with the Confederate States and would remain loyal to that treaty.<sup>69</sup> Realizing that Ross would not voluntarily break his treaty with the Confederacy and come under the protection of the Union, Weer sent a reconnaissance force of two hundred men to find the position of the enemy south of the Arkansas River. This Union force led by William Campbell broke through the enemy’s pickets and scattered the rebel forces stationed at Fort Gibson.<sup>70</sup>

While Campbell and his men were forcing the rebels out of Fort Gibson, Captain H. S. Greeno was advancing on Tahlequah and Park Hill, the residence of Chief John Ross, with one hundred white soldiers and fifty Cherokee soldiers. On July 14, Greeno and his troops reached Tahlequah to find no rebel resistance and learned of a company of about two to three hundred Indians camped near Park Hill, reported to be friendly.<sup>71</sup> The following morning the Union forces advanced on Park Hill and peacefully captured Lieutenant-Colonel William Ross, Major Thomas Pegg, and about nine other officers who had just received orders to report to Colonel Cooper. He also placed Chief John

Ross under arrest (Ross had just received orders from President Davis to issue a proclamation calling for all available men to take up arms against the invading Union forces).<sup>72</sup> Greeno felt that by placing these men under arrest, the Confederacy could not hold them as traitors for not obeying their orders.<sup>73</sup> After arresting Ross, Greeno quickly paroled him and allowed him to remain at Park Hill. Ross, however, was concerned with “lawless bands that [were] daily threatening them, committing robberies and murders” and wanted the United States to send sufficient forces to protect them against these marauders.<sup>74</sup> Chief Ross was concerned for the safety of his people and his family and, more importantly, himself.

Captain Greeno took the officers back to the main Union camp along the Grand (Neosho) River and left Chief Ross on his own parole at Park Hill. About two hundred friendly Cherokees followed Greeno’s troops back to camp, where after a few days most of them joined Colonel Phillips’ Third Indian Regiment.<sup>75</sup> The Indian expedition had now accomplished its mission by capturing Fort Gibson and the Cherokee Chief John Ross. However, all was not well in the Union camp.

The expedition took longer to organize and its movement south did not occur until late June. This put the Union soldiers out on the open prairie during the summer, when there was a severe drought. Several of the troops had come from Ohio and Wisconsin and they were not acclimated to the type of weather they now experienced. The soldiers that were not out scouting had little to do around the camp since they had forced the rebels out of the area. Some of these white troops resorted to plundering the homes of the Indians. The Loyal Indians had orders “not to touch anything as partial,” but they were the ones accused for the actions of the whites.<sup>76</sup> Other problems were that the drought

was hindering the success of any crops, so food outside of the soldiers' rations was scarce. The rations themselves were running out because no supply trains had reached the soldiers in some time. They were receiving half rations, and they had no clean water to drink. Due to the lack of food and the heat, men had grown faint, and many of the officers grew concerned about their health.

Weer called for a war council to decide whether they should fall back or remain encamped where they were. The council felt they should fall "back to some point from which [they] could reopen communication with [their] commissary depot."<sup>77</sup> Weer overrode their decision and announced "his determination not to move from this point."<sup>78</sup> They had not received any communication for two weeks from their rear and the couriers they had sent out to find supply trains had not returned with any information. With men growing weak and the concern of a rebel force cutting off their supplies from the rear, Colonel Frederick Salomon arrested Weer and took over command of the Indian Expedition.<sup>79</sup>

Upon taking over command of the Indian expedition on July 18, Salomon issued orders for all the white soldiers to prepare to march out at two o'clock the next morning. He planned to march the white troops back north towards Baxter Springs, Kansas, and leave the First, Second, and Third Regiments of the Indian Home Guard to hold the Indian Territory for the Union. According to Edwin Carruth, the "whole camp was thrown into confusion by the arrest of Col. William Weer, commanding, and the retreat of all the white forces, leaving three Indian regiments behind to fight the enemy's forces, amounting to from 3,000 to 10,000 men."<sup>80</sup> Carruth was concerned that the new Union control in the Indian Territory would be lost, but, more important, that all those "who

[had] flocked to the Union standard [would] be ruthlessly murdered” without Union protection.<sup>81</sup> He pleaded with General Blunt to stop the retreat of the white soldiers, for fear that the Indians might see their actions as a shameful retreat and demoralize their hopes in the Union once again. Carruth emphasized that:

The arrest of the colonel commanding is here considered a mutiny. It was done in a manner as insulting as its effects will prove damning to the Union people of the country. Besides, there are many families of white missionaries already threatened with punishment, who, because they expressed joy at our arrival, may be murdered. These honest people, who believe in the United States Government and flag, care more at present for life and virtue than the making of brigadiers. They ought to have, they deserve, protection, and we humbly pray that you will extend such help as speedily as possible.<sup>82</sup>

Colonel Salomon left leaving “meager verbal and indefinite orders or instructions” for the Indian regiments.<sup>83</sup> Those who held positions of command among the Indian regiments “held a council, and decided that the safety and preservation of the commands depended upon consolidation.”<sup>84</sup> Therefore, since Colonel Robert Furnas was the ranking officer in the field, he assumed command of all the Indian regiments. During their meeting, the commanders agreed that the three Indian regiments could hold the Indian country north of the Arkansas River with a small addition to their force as long as Colonel Cooper’s forces did not receive white reinforcements.<sup>85</sup>

After the council, Furnas brought all his troops together and moved them from their current encampment at Flat Rock on the Grand (Neosho) River to one twenty miles northwest on the Verdigris River.<sup>86</sup> The first night they were encamped along the Verdigris, some one hundred and eighty Osage Indians deserted the camp to hunt buffalo. Furnas also reported that some of the Indians from the First Regiment became uncontrollable without the restraining influence of the white soldiers.<sup>87</sup> On June 23, Furnas received orders from Salomon to move his troops north to Horse Creek, some

twenty miles below Hudson's Crossing on the Neosho River, and establish camp.

Following these orders, Furnas broke camp and moved his troops to Horse Creek, where Camp Wattles was set up.

With the camp established, Furnas felt that he needed a small addition to his troops in order to hold the Indian Territory north of the Arkansas River. However, the addition of white troops was important, but the need for rations was more important. At this time, the Indian regiments had no daily rations left and were surviving only on beef jerky. Furnas decided to meet with Salomon to see if he could get some additional troops and food for his men. His meeting with Salomon was successful, and he received one section of Captain Allen's First Kansas Battery and about ten days' worth of half rations.<sup>88</sup> With this aid, Furnas felt they could hold the northern part of the Indian Territory and protect those who supported the Union from the rebels.

Once the Union's white forces pulled out of their camp, a detachment of Colonel Stand Watie's rebel forces crossed the Arkansas River and began attacking those Cherokees who had declared their support for the Union. Colonel William Phillips received orders to take his regiment to country around Tahlequah and Park Hill to put down the rebel aggression. Phillips, with his force of Cherokees, was successful in defeating the rebel force. They captured about twenty-five men and killed at least thirty-two men, including a Lieutenant Colonel Thomas Taylor and Captain Hicks from Stand Watie's Cherokee regiment.<sup>89</sup> Phillips organized his regiment and made camp at the Union's old camp site at Flat Rock and was determined to stay and run off any rebels who tried to cross the Arkansas River, as long as he could receive a new supply of rations.



While Phillips was fighting the rebels near Tahlequah, reports of a rebel force, concentrating at Fort Davis to overtake the other Indian Regiments around Wolf Creek, arrived at Camp Wattles. With Phillips's regiment gone and some reinforcements having recently left to help Phillips hold his position, Furnas felt vulnerable. The Creeks were concerned and wanted to retreat at least as far north as the main Union encampment.<sup>90</sup> Concerned that a small force could overtake his position, Furnas decided to move his forces north towards Baxter Springs, Kansas and the main part of the Union army. Phillips did not know of the retreat and was still pursuing the enemy and got as far as the Creek Agency ford of the Arkansas River until his men were without any rations and had to fall back.<sup>91</sup>

As Phillips and his regiment moved towards Baxter Springs, a large number of refugees followed them north, fearful that, if they remained, the rebels would kill them for declaring their support for the Union. He also had a herd of cattle of no less than six hundred head that he brought out of the Indian country. Phillips believed that these cattle could not only feed the Indian soldiers, but also the refugees for months. He urged that they "not [be] sold to speculators at a nominal price to the prejudice of the Government," for they could feed the Indians "and save the Government a great expense."<sup>92</sup> With Phillips's retreat to Baxter Springs, the Indian country north of the Arkansas River was left to the rebels once again.

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## NOTES

- <sup>1</sup> George W. Collamore to William P. Dole, 21 April 1862, G., *Report of the Commissioner of Indian Affairs for the Year of 1862* (Washington, D. C.: Government Printing Office, 1863), p. 157.
- <sup>2</sup> *Ibid.*
- <sup>3</sup> *Ibid.*, p. 158.
- <sup>4</sup> *Ibid.*
- <sup>5</sup> William P. Dole to Caleb B. Smith, 5 June 1862, No. 30, *Report of the Commissioner*, p. 148.
- <sup>6</sup> Annie Heloise Abel, *The American Indians in the Civil War, 1862-1865*, with an introduction by Theda Perdue and Michael D. Green (Cleveland: The Arthur H. Company, 1919; reprint, Lincoln: University of Nebraska Press, 1992), p. 99.
- <sup>7</sup> William P. Dole to Caleb B. Smith, 5 June 1862, No. 30, *Report of the Commissioner*, p. 148.
- <sup>8</sup> Abel, *The American Indians in the Civil War*, p. 96. Stanton created three military departments on March 11, 1861. The Department of the Potomac headed by George McClellan, the Department of the Mountain headed by John Frémont, and the Department of the Mississippi headed by Henry Halleck.
- <sup>9</sup> Lorenzo Thomas to Henry Halleck, 19 March 1862, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1883), Series I, Vol. VIII, p. 624.
- <sup>10</sup> Albert Pike to D. H. Maury, 14 March 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 287; Alvin M. Josephy, Jr., *The Civil War in the American West* (New York: Vintage Books, 1991), p. 337; Abel, *The American Indians in the Civil War*, p. 27.
- <sup>11</sup> Josephy, *The Civil War in the American West*, p. 322.
- <sup>12</sup> *Ibid.*, 323.
- <sup>13</sup> *Ibid.*
- <sup>14</sup> Report of Albert Pike, 4 May 1862, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1885), Series I, Vol. XIII, p. 819.
- <sup>15</sup> *Ibid.*
- <sup>16</sup> John Ross to Jefferson Davis, 10 May 1862, Enclosure No. 2, *The War of the Rebellion*, Series I, Vol. XIII, p. 826.
- <sup>17</sup> Jay Monaghan, *Civil War on the Western Border, 1854-1865* (Boston: Little, Brown, 1955; reprint, Lincoln: University of Nebraska Press, 1984) p. 101.
- <sup>18</sup> Henry Halleck to James Denver, 5 April 1862, *The War of the Rebellion*, Series I, Vol. VIII, p. 665.
- <sup>19</sup> Abel, *The American Indians in the Civil War*, p. 101.
- <sup>20</sup> William G. Coffin to William P. Dole, 15 October 1862, No. 24, *Report of the Commissioner*, p. 136.
- <sup>21</sup> Abel, *The American Indians in the Civil War*, pp. 102-103.
- <sup>22</sup> *Ibid.*, p. 103.
- <sup>23</sup> Thomas Moonlight, 25 April 1862, General Orders No. 8, *The War of the Rebellion*, Series I, Vol. XIII, p. 365.

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- <sup>24</sup> Abel, *The American Indians in the Civil War*, p. 105.
- <sup>25</sup> *Ibid.*, pp. 105-106.
- <sup>26</sup> *Ibid.*, p. 107; Lorenzo Thomas to Henry Halleck, 4 April 1862, *The War of the Rebellion*, Series I, Vol. VIII, pp. 659-660. The Secretary of War, in concurrence with the Secretary of the Interior, authorized the formation of Two Indian regiments by Robert W. Furnace and John Richay.
- <sup>27</sup> Abel, *The American Indians in the Civil War*, p. 108.
- <sup>28</sup> *Ibid.*
- <sup>29</sup> William G. Coffin to William P. Dole, 15 October 1862, No. 24, *Report of the Commissioner*, p. 137.
- <sup>30</sup> Lorenzo Thomas, 2 May 1862, General Orders No. 50, *The War of the Rebellion*, Series I, Vol. XIII, pp. 368-369.
- <sup>31</sup> Thomas Moonlight, 5 May 1862, General Orders No. 2, *The War of the Rebellion*, Series I, Vol. XIII, p. 370.
- <sup>32</sup> Abel, *The American Indians in the Civil War*, pp. 113-114.
- <sup>33</sup> *Ibid.*, p. 14.
- <sup>34</sup> Abel, *The American Indians in the Civil War*, p. 115; Josephy, *The Civil War in the American West*, p. 355; William Weer to Thomas Moonlight, 22 June 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 444.
- <sup>35</sup> Abel, *The American Indians in the Civil War*, p. 115.
- <sup>36</sup> *Ibid.*
- <sup>37</sup> *Ibid.*, p. 117.
- <sup>38</sup> Wiley Britton, *The Civil War on the Border*, 3d ed., Volume I, 1861-1862 (New York: The Knickerbocker Press, 1899; reprint, Ottawa: Kansas Heritage Press, 1994), p. 299; Josephy, *The Civil War in the American West*, p. 355; Monaghan, *Civil War on the Western Border*, p. 253.
- <sup>39</sup> Abel, *The American Indians in the Civil War*, p. 123; Josephy, *The Civil War in the American West*, p. 355.
- <sup>40</sup> Lorenzo Thomas, 12 April 1862, Special Orders No. 80, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1899), Series III, Vol. II, p. 16; Josephy, *The Civil War in the American West*, p. 355.
- <sup>41</sup> William G. Coffin to William P. Dole, 15 October 1862, No. 24, *Report of the Commissioner*, p. 137.
- <sup>42</sup> Abel, *The American Indians in the Civil War*, pp. 121-122.
- <sup>43</sup> Frederick Salomon to William Weer, 30 June 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 458; Britton, *The Civil War on the Border*, pp. 300-301.
- <sup>44</sup> Abel, *The American Indians in the Civil War*, p. 125.
- <sup>45</sup> William Weer to Thomas Moonlight, 2 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 460. The Spring River and the Neosho River come together in Ottawa County, Oklahoma and form the Grand (Neosho) River. In the 1860's, the Grand (Neosho) River flowed freely, but today the river is dammed and forms the Grand Lake O' the Cherokees.
- <sup>46</sup> Britton, *The Civil War on the Border*, p. 299; Frederick Salomon to William Weer, 30 June 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 458; Abel, *The American Indians in the Civil War*, p. 126.

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- <sup>47</sup> Britton, *The Civil War on the Border*, pp. 299-300; Frederick Salomon to William Weer, 30 June 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 458; Abel, *The American Indians in the Civil War*, p. 126.
- <sup>48</sup> Britton, *The Civil War on the Border*, p. 300; Frederick Salomon to William Weer, 30 June 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 458; Abel, *The American Indians in the Civil War*, p. 126.
- <sup>49</sup> Charles Doubleday to William Weer, 8 June 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 102; Abel, *The American Indians in the Civil War*, p. 119.
- <sup>50</sup> Britton, *The Civil War on the Border*, p. 300.
- <sup>51</sup> *Ibid.*; R. C. Newton, 26 June 1862, General Orders No. 21, *The War of the Rebellion*, Series I, Vol. XIII, p. 846.
- <sup>52</sup> Josephy, *The Civil War in the American West*, p. 355. Fort McCulloch was a fort planned by Albert Pike and was located on the Blue River mostly likely a few miles southwest of present-day Boggy Depot, Oklahoma.
- <sup>53</sup> James Phillips to W. R. Judson, 28 June 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 456.
- <sup>54</sup> William Weer to Thomas Moonlight, 2 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, pp. 460-461.
- <sup>55</sup> Britton, *The Civil War on the Border*, p. 300.
- <sup>56</sup> *Ibid.*, p. 301.
- <sup>57</sup> Edwin H. Carruth and Henry W. Martin to William G. Coffin, 2 August 1862, *Report of the Commissioner*, p. 162; Britton, *The Civil War on the Border*, p. 301.
- <sup>58</sup> *Ibid.*, p. 162.
- <sup>59</sup> Britton, *The Civil War on the Border*, pp. 302-303.
- <sup>60</sup> William Weer to Thomas Moonlight, 4 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 137; Britton, *The Civil War on the Border*, p. 303.
- <sup>61</sup> Edwin H. Carruth and Henry W. Martin to William G. Coffin, 2 August 1862, *Report of the Commissioner*, p. 162.
- <sup>62</sup> *Ibid.*, p. 162; William Weer to Thomas Moonlight, 4 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 137.
- <sup>63</sup> Britton, *The Civil War on the Border*, p. 303.
- <sup>64</sup> *Ibid.*, p. 304; John Ritchie to James Blunt, 5 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, pp. 463-464.
- <sup>65</sup> William Weer to Thomas Moonlight, 6 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 138; Abel, *The American Indians in the Civil War*, p. 132.
- <sup>66</sup> Abel, *The American Indians in the Civil War*, pp. 126 and 132; Josephy, *The Civil War in the American West*, p. 356; Monaghan, *Civil War on the Western Border*, p. 253.
- <sup>67</sup> William Weer to Thomas Moonlight, 12 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 487.
- <sup>68</sup> William Weer to John Ross, 7 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 464.
- <sup>69</sup> John Ross to William Weer, 8 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 486.
- <sup>70</sup> William Weer to Thomas Moonlight, 16 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 160.

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- <sup>71</sup> H. S. Greeno to William Weer, 15 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 473.
- <sup>72</sup> H. S. Greeno to William Weer, 17 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 162.
- <sup>73</sup> Ibid; Edwin H. Carruth and Henry W. Martin to William G. Coffin, 2 August 1862, No. 31, *Report of the Commissioner*, p. 158.
- <sup>74</sup> H. S. Greeno to William Weer, 17 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 162.
- <sup>75</sup> Ibid; Britton, *The Civil War on the Border*, p. 306.
- <sup>76</sup> Edwin H. Carruth and Henry W. Martin to William G. Coffin, 2 August 1862, *Report of the Commissioner*, p. 162.
- <sup>77</sup> Frederick Salomon to Commanders of different corps constituting Indian Expedition, 18 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 476.
- <sup>78</sup> Ibid.
- <sup>79</sup> Frederick Salomon to James Blunt, 20 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 484.
- <sup>80</sup> Edwin Carruth and Henry W. Martin to James Blunt, 19 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 478.
- <sup>81</sup> Ibid.
- <sup>82</sup> Ibid.
- <sup>83</sup> R. W. Furnas to James Blunt, 25 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 512.
- <sup>84</sup> Ibid.
- <sup>85</sup> Britton, *The Civil War on the Border*, p. 310.
- <sup>86</sup> Ibid; R. W. Furnas to James Blunt, 25 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 512.
- <sup>87</sup> R. W. Furnas to James Blunt, 25 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 512.
- <sup>88</sup> Ibid.
- <sup>89</sup> William A. Phillips to R. W. Furnas, 27 July 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 181; Britton, *The Civil War on the Border*, p. 311.
- <sup>90</sup> Edwin H. Carruth and Henry W. Martin to William G. Coffin, 2 August 1862, *Report of the Commissioner*, p. 163.
- <sup>91</sup> William Phillips to R. W. Furnas, 6 August 1862, *The War of the Rebellion*, Series I, Vol. XIII, p. 183.
- <sup>92</sup> Ibid., p. 184.

## **CHAPTER SEVEN**

### **A LEADER'S STRUGGLE ENDS**

The Union's 1862 Indian Expedition failed in its attempt to repossess the Indian Territory and return the Indian refugees in Kansas to their homes. Not only had they failed to return any of the refugees, but as the white soldiers marched back to Kansas, two thousand Cherokees followed them for protection from the rebels. In June, the refugees sent some fourteen to sixteen hundred of their men with the white soldiers for the Indian Expedition. Seeing their men leave brought hope and confidence to these refugees, for they felt they would soon return to their homes. With the departure of the men, the quantity of food and clothing the refugees received became more adequate. Creek agent George Cutler reported that:

We are getting along well, very well. The Indians seem happy and contented, and seemingly get enough to eat and wear. At least I hear no complaint.<sup>1</sup>

The warmer weather and better supply of food and clothing helped the refugees, but for some the aid arrived too late. The harsh travel across the winter-laden prairie continued to take its toll on the refugees. In July, Doctor Samuel Coffin reported that one-fifth of the refugee Indians were on the sick list.<sup>2</sup> Many suffered from "frostbite, measles, mumps, diphtheria, and pneumonia, contracted during the cold and rainy winter months."<sup>3</sup> Superintendent William Coffin reported that death from exposure to the harsh winter elements "has been and still is very great, fully ten [percent] of those who reached the camp" had died by October 1862.<sup>4</sup>

For the refugees who had escaped death, the hope of returning home after the Indian Expedition had run the rebels out of their country was in their hearts and minds. Their hopes were soon shattered. On August 11, 1862, Indian soldiers from the expedition began to wander back into the refugee camp. Cutler reported that “for the last two to three days the Indian soldiers have been [straggling] back, until now there are some three or four hundred in, and they are still coming.”<sup>5</sup> Cutler interviewed the returning Indians on why they had returned, but many could give no reason other than that “Old George started and the rest followed.”<sup>6</sup> The disorganized return of the soldiers signaled that they had not retaken the Indian Country, and their return would put a strain on the provisions purchased for the women and children.

With the Indian soldiers returning to the refugee camps, tensions increased between the military and the Indian Office. Superintendent William Coffin was in Washington when the Indian troops and the new refugees made their way into Kansas. General James Blunt, commander of the Department of Kansas, recognized that the new refugees needed supplies and ordered the Indian officials to see to their needs. Because Blunt was a military commander, he did not have the authority to issue orders to the Indian officials but used authority over them in the belief that the Indians needed assurance that there would be another expedition soon. Blunt wanted another expedition, feeling that “a clique of mercenary and unscrupulous speculators who were resolved upon robbing the Indians and the government, of every dollar they could: and the longer the former could be kept in Kansas, the greater profit.”<sup>7</sup> He did not make specific accusations against certain Indian officials, but charged “that some individuals, holding

positions as Agents and Superintendents, have had their pockets well lined with the profits from contracts.”<sup>8</sup>

These allegations of illegal acts by the Indian officials outraged Coffin. He felt that Blunt’s Southern Expedition had proven a complete failure and that he had no right to make disparaging remarks about Indian officials. In August, Charles Mix, who was the acting Commissioner of Indian Affairs while William Dole was in Kansas, received a letter from Coffin detailing his problems with the military authorities. Coffin wrote that the interference by military authorities made it “unpleasant, difficult, and almost impossible for them to attend to the duties of their official capacities with success.”<sup>9</sup> He also stated that if the military would look after their own affairs and not the Indian offices, the refugees could “have long since been enabled to return to their homes.”<sup>10</sup> About a month later, Coffin wrote a letter to Blunt sarcastically remarking that, “I have no doubt you will discharge your duty, *ably, faithfully*, and I trust *successfully* and I hope you will allow me to attend to *mine*.”<sup>11</sup>

Determining whether the allegations were true was complicated by the fact that the actual number of refugees needing or receiving aid was unknown. In July 1862, Congress passed an act that stopped annuity appropriations to the Indian tribes hostile to the government and allowed the president to use the extra funds for the refugees.<sup>12</sup> Historian Annie Abel argues that once this act had passed, “the number of refugees increased and white men rushed forward to obtain contracts for furnishing supplies.”<sup>13</sup> It is difficult to prove that reports falsified the number of refugees because Coffin’s reports were consistent. In October, Coffin reported that there were 3,619 Creeks, 919 Seminoles, 165 Chickasaws, 223 Cherokees, 400 Kickapoos, 89 Delawares, 19 Ionies,



and 53 Keeches in southern Kansas.<sup>14</sup> This census totaled the number of refugees at 5,487, consisting of 864 men, 2,040 women, and 2,583 children.<sup>15</sup> About fifteen hundred men were still with their regiments and Coffin did not include the two thousand Cherokees who followed the Union's expedition army back to Kansas and who were receiving rations from the army supplies. However, reports surfaced about Indians complaining of the business practices of some white suppliers. One such Delaware complaint asked President Lincoln to remove their agent and to have "the store of Thomas Carney and Co. ordered away from their reservation."<sup>16</sup>

The battle between military and Indian officials hindered the government's effort to provide care for the Indians. Blunt's accusations may have had some basis in fact, but they also served the purpose of directing attention away from the failure of his southern expedition. One historian has argued that Blunt wanted an immediate return of the refugees to their homes in the Indian Territory, not for the sake of the Indians but to "rebuild his damaged reputation after the failure of the Southern expedition."<sup>17</sup> Near the end of August, Edwin Carruth reported to Coffin that Blunt had given orders "for the Indian Expedition to go South soon" and that "the families of the Indians may go."<sup>18</sup> He strongly believed and argued to get the refugees removed and away from the contractors in Kansas who were profiting from their misfortune.<sup>19</sup> Blunt aided his removal argument by claiming that the Union held virtually all of the Indian Territory and that once the Indians arrived they could hold it themselves.<sup>20</sup> The Indian leaders agreed with Blunt and wanted to return home immediately, not wanting to spend another winter in Kansas.

Coffin and the other Indian officials were not against returning the Indians to their homes, but felt the refugees should only be returned if there was adequate protection for

them against the rebels. Carruth and Henry W. Martin spoke with Blunt and informed him that Coffin felt it was not prudent to take the refugees south until the rebels that were moving north up the Neosho River were stopped and driven back.<sup>21</sup> In the beginning of September, Coffin received a letter from Major Albert C. Ellithorpe of the First Indian Home Guard on the subject of whether they should immediately return the Indians or keep them in Kansas. Ellithorpe, who had spent six months in the Creek and Cherokee country of the Indian Territory with the southern expedition, wrote:

The important question in your letter and that which embodies the whole subject matter is the following—Would it be safe in the present condition of the country to restore the southern refugee Indians now in southern Kansas, the women and children, the old, feeble and infirm to their homes in the Indian country?

I answer—It would not be safe to take the women and children to the Creek or Cherokee countries this fall for the following reasons, 1<sup>st</sup> The corn and vegetable crop north of the Arkansas River will not afford them subsistence for a single month. The excessive drouth [sic] has almost completely destroyed it, and what little would have matured is laid to waste by the frequent foraging parties of our own Army, or those of the Rebels.

The amount of Military force necessary to restore and safely protect this people in their homes would far exceed what is at present at the disposal of the Department of Kansas; and should they be removed to the Indian country, and our forces again be compelled to fall back for the protection of Missouri or Kansas, it would again involve their precipitate flight, or insure their total destruction.

. . . The Creek country west of the Verdigris River is almost destitute of forage for man or beast, owing to the drouth [sic]—Hence to remove these families would involve to the gov't great additional expense, not only to subsist but to protect them—Where they are they need no military protection and food is abundant.

You will bear in mind that a large portion of the Indian country is south of the Arkansas River and is at present the stronghold of the Rebels.<sup>22</sup>

Coffin and his agents were the voices of reason influencing President Lincoln on the subject of the refugee Indians. On October 22, Blunt's forces defeated Colonel Douglas Cooper's Confederate forces at Old Fort Wayne (near present-day Jay, Oklahoma). The Union forces overran the Confederates and forced them to retreat south

towards the Arkansas River. Blunt hoped this would show that the Union forces were holding the Indian Territory. In truth they held only a small northern section of the territory and did not have enough men to take any more land and hold it from the rebels. Even with the Union's recent victory at Old Fort Wayne, President Lincoln agreed with Coffin that the refugees were better off in Kansas and denied Blunt another expedition to return them. For now, Coffin had won the fight with Blunt, but he needed a better plan for caring for the refugees during the upcoming winter.

An unlikely character would soon solve Coffin's problem. Perry Fuller was a contractor whose base of operations was at the Sac and Fox reservation (near present-day Quenemo, Kansas) and who had a large stock of goods on hand. Fuller believed he could benefit from the removal of the refugee Indians from Le Roy to the Sac and Fox reservation and enlisted the help of Creek agent George Cutler to convince the Creeks to move farther north. Opothleyahola would not have anything to do with Cutler's suggestion, for the chief wanted his people returned to their homes and not moved further north. Fuller, seeing that Cutler had little influence over the chief, reportedly promised one thousand dollars to Edwin Carruth if he was successful in getting the Indians to relocate.<sup>23</sup> According to one later source, Opothleyahola held Carruth in high esteem and it was difficult for the Creek leader to say no to him. To finish the deal, Fuller had Chief Keokuk and another chief extend an invitation to Opothleyahola for his people "to come and share their hospitality."<sup>24</sup> When Opothleyahola realized that his followers could not return home before the spring, he reluctantly agreed to move farther north to the Sac and Fox reservation.

Near the end of October 1862, Coffin began moving the Creeks and a small portion of Chickasaws and Cherokees north to the Sac and Fox reservation. They appear to have moved the refugees north in the same fashion as they brought them to Le Roy from the Verdigris.<sup>25</sup> Citizens provided wagons and mule teams and received payment for their service by the government to help transport the refugees who could not make the trip by foot. Those who could walk followed the wagons to their new campsite. By the end of November almost two thousand Creeks, mainly women and children, established camps at the Sac and Fox reservation, but a census by Coffin in April 1863 listed the actual numbers at 3,290 Creeks, 170 Chickasaws, and 250 Cherokees at the Sac and Fox Agency.<sup>26</sup> With 1862 ending, the refugee Creeks prepared for another hard and cold winter in Kansas and hoped that with the coming of spring they could return to their homes.

The move north was another disappointment for the Creeks that added to their growing dissatisfaction with the government. The Creeks' disappointment soon spilled over into tribal discord. The refugees felt they needed to elect a principal chief so he could negotiate with the government as the official voice of the Creek Nation. With the votes tallied, Sands, second chief of the Upper Creeks, won the election as the new principal chief, defeating Opothleyahola. This betrayal angered many friends of Opothleyahola and "aroused strong antagonistic feeling" among them towards Sands and those who voted for him.<sup>27</sup> Speculation abounds as to why tribal leaders chose Sands over Opothleyahola. Sands was already serving in an elected position as the second chief of the Upper Creeks, so it was only logical that he would fill the position of principal chief. Another possibility was that the refugees had lost faith in Opothleyahola and

blamed him for the misery they were suffering. That Opothleyahola was suffering from undetermined illness even before his arrival in Kansas might have led some to vote against him. Regardless of the reasons the refugees had for supporting Sands over Opothleyahola, the old chief would soon make his presence felt.

Once the Creeks reorganized and elected Sands, they were ready to “do business as a nation.”<sup>28</sup> According to historian Annie Abel, the “business” the headmen had in mind was obtaining their annuity payments and other dues owed to them. The Indian Office had other plans.<sup>29</sup> On July 5, 1862, the Indian Appropriation Act passed authorizing President Lincoln “to declare the abrogation of all treaties with Indians whose tribal organization was in hostility to the United States.”<sup>30</sup> Lincoln did not nullify the treaties as the act allowed him to, but this did not stop others from trying to take advantage of the refugees’ position.

Different ideas for how the Indian Territory could be used were being devised by government officials. One idea for the Indian Territory was to make it a place for the colonization of emancipated slaves after the North won the war, while others thought it should be opened for white settlement. Southern Superintendent William Coffin believed the Indians should not have exclusive control of Indian Territory, but instead they should receive allotted farms and have the rest of the land open for white settlement. Commissioner William Dole did not agree with Coffin’s position and felt that moving other Indian tribes, especially those in Nebraska and Kansas, into Indian Territory was the path the government should follow. During the winter of 1862-1863, Congress authorized Dole to carry out his policy.<sup>31</sup>

The government's approval for Dole to make new treaties started reconstruction measures with the Indians even before the Union's military held a majority of the Indian Territory.<sup>32</sup> Dole decided that the destitute Creeks would be the first tribe with whom he would negotiate. Since the appointment of Sands the Creek headmen had wanted to make new treaties with the government, as they felt that the government had abandoned the old treaty. Opothleyahola had been very much against the Creeks making a new treaty with the government because he felt their old treaty was still valid and the government should live up to it. In March 1863, Coffin went to the Sac and Fox reservation to meet with the Creek leaders and "secure a treaty with them that would serve as a model for negotiations with all the 'the greatly reduced and fragmented tribes' of the Indian Territory."<sup>33</sup> Surprisingly, Coffin wrote:

On arriving here (Sac and Fox res.) I found the great king [Opothleyahola] on his death-bed; and though evidently struggling with the *grim monster*, he yet possesses all the wonderful powers of mind that have characterized him through life, and forced the conviction upon all who have come in contact with him that he was no ordinary man. He manifests in an extraordinary degree that attachment for his people that has been the ruling passion of his life. All the chiefs and headmen of the nation but himself have been anxious to make a treaty with the government since their expulsion from their country, which he has steadily opposed until now.<sup>34</sup>

According to Coffin's letter to Dole, Opothleyahola had changed his position on the issue of the Creeks forming a new treaty with the federal government. He reported that Opothleyahola had urged in a general council "that they should at once demand of the government the recognition of the refugees now in Kansas, . . . as the Creek nation, and make such a treaty with them as their present condition and future prospects demand."<sup>35</sup> With Opothleyahola's change of heart, Coffin requested that Dole and Secretary of the Interior Caleb B. Smith draw up a treaty so he could get it to the Creeks

for them to sign before they changed their minds. On March 21 Sands and several other Creek leaders, as well as Opothleyahola, affixed their signatures to an agreement to hire Perry Fuller as their lawyer. This was Opothleyahola's last public act for the Creek people.<sup>36</sup>

Shortly after Coffin's letter to Dole, in late March or early April 1863, Opothleyahola passed away (likely from tuberculosis, the same disease that took his daughter the previous year). The doctors may have attributed Opothleyahola's death to tuberculosis, but the Creeks have their own story. They believe the betrayal by the government caused him to lose his will to live.<sup>37</sup> Opothleyahola's death signified the end of his work and that his fate was not to see his people return home. He was transformed into a symbol of suffering and sacrifice, the inspiration for Creeks looking for the strength to carry them through this tragic time. Opothleyahola's sacrifice for his people made him a leader of greatness forever remembered by his people.<sup>38</sup>

Opothleyahola's burial place is still a mystery. Some reports have him buried near the old Sac and Fox reservation near Quenemo, Kansas, while others say he was buried near Fort Leavenworth. Still others say he was buried on a hill next to his daughter overlooking the now ghost town of Belmont, Kansas about five miles southwest of present-day Yates Center, Kansas. Wherever his final burial place, his struggle with the federal government for the return of his people to their homeland was now over. The Creeks' as a whole was not.

Sands and the other headmen of the Creeks sought a new treaty with the federal government that would address several issues. They wanted payment for the long standing annuities owed to them from before the war as well as compensation for lost and

destroyed property after having to leave their homes when the government abandoned Indian Country. They were against any idea of receiving allotted farms and wanted protection from any plan that would initiate a policy involving it. They wanted clear, specific terms that would limit white immigration and, most importantly, they wanted to return to their homes.<sup>39</sup> The Creeks' lawyer, Perry Fuller, went to Washington to negotiate these issues and returned in May 1863 with a draft treaty that would cede to the government a part of their lands for the relocation of other Indian tribes.

The government's demand for part of the Creek lands irritated the Loyal Creeks, but Coffin was able to persuade them to accept it. Coffin was successful because the lands the government asked for were formerly occupied by the McIntosh party, which they hoped to never see again, so they were not losing any of their own land.<sup>40</sup> The Creeks consented to the selling of the land in the northeast corner of their nation, but they wanted the right of consultation about what tribes the government wanted to place on this tract of land.<sup>41</sup> In compensation—and for their continued loyalty—the Creeks would receive a \$10,000 annual annuity. The government also promised to make amends for the Creeks' losses during the war with a special commission determining how much compensation they would receive. The Creeks had to accept President Lincoln's Emancipation Proclamation and free their slaves, targeting those Creeks who had sided with the Confederacy. Those Creeks could rejoin the Nation under their own imposed conditions, but none could "hold office in the nation unless he could prove to the satisfaction of the Secretary of the Interior that he had always been loyal to the United States."<sup>42</sup> On September 3, 1863, Sands and the other Creek leaders signed the treaty and sent it to Washington for ratification.



In Washington, the treaty made its way through the proper channels and in March 1864 the Senate amended the treaty significantly before ratifying it. One of the amendments required that the Creeks forfeit about half of their land for the purpose of colonizing other Indian tribes and African Americans. Another stipulated that, instead of having a special commission determine how much compensation they should receive for their losses, the Creeks would receive a total of \$120,000.<sup>43</sup> The Creeks would not make any more sacrifices and refused to sign the treaty and it never became law.

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## NOTES

- <sup>1</sup> Annie Heloise Abel, *The American Indian in the Civil War, 1862-1865*, with an introduction by Theda Perdue and Michael D. Green (Cleveland: The Arthur H. Company, 1919; reprint, Lincoln: University of Nebraska Press, 1993), p. 203.
- <sup>2</sup> Edmund Jefferson Danzinger, Jr., *Indians and Bureaucrats: Administering the Reservation Policy during the Civil War* (Chicago: University of Illinois Press, 1974), p. 135. The actual number of refugees was hard to determine due to deaths of many of the Indians and the continual addition of new refugees. From the best estimates, there were about six thousand Indians in the camp near Le Roy, so that would have placed about twelve hundred refugees on the sick list.
- <sup>3</sup> *Ibid.*
- <sup>4</sup> William G. Coffin to William P. Dole, 15 October 1862, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington, D. C.: Government Printing Office, 1863), p. 136.
- <sup>5</sup> Abel, *The American Indian in the Civil War*, p. 203.
- <sup>6</sup> *Ibid.*
- <sup>7</sup> David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (Columbia: University of Missouri Press, 1978), pp. 57-58.
- <sup>8</sup> *Ibid.*, p. 58.
- <sup>9</sup> Abel, *The American Indian*, p. 211.
- <sup>10</sup> *Ibid.*
- <sup>11</sup> Nichols, *Lincoln and the Indians*, p. 58.
- <sup>12</sup> Abel, *The American Indian in the Civil War*, p. 209.
- <sup>13</sup> *Ibid.*
- <sup>14</sup> William G. Coffin to William P. Dole, 15 October 1862, *Report of the Commissioner*, p. 137.
- <sup>15</sup> *Ibid.*
- <sup>16</sup> Abel, *The American Indian in the Civil War*, p. 211.
- <sup>17</sup> Nichols, *Lincoln and the Indians*, p. 59.
- <sup>18</sup> Abel, *The American Indian in the Civil War*, p. 208.
- <sup>19</sup> Nichols, *Lincoln and the Indians*, p. 59.
- <sup>20</sup> *Ibid.*
- <sup>21</sup> Edwin H. Carruth and Henry W. Martin to William G. Coffin, 28 September 1862, *Report of the Commissioner*, p. 167.
- <sup>22</sup> Abel, *The American Indian in the Civil War*, pp. 210-211.
- <sup>23</sup> J. P. Hamilton, Sr., "Indian Refugees in Coffey County," *Le Roy Reporter*, 21 August 1931.
- <sup>24</sup> *Ibid.*, p. 4.
- <sup>25</sup> *Ibid.*
- <sup>26</sup> Danzinger, *Indians and Bureaucrats*, p. 134.
- <sup>27</sup> Abel, *The American Indian in the Civil War*, p. 89.
- <sup>28</sup> *Ibid.*
- <sup>29</sup> *Ibid.*

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- <sup>30</sup> Angie Debo, *The Road to Disappearance: A History of the Creek Indians* (Norman: University of Oklahoma Press, 1941), p. 159.
- <sup>31</sup> Debo, *The Road to Disappearance*, p. 160.
- <sup>32</sup> Abel, *The American Indian in the Civil War*, p. 228.
- <sup>33</sup> Ibid.
- <sup>34</sup> William G. Coffin to William P. Dole, 22 March 1863, *Report of the Commissioner of Indian Affairs for the Year 1863* (Washington, D. C.: Government Printing Office, 1864), p. 198.
- <sup>35</sup> Ibid.
- <sup>36</sup> Debo, *The Road to Disappearance*, p. 160.
- <sup>37</sup> Christine Schultz White and Benton R. White, *Now the Wolf has Come: The Creek Nation in the Civil War* (College Station: Texas A&M University Press, 1996), p. 156.
- <sup>38</sup> Ibid.
- <sup>39</sup> Debo, *The Road to Disappearance*, p. 161.
- <sup>40</sup> Ibid.
- <sup>41</sup> Ibid.; George A. Cutler to William Coffin, 5 September 1863, *Report of the Commissioner*, p. 198; Abel, *The American Indian in the Civil War*, p. 233.
- <sup>42</sup> Debo, *The Road to Disappearance*, p. 161.
- <sup>43</sup> Ibid., p. 162.

## CHAPTER EIGHT

### A SECOND EXPEDITION

The military's inability to hold any part of the Indian Territory made the 1862 expedition a failure, but, even though it did not return any refugees, the foundation for a future campaign was established. The Indian regiments were already enlisted, even though some had abandoned their posts after the white soldiers pulled out of the Indian Territory during the last expedition. The new campaign needed a new commander to bring these Indians back, a man who the Indians trusted and someone who could restore their faith in the government's military efforts. The new campaign also needed better support from the white forces and preferably whites who were not only going into the Indian Territory to pilfer abandoned Indian homes. Whatever plan military officials had for a new campaign, they would have to do better than the previous expedition.

The action of white soldiers during the past expedition disheartened many of the Indians. Edwin Carruth and Henry W. Martin reported that white soldiers plundered and gutted Indian homes "while the wantonness laid to the Indians."<sup>1</sup> One case in point was the vandalism done to the home of Lewis Ross, a Cherokee supporter of the Union. As Carruth and Martin reported:

We have the evidence, and know the names and regiments of white soldiers to which they belong, and yet Indians have been cursed for the vandalism. We do not claim for them any more honesty than for the whites. What we do claim is this: that they have been willing to obey orders, and that the cases of flagrant outrage and wrong have been done by the whites; and this example more than . . . else has been a cause of dissatisfaction, the Indians feeling that they had some

claim to the property in their own country, and looking upon the orders they had not to touch anything as partial, the whites getting the plunder, while the Indians were burdened with the odium of the pillage. They feel they have been made scapegoats for the crimes of others, and we believe there is too much justice in this feeling.<sup>2</sup>

Having to shoulder the blame for the white soldiers' plundering was not the only act the white soldiers committed that troubled the Indians. Colonel Frederick Salomon's retreat from Kansas confused the Indian soldiers and had them questioning whether the white soldiers were truly concerned for them. Carruth and Martin wrote that "the Indians feel that the white forces left them caring little whether they were cut off or not" by the rebels.<sup>3</sup> Moreover, the Indians "have at all times occupied the post of danger" and have handled themselves, as well as any white troops would have.<sup>4</sup> "The Indians nobly stood by our flag," but with Salomon's movement out of the Indian Territory, some of the Indians became disheartened and left their posts in the Indian Regiment to return to their families.<sup>5</sup>

By the beginning of 1863, a year of war had ravaged the Indian Territory. The land was almost desolate due to the large numbers of Indians who had abandoned their homes to either go north for federal protection or south to Texas for protection against the federal forces. Raiding parties of both Confederates and Jayhawkers from Kansas had stolen cattle and stripped the land of most of what could supply them. The start of 1863 also brought about a new attempt to repossess the Indian Territory and to move the refugees' back to their homes. Colonel William A. Phillips, commanding officer of the Third Indian Regiment, received instructions from Brigadier General John M. Schofield to take his forces into the Indian Nation and occupy it as far south as the Arkansas River.<sup>6</sup> He was to take possession of the northeast section of the Indian Territory, so that his

forces could provide protection for the Loyal Indians return home in the coming spring.

Phillips received additional instructions to make peace with the rebel Indians when he felt the time was appropriate.<sup>7</sup>

According to Wiley Britton, Phillips was the best man for the job. Britton wrote:

. . . he had been a careful observer of events of national interest, and believed that the Government's Indian policy should be based upon principles of justice and honor, and without doubt there was not another officer in the Army of the Frontier who was so well qualified to take charge of the Indian troops and to administer the affairs of the Indian Territory as he. His connection with the organization of the Indian regiments during the past year had won him the confidence of the Indians, and he showed on every occasion that their confidence should not be abused.<sup>8</sup>

The Creek Indians initially made up the majority of the First Indian Brigade, but with the original Indian Expedition retreating to Kansas many left their place as soldiers and went to find their families in the refugee camps. Phillips, however, reported that by January 19, 1863, most had returned to their place in the brigade. He did feel that they were not of the same character as the Cherokee and would be apt to desert their post or party if they were not led by a competent white officer.<sup>9</sup> Phillips had low expectations of the Creeks and felt the other two brigades, consisting mainly of Cherokees, would prove better soldiers.

Phillips was very eager to occupy the Indian country so that the refugees could return to their homes. During the winter months and before his troops could move into the territory, Phillips was still keeping close tabs on the rebels. Near the end of 1862, Phillips led a detachment of his troops across the Arkansas River and set fire to Fort Davis. Fort Davis was located in the Creek country on the south side of the Arkansas River where the Verdigris River joined it. The fort originally served as the headquarters for Albert Pike, but by this point Pike had resigned his position and the rebel Creeks

occupied the fort. Phillips wrote that he burned Fort Davis “to root the rebel army out of ‘house and home,’ on the south bank of the Arkansas River, and as an exhibit of power to affect the Indians.”<sup>10</sup> Phillips was careful not to burn personal property, hoping this would help “pave the way for negotiations.”<sup>11</sup>

Phillips felt he could negotiate with the rebels because he was informed that some Creeks and Choctaws were “dissatisfied and disgusted” with the Confederacy.<sup>12</sup> He successfully obtained an interview with two intimate friends of Colonel McIntosh, although which McIntosh is unclear, because both Daniel and Chilly fought for the Confederacy until the end of the war. Though Phillips was unable to speak with Colonel McIntosh because he was called away to help guard General Blunt’s flank, he did “dissuade Colonel McIntosh from making an immediate demonstration for the Government.”<sup>13</sup> This action may be questionable, but Phillips felt “that the scarcity of all forage and eatables might render it impossible that [we] could be close to him before spring, and the experience of the Cherokees satisfied me that it was as unwise as cruel to invite such a demonstration before we could protect it.”<sup>14</sup>

Some of the members of the rebel Creeks did not heed Phillips’s dissuasion from coming over to the Union. On February 6, 1863, Phillips reported in a letter to General Samuel Curtis “that a ‘a long line of persons,’ many on foot, are straggling up this way through the snow from the direction of the Creek Nation.”<sup>15</sup> He knew they were Creeks because on the right side of their hats they had a badge of white cloth, a sign that he and McIntosh’s men agreed they would wear as a sign of peace. These Creeks changed their allegiance and were now Phillips’s responsibility.

Phillips's biggest obstacle in trying to regain the Indian Territory was not so much the rebel forces, but the constant orders to pull out his troops and go and support other Union forces either in Arkansas or Missouri. During the winter months, Phillips was able to hold the Arkansas River line with scouts and the aid of high waters in the river, but with spring approaching this limited force and nature would not hold back the rebels.<sup>16</sup> At the end of March, Phillips was able to move his entire force from Kansas into Indian Territory and by early April, he had set up camp at Park Hill (near present-day Tahlequah). On April 11, 1863, General James Blunt ordered Phillips to hold his position and not to attempt to "dash upon the enemy upon the other side of the river [Arkansas]" until further ordered.<sup>17</sup> These orders were to keep the rebels from bringing their forces together to make an attack on Phillip's forces, while he maintained a position from which he could easily support Union troops in northwest Arkansas or southwest Missouri.

On April 12, 1863, Phillips reported to Blunt that a portion of his forces were holding Fort Gibson and that he would be moving almost all of his forces there. He left a small portion at Park Hill to protect the hospital and the Cherokee refugees who were making their way back into their country.<sup>18</sup> At this same time, Colonel La Rue Harrison, was asking for Phillips's assistance in standing guard over Fayetteville, Arkansas. Phillips wrote to Harrison informing him that he would not leave his position, for he was under the orders of Blunt who began to send some of the Cherokee refugees into the country. His departure would require these people to evacuate again.<sup>19</sup> Phillips also used the argument that the government recruited the Indians to recover the Indian Territory,



not to fight in Arkansas.<sup>20</sup> Phillips was not going to abandon Indian Territory again, for he felt he was close to striking a blow that would open the Indian country.

Even the Creek soldiers noticed that they were close to striking the blow that would open the Indian country, if only they could get a little more help. On May 16, 1863, the Creeks wrote a letter to President Lincoln informing him of the promise that the government had made, to clear out the Indian country and return them to their homes. They also informed him that it had been almost twelve months since the Indian Home Guard enlisted, but they had gained nothing in the Creek country. The Creek soldiers had spent time fighting in Missouri, Arkansas, and the Cherokee Nation, but not in their own country. They had been at Fort Gibson for a month and were witnessing the rebels gathering for an attack, and they were in need of both reinforcements and rations, which were growing shorter day by day. They felt the government owed this to them, not just because their sacrifice but because of past treaties that promised protection.<sup>21</sup>

During the months of May and June, the Confederates' main operations sought to stop federal supply lines in the hope that this would dislodge Phillips from Fort Gibson and cause him to move back towards Kansas.<sup>22</sup> On June 25, 1863, a supply train from Baxter Springs, Kansas began moving towards Fort Gibson. Confederate Colonel Stand Watie, along with his Cherokee rebels, planned to attack the federal supply train at Cabin Creek (near present-day Vinita, Oklahoma). High water on the Grand River detained General William Cabell and his fifteen hundred men who were to reinforce Watie's men.

While the supply train was making its way south, they found a trail and sent scouts ahead to determine who made it, only to discover some thirty of Watie's advanced pickets. The federal scouts quickly overtook the rebels, killing four, taking three

prisoners, and scattering the rest.<sup>23</sup> These pickets alerted the supply train of an upcoming attack by the rebels. Late on July 1, 1863, the supply train reached Cabin Creek, where Watie and his men lay concealed in the brush and thickets on the south bank of the creek. Major John A. Foreman aligned his troops and immediately opened fire on the rebels. They continued a heavy fire on the rebels for about thirty minutes, which caused the enemy's fire to slow significantly.<sup>24</sup> The federal army tried to cross the creek and chase the rebels, but the high water would not allow them to ford it. The following morning the federal troops positioned themselves to fire upon the rebels. "The firing was continued about twenty minutes, when I [Foreman] received notice from the lookouts that the enemy were in disorder."<sup>25</sup> At this time the Union army was able to ford the creek and push the rebels from their position. Maybe the most historically significant point of this battle is not that the Union won the battle, but that the Union forces were comprised not only of Anglo-Americans and Native Americans, but African Americans as well.

The Union victory at Cabin Creek was significant for the Union regiments. Not only did they defeat the rebels, but also they were able to get much-needed supplies to Phillips's troops at Fort Gibson. The rebels' failed attack at Cabin Creek "was the last attempt of any size for the time being to capture Federal supplies en route."<sup>26</sup> Now, instead of attacking Union supply trains, the rebels had to protect their own. Moreover, the cessation of rebel attacks on Union supply trains meant that Phillips could now give full attention to crossing the Arkansas River and striking the rebels' base.

The rebels were in a new position, they were now in danger of losing the Indian Territory. The Confederates devised a plan to send Colonel Douglas Cooper and his forces to attack Fort Gibson, when General Cabell and his men arrived from Arkansas.

Union scouts learned of this plan and immediately informed Blunt, who surprisingly arrived at Fort Gibson on July 11, 1863 to take command of the federal troops in the Indian Territory.<sup>27</sup> Blunt knew that if Cabell was able to join Douglas, the Union's position could be lost. The Union soldiers marched by night to Douglas's position at Honey Springs, some twelve miles south of present-day Muskogee, Oklahoma, to force an engagement.

On July 17, 1863, Cooper's Confederate forces met Blunt's Union forces near Honey Springs Depot. Cooper's forces consisted of two Cherokee regiments commanded by Stand Watie, two Creek regiments led by both Chilly and Daniel McIntosh, a regiment of Choctaws and Chickasaws, and a squadron of Texas Cavalry. Blunt's forces consisted of all three Indian regiments, the First Kansas colored, detachments from the Second Colorado, the Sixth Kansas, and the Third Wisconsin Cavalry. He also had two sections of the Second Kansas Battery and four howitzers attached to the cavalry.<sup>28</sup>

Around ten in the morning, Blunt positioned his men to attack and began marching them towards the rebels who were trying to conceal themselves in the brush. Blunt ordered some of his men out front to draw the enemy's fire and determine the location of the rebels and their artillery. The skirmishers quickly drew the fire of the rebels and their artillery, and the Union forces quickly ascertained the Confederates' positions. The First and Second Indian regiment for the Union dismounted their horses and began to fight as infantry. Blunt reported that:

In a few moments the entire force was engaged. My men steadily advanced into the edge of the timber, and the fighting was unremitting and terrific for two hours, when the center of the rebel lines, where they had massed their heaviest force, became broken, and they commenced a retreat. In their rout I pushed them vigorously, they making several determined stands, especially at the bridge over Elk Creek, but were each time repulsed.<sup>29</sup>

The rebels were experiencing problems other than the charging federals. A cloudy and damp morning with high humidity affected the inferior gunpowder the rebels had in their cartridges, making them ineffectual. The rebels were able to repulse the Union army's first drive, but a heavy rain commenced, making their firearms useless. They retreated to their camp to obtain fresh arms, but this provided little help against the greater number of armed Union troops.<sup>30</sup> The Union army advanced on the rebels, who had taken position near their camp. Cooper had his troops aligned for the oncoming enemy, but their artillery was superior to Cooper's, as were their weapons. The rebels gallantly tried to hold their line but the Union forces overpowered the center and caused the rebels to retreat. Cooper and his men retreated in an easterly direction in hopes that Blunt would believe that the reinforcements from Fort Smith were close.<sup>31</sup> However, Cabell and the reinforcements were still a day away from Honey Springs and could not offer any help to Cooper and his men. Some of the Union troops pursued the rebels, but received orders to cease pursuit, return to the battlefield, and set up camp for the night.<sup>32</sup>

The Battle of Honey Springs was by far the grandest battle fought in Indian Territory during the Civil War. It was one of only a few battles in Indian Territory that resembled the style of fighting that occurred in Virginia and the other war-torn, eastern states. Before the rebel retreat, Cooper gave orders for his men to destroy the depot at Honey Springs, but they were not able to do so and the Union forces obtained some much-needed supplies. The loss of supplies and the battle was a severe blow to the Confederates and their hold on the Indian Territory.

After the battle of Honey Springs, Blunt placed pickets some thirty miles along the Arkansas River in order to monitor the rebel army for any assemblage that might suggest they would try an offensive attack on Fort Gibson.<sup>33</sup> Blunt reported that Cooper had received reinforcements not only from Cabell, but also from General William Steele and they had begun to move towards the Union encampment.<sup>34</sup> Blunt felt he must not allow the rebels to receive any more reinforcements; he had to take his troops across the Arkansas River for an offensive attack on the rebels.<sup>35</sup> This tactic, however, was against orders from General John Schofield, Blunt's superior, who ordered Blunt to fall back.<sup>36</sup> Blunt informed President Lincoln that:

I saw [it] proper to disobey the order. If I had abandoned the Arkansas River as a line of defense there would have been no stopping place until I reached Fort Scott [Kansas], and all of the country that had been obtained by the expenditure of blood and treasure would have been reoccupied by the enemy and the theater of war transferred from the Arkansas River to the southern border of Kansas and Missouri. After the experience I had had in obtaining the occupancy of Northwestern Arkansas and the Indian Territory to the Arkansas River I did not feel disposed to give it up without a desperate struggle.<sup>37</sup>

On August 22, Blunt received orders from Schofield to attack the Confederates, thus rescinding his previous order to not attack and fall back.<sup>38</sup> With these new orders it was explained that the Department of the Interior wanted Blunt to take complete control of the Indian Territory, so that the Indian tribes of Kansas could be relocated there in accordance with an act passed by Congress during the winter of 1862. To help secure the Indian Territory, Blunt received authorization to enlist the men from the Indian tribes of Kansas for reinforcements. This might have been one of the saddest ironies of the war; Kansas Indians fought to secure the Indian Territory and thus protect their homes only to have the federal government remove them from their homes in Kansas to new ones in Indian Territory.

Blunt was not going to wait for the enlistment of these Indians, for he did not want the Kansas tribes' help. He even felt that the Indian regiments under his command be mustered out of service so they could provide provisions for themselves by raising crops.<sup>39</sup> The advance by the Union army pushed the rebels out of the Creek country and into the Choctaw Nation. With the main part of the Confederate forces encamped in the Choctaw Nation, Blunt stopped his pursuit and began moving towards Fort Smith, Arkansas. The Union troops were able to take control of Fort Smith without any rebel resistance at the fort. The Arkansas River Valley was now in the possession of the Union, causing some of the southern Creek families to abandon their homes and retreat for safety near the Texas border. The Confederate Creek regiments, however, remained to defend their homeland.

The Union's military efforts in the Indian Territory during 1863 brought about a change of possession in the northeast section of the country. The Union had officially established itself at Fort Gibson and held the territory north of the Arkansas River. The Union's success meant the Confederates suffered several disappointing defeats and because of these defeats many of the Indian soldiers lost faith in the Confederacy. Stand Watie and his Cherokees broke away from Cooper's attempt to recapture Fort Smith, because Watie had his own agenda to force the Union troops out of Fort Gibson and the Cherokee Nation. Because the Confederate forces lacked cohesion and focus, they would not force the Union to relinquish its hold of the northeast section of the Indian Territory. However, despite the Union's new position in the Indian Territory, the Creeks were still refugees in Kansas and their return home still looked bleak as another winter in Kansas was ahead of them.

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## NOTES

- <sup>1</sup> Edwin H. Carruth and Henry W. Martin to William G. Coffin, 2 August 1862, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington, D. C.: Government Printing Office, 1863), p. 162.
- <sup>2</sup> Ibid.
- <sup>3</sup> Ibid., p. 163.
- <sup>4</sup> Ibid.
- <sup>5</sup> Ibid.
- <sup>6</sup> John M. Schofield to William A. Phillips, 11 January 1863, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1888), Series I, Vol. XXII/2, p. 33.
- <sup>7</sup> Ibid.
- <sup>8</sup> Wiley Britton, *The Civil War on the Border*, Volume II, 1863-1865 (New York: The Knickerbocker Press, 1899; reprint, Ottawa: Kansas Heritage Press, 1994), p. 19.
- <sup>9</sup> William A. Phillips to Samuel R. Curtis, 19 January 1863, Enclosure No. 1, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 57.
- <sup>10</sup> William A. Phillips to Samuel R. Curtis, 19 January 1863, Enclosure No. 3, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 62.
- <sup>11</sup> Ibid.
- <sup>12</sup> Ibid.
- <sup>13</sup> Ibid.
- <sup>14</sup> Ibid.
- <sup>15</sup> William A. Phillips to Samuel R. Curtis, 6 February 1863, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 101.
- <sup>16</sup> Abel, *The American Indian in the Civil War*, p. 258.
- <sup>17</sup> James G. Blunt to William A. Phillips, 11 April 1863, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 210.
- <sup>18</sup> William A. Phillips to James G. Blunt, 12 April 1863, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 211.
- <sup>19</sup> William A. Phillips to M. La Rue Harrison, 12 April 1863, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 213.
- <sup>20</sup> Abel, *The American Indian in the Civil War*, p. 259.
- <sup>21</sup> Ibid., pp. 272-273.
- <sup>22</sup> Ibid., p. 283.
- <sup>23</sup> John A. Foreman to William A. Phillips, 5 July 1863, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1888), Series I, Vol. XXII/1, p. 382.
- <sup>24</sup> Ibid.
- <sup>25</sup> Ibid.
- <sup>26</sup> Abel, *The American Indian in the Civil War*, p. 285.
- <sup>27</sup> Ibid., p. 286.
- <sup>28</sup> James G. Blunt to John M. Schofield, 26 July 1863, *The War of the Rebellion*, Series I, Vol. XXII/1, p. 448.
- <sup>29</sup> Ibid.

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<sup>30</sup> Douglas H. Cooper to William Steele, 12 August 1863, *The War of the Rebellion*, Series I, Vol. XXII/1, p. 458.

<sup>31</sup> *Ibid.*, p. 460.

<sup>32</sup> John Bowles to William R. Judson, 20 July 1863, *The War of the Rebellion*, Series I, Vol. XXII/1, p. 450.

<sup>33</sup> William Steele to William B. Blair, 7 August 1863, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 956.

<sup>34</sup> James G. Blunt to John M. Schofield, 30 July 1863, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 411.

<sup>35</sup> *Ibid.*

<sup>36</sup> James G. Blunt to Abraham Lincoln, 24 September 1863, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Office, 1898), Series I, Vol. LIII, p. 572.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> James G. Blunt to John M. Schofield, 22 August 1863, *The War of the Rebellion*, Series I, Vol. XXII/2, p. 465.



## CHAPTER NINE

### THE RETURN TO A WAR-TORN LAND

With the arrival of 1864, so came the timeworn question of the Indians; would this be the year we return home? By this point, the Loyal Indians had spent three costly winters in Kansas. Dr. Archibald Coffin summed up the past year and the beginning of 1864 reporting to Superintendent William Coffin that:

The sanitary condition of the refuge Indians under my supervision and immediate care has been, for the past year, quite as good, and I feel safe in saying better, than that of any similar number of soldiers, whether stationed in the field or guarding posts. During the third quarter of 1863 general good health prevailed, but the intense cold weather that visited during the last week of the fourth quarter of 1863, and the first ten days of January, 1864, found the Indians with an insufficient supply of clothing, blankets, and shelter.

The old stock of clothing, &c., being entirely worn out, and the new not arriving for practical distribution before the 12<sup>th</sup> of January, 1864, intense physical suffering was endured by all, and fatal organic lesions resulted to many. Many died immediately, while others dragged out a miserable existence for a few weeks or months and expired, remedial agents exerting but a very slight influence in many cases arising from this cause.<sup>1</sup>

The Creeks were fortunate to escape the smallpox, which was infesting the Seminoles at the Belmont and Neosho Falls refugee camps. Immunizations did nothing to stop the disease and thus required them to burn what little clothes they had to try to stop further spread of the disease. However, the Creeks were not immune from suffering. Dr. Coffin wrote that the Creeks “suffered largely from derangement, resulting from the great irregularity in the distribution of their rations.”<sup>2</sup> They suffered through many days without bread and lived almost exclusively on meat with an inadequate supply of salt.

Their insufficient food supplies contributed to a widespread case of “gastro-enteritis, over which medicines [had] but a palliating influence: relieved to-day, the cause repeated to-morrow—the disease reproduced *ad infinitum*.”<sup>3</sup>

The arrival of spring brought about improved conditions and better health for the Indians. Dr. Coffin warned the Indian Office that they needed to provide better shelter and supplies for the refugees so they would not repeat the same sufferings the next winter.<sup>4</sup> However, in Washington, Kansas Senator Jim Lane spearheaded an effort to stop government spending on the refugees and return them home. On March 3, 1864, Senator Lane introduced a bill in Congress providing for the return of the refugees to their home countries. Lane appealed to his colleagues that the refugees were causing a financial burden because it cost the government sixty thousand dollars a month to supply them. His efforts persuaded the Senate Indian Committee to recommend to the Secretary of the Interior, John Usher, to remove the Indian refugees from Kansas. Lane successfully guided his legislation through Congress and it passed along with “an act to extinguish the title to lands belonging to native Kansas tribes.”<sup>5</sup> This act would force the Kansas Indians to relocate to the Indian Territory and would open rich farmlands in the central portions of the state for settlement.

Once Congress agreed to remove the Indians, they appropriated \$62,000 for the task of moving the refugees to the Indian Territory. Congress also sent a resolution asking President Lincoln if he had any reason to oppose the refugees returning to their homes. Lincoln could only offer that he was afraid for the Indians’ safety. Lincoln’s view was not enough to deter resettlement, especially since Col. William Phillips possessed the northern section of the Indian Territory and had struck into the southern

portion of the Indian Territory during the first few months of 1864. Lincoln gave in to Congress and ordered the removal of the Indians.<sup>6</sup>

At the end of January 1864, Phillips prepared his Indian troops to advance into the southern portion of Indian Territory and strike a blow against the rebels. Phillips gave a motivational message to his troops:

Soldiers! I take you with me to clean out the Indian Nation south of the river and drive away and destroy the rebels. Let me say a few words to you that you are not to forget. . . . Do not straggle or go away from the command; it is cowards only that leave their comrades in the face of the enemy; nearly all the men we get killed [your] stragglers. Keep with me close and obey orders and we will soon have peace. Those who are still in arms are rebels, who ought to die. 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 severe and terrible.

[Muskogees!] The time has now come when you are to remember the authors of all your sufferings; those who started a needless and wicked war, who drove you from your homes, who robbed you of your property. Stand by me faithfully and we will soon have peace. Watch over each other to keep each other right, and be ready to strike a terrible blow on those who murdered you wives and little ones by the Red Fork along the Verdigris or by Dave Farm Cowpens. Do not be afraid. We have always beaten them. We will surely win. May God go with us.<sup>7</sup>

Phillips intended to take his army across the Arkansas River against the Indian rebels and make the Confederacy relinquish its hold on the southern portions of the Indian Territory. After crossing the Arkansas River, Phillips's army entered the Creek Nation and he sent Creek soldiers ahead, so they could secure their property and protect any family or friends who remained. In trying to secure the Creek country, the Creek soldiers captured about twenty-one rebels and killed another fifty.<sup>8</sup> While the Creek soldiers were trying to regain their lands, Phillips took the rest of his force into the Choctaw Nation and he met little resistance.<sup>9</sup> The rebels heard of Phillips's advance and many evacuated the region concentrating in an area south of Fort Washita on the Red

River, where they waited for an attack. However, Phillips did not continue to Fort Washita, explaining:

In the late expedition I would have entered Fort Washita, which I could have done without striking a blow, in a few hours march. The enemy evacuated in it on my expected approach, as it is 18 miles from Red River, and there is only one ford, which I could have seized and captured the whole, unless they had been able to whip me. My reasons for not going farther were that I intended the blow partly for the moral effect on the Indian nations, and wished to attempt nothing in which I might have been required to give back, and thereby revive their hopes.<sup>10</sup>

Phillips had other duties besides leading his forces south into the southern regions of the Indian Territory; he was also a messenger to pro-Confederates in the Territory. He carried four letters that he sent to Winchester Holmes, Chickasaw governor; Col. John Jumper, Seminole; the Choctaw Council; and Daniel McIntosh. Each letter's wording was different, but their meaning was the same. The letter addressed to Daniel McIntosh explained:

I thought I would never write you again, but the President has issued a proclamation which I send you. He still offers pardon and peace. You and those people who trusted you are fugitives. Many of them have been slain. Sure destruction awaits the remainder. Are you weak enough to suppose that Texas or the Wichita Mountains can save or shelter you? Not for you but for these poor people I write. Even when the rebellion is going to pieces the great Government of the United States offers you mercy. Let me know soon if you want peace. Neglect it, and terrible as the lesson you have got, the next will be infinitely worse. There may not be a poor houseless Creek rebel left to reproach you.<sup>11</sup>

As the spring rains began to fill the rivers, Phillips and his troops returned to Fort Gibson with the satisfaction of completing their mission. Phillips reported that, "I am happy to say that all the Canadian Valley and its tributaries are clear of rebels."<sup>12</sup> He also swept the countryside removing any forage the rebels could use, so that they would have to receive all their supplies from across the Red River. This would make it difficult for

the rebels to mount an attack on Fort Gibson because the distance between the two was one hundred and eight miles. Phillips left the southern region believing that the rebel Indians were completely disheartened and discouraged. He also believed that “far as the rebel Creek, Seminole, and Chickasaw Nations are concerned the war is over.”<sup>13</sup>

Phillips’s stronghold in the Indian Territory and Lincoln’s order for the refugees moved to the Indian Territory finally made it possible for the Loyal Indians to return. William Coffin arrived at the Sac and Fox reservation near the middle of May with funds appropriated by Congress to secure transportation and provisions for the refugees’ removal. Congress also allocated funds for the temporary subsistence of the refugees once they arrived and the purchasing of seed and basic farming equipment.<sup>14</sup> The Indians could then have the opportunity to plant crops in time for a fall harvest, giving them provisions enough to live on through the winter.

After Coffin arrived at the Sac and Fox reservation, problems soon arose. Some agents had problems getting sections of the five thousand refugees ready to move because the Indians were not sure the territory was safe for them.<sup>15</sup> Besides trying to motivate the Indians to move, the agents faced the problem of obtaining the five hundred wagons and teams needed to move the refugees. Kansas farmers were in the middle of planting season and the agents “found teams extremely difficult to obtain” because many of the local farmers “were busy with their own crops, and could not leave at that time.”<sup>16</sup> Almost two weeks after Coffin arrived at the reservation, the agents had at last overcome the obstacles and the refugee train was ready for movement.<sup>17</sup>

As the refugee train finally left the Sac and Fox reservation it stretched over six miles long with thousands of Indians walking in front and behind the wagon teams.<sup>18</sup>

The movement was slow because the party consisted of mainly women and children; it took around thirty days for the refugees to travel about two hundred miles from the Sac and Fox reserve to their final destination of Fort Gibson. Even though the journey was slow and burdensome, Coffin reported that “the health of the Indians was good” and there was “very little mortality amongst them.”<sup>19</sup>

In the middle of June, the Creek refugees returned to the Indian Territory, but instead of returning to their homes they had to encamp in another refugee area. Before the Indians arrived in the Indian Territory, Col. Phillips had received orders from General James Blunt to proceed with previous orders from General Samuel Curtis, commander of the Department of Kansas, to complete the fortifications around Fort Gibson and keep his forces concentrated near the fort.<sup>20</sup> In Blunt’s letter, dated April 3, he also instructed Phillips to hold no point further south than the Arkansas River and to “send scouts well to the front, and also westward, to ascertain any movement that may be made by the enemy.”<sup>21</sup> The orders signified that the Indians would have no military protection from the rebels if they proceeded away from Fort Gibson and toward their homes. Instead, the Creeks encamped near Fort Gibson on the west side of the Grand (Neosho) River in a low swampy area that was only two or three miles from their country.<sup>22</sup> Cutler wrote to Coffin saying that:

The Creeks were very much disappointed that they were not taken directly to their own country instead of to the Cherokee country; they fully expected to be taken to their own homes, and most earnestly beg of the government to give them protection in their own country at the earliest practicable moment.<sup>23</sup>

Problems other than not returning to the Indians’ actual homelands began to surface for the fifteen thousand Indians refuged near Fort Gibson. The earlier obstacles in the move now caused bigger problems in that the Indians arrival at Fort Gibson was

too late for the planting season.<sup>24</sup> Many tried to plant gardens, but the lateness of the season caused them all to fail. Creek agent George Cutler said, “it was truly a sad and unfortunate thing that the refugees were not started at least a month sooner than they were; had this been done, they would have been enabled to have put in a considerable crop in the ground.”<sup>25</sup> He was confident in saying this because the season was not drought-laden like the past few years and some Cherokees who were around Fort Gibson during the spring were successful in raising good crops.<sup>26</sup> Coffin informed Commissioner of Indian Affairs William Dole that “the government will need to provide assistance for at least ten months, or until they get crops planted” and that it would “now cost more than it did to provide subsistence in Kansas.”<sup>27</sup> Congress’s desire to relieve the government’s financial burden of the refugees had backfired.

As Dole informed Coffin, sustaining the refugees in Indian Territory was going to cost the government dearly, because the supply lines were now greatly extended and vulnerable to rebel attacks without sufficient armed escorts. Colonel Stand Watie, commander of the First Indian Brigade, and General Richard Gano, commander of the Texas Brigade, showed just how vulnerable Union supply lines were in the northern region of the Indian Territory. Watie’s brigade was about two thousand strong consisting of Cherokees, Creeks, and Seminoles, while Gano had about twelve hundred Texans.<sup>28</sup> On September 19, their combined force overwhelmed the Union’s force of about six hundred Indian and white troops that escorted a three hundred-wagon supply train.<sup>29</sup> In this attack at Cabin Creek, sixty miles north of Fort Gibson, the Confederates captured two hundred and fifty-five loaded wagons and mules that were part of a supply train headed for Fort Gibson.<sup>30</sup>

Fort Gibson's supplies were already minimal because of the raids on the supply trains and by September 1864, Coffin estimated that there were fifteen thousand refugees needing government assistance encamped in the general vicinity of Fort Gibson.<sup>31</sup> Cutler reported that "it seems inevitable that these people must undergo great suffering during the winter" and "in fact, it is scarcely possible to see anything but starvation before them."<sup>32</sup> Several of the Creek chiefs also recognized the dire situation their tribe would incur during the next winter and wrote:

To whom must a suffering child call for help except to its father? . . . We can see nothing but starvation before us. Already we have had a taste of what is to come this winter. Our agent is doing all he can for us. If there was food in the country, he would get it for us; but there is none here. We did not get here in time to raise anything for ourselves; we are therefore destitute of everything. Months intervene between the arrival of each train, and the supplies they bring are barely sufficient to keep us alive from day to day.

The military officers here tell us that they look upon it as impossible to accumulate any provisions ahead. There are at least twenty thousand persons here to feed, all of whom will have to depend on the trains for all their subsistence, except beef; and this winter, when the trains must necessarily have to stop, our sufferings will be terrible in the extreme. Last winter the refugees who were here were reduced to almost absolute starvation, so much so that they were glad to hunt out the little corn that fell from the horses and mules of the military. . . . the suffering must be much greater next winter that it was last, unless the most prompt and energetic steps are taken to procure and transport supplies to this place.<sup>33</sup>

Coffin also understood the seriousness of the situation and requested that the government needed to provide not only food, but clothing, shoes, and blankets to help the refugees get through the upcoming winter.<sup>34</sup> After receiving Coffin's and the Creek chiefs' requests, Commissioner Dole petitioned President Lincoln for the needed assistance and received authorization for an additional \$200,000 for the refugees. At Leavenworth, Coffin had gathered the needed provisions for the refugees and by October 5 the provisions were ready for shipment to the refugees. However, Confederate General



Sterling Price invaded Missouri, drawing Union troops in Kansas into Missouri and leaving no available troops to escort the supplies. This, combined with Watie's success at Cabin Creek a month earlier, forced Coffin to delay sending the supplies until mid-November.<sup>35</sup>

The Indian Territory was devastated from three years of war and scavenging for food by both the Confederates and the Union soldiers. Many of the Indians around Fort Gibson were only a few days' travel from their homes, but what many did not know was that the rebels had burned their homes after they left. Some Cherokee refugees made their way back to the Indian Territory in early spring before the rest of the Indians arrived in June and began to rebuild and plant crops. Since they arrived at the proper time to plant crops, many were successful, but with their men serving in the Union military they could not protect their harvest from raids by Confederate tribesmen.<sup>36</sup> Coffin recognized that if Congress desired the Indians to be self sufficient then it was "absolutely necessary to furnish them with what they have never yet received, that is, military protection."<sup>37</sup> Three years after the war's start, the Loyal Indians were still asking for military protection that the government had guaranteed to provide for them in past treaties.

The Indians desperately needed military protection, but they also needed protection from corrupt agents and military men who were profiting from their destitution. When supply trains arrived at Fort Gibson, the load was routinely lighter than when it left Leavenworth.<sup>38</sup> Often, soldiers who were escorting the trains looted the supplies for their own benefit or took supplies and hid them in stores owned by the private sector and after some time resold them back to the government.<sup>39</sup>

The most monstrous of these thefts were those of the Loyal Indians' cattle. Cattle theft had occurred throughout the war by both parties, but by 1864 it had turned into an organized business involving federal army officers, Indian service officials, and citizens of Kansas.<sup>40</sup> These individuals stole cattle belonging to the Loyal Indians and then sold the cattle at high rates to government agents who, using the Indians' annuities, purchased the cattle for beef that was then given to the refugees as part of their rations. On July 10, Col. Phillips reported the arrest of eleven Kansas men (two of them were killed when they tried to escape) caught stealing cattle sixty miles north of Fort Gibson along the Verdigris River.<sup>41</sup> Phillips also wrote that he continually "hears of cattle have been driven out by U.S. soldiers into Kansas" and asked for a battalion of cavalry to be sent to him so he could stop them.<sup>42</sup>

Phillips wholeheartedly believed that Coffin was one of the main players from the Indian Office that was involved in the cattle theft.<sup>43</sup> However, he could never gather sufficient evidence or influential people to believe his charges. Coffin's agents came to his support and absolved the Indian Office of any wrong doing and Coffin turned the tables on Phillips by charging that the latter was working with the army sutlers to drive out all private sector competition.<sup>44</sup> Whatever Phillips's motivation, his record suggests that he was one of the few Union men who had a true concern for the Loyal Indians. The government, however, did not.

High officials in the region may not have dirtied their hands in the cattle theft business, but they were not doing much to stop the travesty. Department of Kansas commander Samuel Curtis wrote to Creek agent George Cutler informing him that Curtis was aware of the problem and that he believed that "the cattle should be collected and not

left in the abandoned Indian country to feed rebels.”<sup>45</sup> He added that, “when the Indian owner can show a bona-fide ownership the Indians will be paid.”<sup>46</sup> The only problem with this policy was that it would be difficult to prove ownership, especially when Osage and Delaware Indians hired to steal cattle received “bogus bills of sale” after they drove the cattle into Kansas.<sup>47</sup>

Superintendent Coffin used his position to grant permits for individuals “to purchase cattle of the Indians within the Indian Territory.”<sup>48</sup> However, they were supposed to be able to show a bill of sale that was “signed by the Indians of whom you purchase, and approved by the chiefs or head men of the tribe to whom the parties belong.”<sup>49</sup> After purchasing the cattle, these individuals were to drive the cattle into Kansas and submit for approval by either Coffin or Curtis their bill of sales.<sup>50</sup> Coffin’s system of permits and rules neglected to consider that the cattle were driven out of the country belonging to the Creeks and Cherokees and most of these Indians were refugees around Fort Gibson or near the Texas border in rebel refugee camps. As Phillips noted:

To show you the precise character of the transactions I have only to state that the whole Verdigris River country and nearly all the Creek country and large portions of the Cherokee country are entirely depopulated. The men are soldiers in the army, and many of them clustered near this post for protection. There is, in fact, no one to sell to them in the country where they got the cattle; and such sales, as a general rule, are mere pretexts that could deceive no one.<sup>51</sup>

Clearly, cattle theft occurred in the Indian country and the military and the Indian department proved unable to work together for the welfare of the Indians. Elijah Sells, who became Southern Superintendent of Indian Affairs in 1865, stated, “it is utterly impossible to effectually break up this system of plunder from the Indians as long as the State, civil, and military authorities are in sympathy with the parties engaged in this species of brokerage.”<sup>52</sup> The important piece to take from these actions was that some

three hundred thousand head of cattle were taken from the Indian Territory and sold for around \$15 a head, for a total loss of \$4,500,000 worth of livestock.<sup>53</sup> Those involved made a tidy profit, but the true seriousness was that while Union troops received beef from the Indians' cattle, the Indians lived in refugee camps, starving and destitute.

Instead of receiving additional military protection, rumors circulated that because of the difficulty of providing supplies to Fort Gibson, the military forces and refugees needed to withdraw and move back into Kansas.<sup>54</sup> This was obviously not what the Indians wanted to hear, especially being so close to their homelands. The Indians were not the only ones against them moving back into Kansas. Kansas Senator James Lane spoke for many of his constituents when he wrote to Secretary of the Interior John Usher:

Our people are greatly concerned with the fear that Forts Smith and Gibson are to be evacuated. It will throw back upon us the whole number of refugees recently removed with their numbers largely augmented and more destitute than when they first came. It will expose our state to invasion from Texas.<sup>55</sup>

Lane's last point about leaving Kansas's border exposed to invasion caused several military officials to reconsider evacuating Fort Gibson. Samuel Curtis was one of the military officials who saw that evacuating Fort Gibson would leave Kansas's southern border vulnerable to attack. With this belief, Curtis felt it was his "duty to urge the sending of more troops . . . to aid in . . . [putting] down the Indians, and [strengthening] the defenses which overlook the enemy's approaches from Texas."<sup>56</sup> The talk of evacuating Fort Gibson was quashed when General Ulysses Grant issued orders to hold Fort Smith and the other smaller forts, like Gibson.<sup>57</sup> This was a small victory for the refugees, because they would not have to move back to Kansas and could remain in the Indian Territory.

Not evacuating Fort Gibson was a positive decision for the Indians, but the Indian Territory still needed a stronger showing of Union military force. Sands and other Creek chiefs continued to ask the government for military assistance throughout the winter of 1864-1865.<sup>58</sup> Their pleas, like many over the past few years, went unanswered and at the beginning of January 1865, Fort Gibson had a military force of about two thousand men, of whom almost all were Indians.<sup>59</sup> Phillips believed he could hold the fort and the northern part of the Indian Territory until the military leaders decided the future of the Indian command.<sup>60</sup> Phillips knew his men were able to hold the fort, but he questioned the future of the Indian regiments because their term of enlistment was set to expire during the months of May, June, and July.<sup>61</sup>

On January 1, 1865, Phillips wrote Secretary of War Edwin Stanton to learn the government's intentions for the Indian regiments. Attempts to muster out the Indian forces went back as far as 1863 when Army General-in-Chief Henry Halleck and the commander of the Department of Missouri, John Schofield, believed they were of no use.<sup>62</sup> However, arming the Indians let other military and governmental officials believe they were doing something to help the Indians. Now their service was near an end and officials like Halleck, who opposed arming the Indians in the first place, saw to it that they were not re-enlisted or reorganized. Phillips felt that if the army was not going to reorganize the Indian regiments, then for the welfare of the refugee Indians their men should muster out in March so they could help with the spring planting, thus giving the refugees a better chance of raising sufficient crops so they would not be dependent on the government the following year.<sup>63</sup>

By February 1865, Sands and some of the other Creek refugees grew tired of waiting for the government to send the needed military forces and crossed the Verdigris River to settle in the Creek country.<sup>64</sup> Phillips had earlier sent a small portion of his Indian force to set up an outpost near the Tallahassee Mission in the Creek country, about fifteen miles west of Fort Gibson. This small force was to provide protection for the Creeks and continuously reported any cattle thefts in the area to Phillips. However, not all the Creek refugees followed Sands into the Creek country. Some opted for the safety they found around Fort Gibson, while one group led by Ispokogee Yahola stayed on the Cherokee side of the Verdigris River so that they would not be under Creek jurisdiction.<sup>65</sup> This group of Creeks were staunch followers of Opothleyahola; they rejected Sands's election as Principal Chief and followed Ispokogee Yahola because Opothleyahola appointed him to lead the Creeks. The start of the Civil War helped divide the Creek Nation into two factions, but now the war had caused a third division and this time it was among the Loyal Creeks.

The war as a whole was difficult on the refugees and the winter of 1864-1865 was no exception. Supplies rarely made it to Fort Gibson and the supplies that did get to the fort were usually rifled through by those who escorted the trains. Winter weather also made it difficult for the supply trains to travel and get supplies to the Indians. Choctaw and Chickasaw agent Isaac Coleman reported on March 31 that five thousand Creek, Seminole, Choctaw, and Chickasaw refugees were on the verge of starvation because they had not received supplies in three weeks.<sup>66</sup> The commissary at Fort Gibson reported that some twenty thousand refugees were on the verge of starvation and the Department of Interior needed to be aware that the army could not supply them with food.<sup>67</sup>

Witnessing the destitution of the refugees, Phillips worked hard to relieve them of future pains. He gave furloughs to “a large number of [Indian] soldiers to go and assist the women and children in fencing and putting in corn.”<sup>68</sup> By allowing the soldiers a furlough, Phillips believed the refugees could plant enough seed to keep them from starving the next winter. He also looked into having cattle driven from the southern sections of the Indian Territory for the refugees’ use.<sup>69</sup> By April 24, Phillips received word that Stanton directed that the refugees at Fort Gibson were to receive supplies sufficient to ease their suffering and stop their starvation. He also received instructions to communicate to the Indians that they should plant enough seed during the spring so that they could support themselves hereafter, but Phillips had already prepared the Indians for self-sufficiency before receiving these instructions.<sup>70</sup> If the weather was favorable for the crops, and no rebels raided them, the refugees would for the first time since the beginning of the war, be able to support themselves.

As of April 19, Phillips still did not know if the government was going to reorganize the Indian regiments or muster them out.<sup>71</sup> He was concerned because he had word that the rebel Indians were trying to create an alliance with the Plains Tribes, the Kiowas, Arapahoes, Cheyennes, and Lipans. The rebels had not made a full force attack since their defeat at Honey Springs in 1863, but their attempts to ally with the Plains Tribes would give them a stronger fighting force for a possible attack on Fort Gibson. In May, a meeting between the Confederate Indians, the Plains Indians, and bands of the Comanches, Caddos, Osages, and Anadarkoes occurred at Camp Napoleon on the Washita River. This meeting, however, was not to garner an alliance against the Union armies, but to create a league of peace among all the Indian Nations in the Indian

Territory. Their objective was “to maintain the integrity of the Indian Territory as the present and future home of our race, to preserve and perpetuate the national rights and franchise of the several nations, to cultivate peace, harmony and fellowship.”<sup>72</sup> They also stated that it was the “earnest desire of this grand council that all strife, feuds, and hostilities among Indians should cease, and that our great principal, ‘An Indian shall not spill another Indian’s blood,’ be universally adopted by all nations and tribes of Indians.”<sup>73</sup>

When they gathered for the Grand Council, the Confederate Indians must have realized the Confederacy’s likelihood of defeating the Union was diminishing. The Grand Council agreed to their Indian league of peace two days before the Confederate’s Trans-Mississippi Department (under which the Indian Territory fell) signed a convention of surrender on May 26. The Confederate Indians wanted to make terms of peace with the United States and not be required to abide by the terms of surrender other rebel authorities agreed to.<sup>74</sup> Their strong request to be separate from the rebels’ term of surrender was bold considering that they never made any hint in their resolution that they were guilty of any wrongdoing or mistaken judgement in their having joined the Confederacy. Their league of peace was ingenious, in that they realized that the whole Indian Nation, rebel and loyal, had to come together if they planned on protecting their land rights in the Indian Territory from the land hungry white men.<sup>75</sup>

On June 15, a special meeting of the Grand Council took place in the Choctaw Nation where they reaffirmed their league of peace and extended an invitation for the Loyal Indians to join them in peace. Their invitation was to the “Cherokee, Seminole, Creek, Osage, and all other nations of Indians to become parties to this confederation and



to cooperate with this council in its efforts to contract anew friendly relations with the United State Government.”<sup>76</sup> The council resolved that they should meet with the Loyal Indians to “communicate the wishes and intentions of this grand council.”<sup>77</sup> They also resolved that the governors or principal chiefs of the Five Civilized Tribes appoint one to five commissioners who would go to Washington to negotiate new treaties for their Nations with the government. According to historian Annie Abel, their reason for sending the commissioners to Washington aimed to get “beyond the reach of the frontier politics and tribal disputes [so] they might hope for a fair statement of their case and justice.”<sup>78</sup> The council also protected their interests when they inserted the clause stating “no treaty made under the provisions of these resolutions shall be binding until ratified by the national councils of the respective tribes making the same.”<sup>79</sup> The Loyal Indians did not send commissioners to meet with the Grand Council in the Choctaw Nation. However, a meeting would occur with all the Indian parties because government officials summoned the Indian commissioners to meet at Fort Smith in September.

Sands and other Indian leaders believed the meetings at Fort Smith were to mend the factional differences between the two sides of Indians. The government, however, had different plans. The first meeting of the Fort Smith Council was on September 8, but only members from the Loyal Indians parties attended, as the rebel commissioners were still meeting at the Grand Council. Dennis Cooley, the new Commissioner of Indian Affairs, addressed the Unionist Indians and informed them that their tribes had forfeited their land rights and annuities but that the President was willing to hear their pleas and he sent commissioners to make new treaties with them.<sup>80</sup> The Unionist Indians were aghast, for they had suffered as much as any white man for their devotion to the Union. The

Creeks were caught completely off-guard by Cooley's address. They had come to the council to reunite with their rebel brothers, but now a government official accused them of disloyalty to the Union and wanted them to make new treaties.

On the second day of the Council the Creeks learned that the government viewed the entire tribe as culpable for the treaty that some of their members had entered into with the Confederacy and that they were now without any treaty with the United States. By law and terms of past treaties, joining the Confederacy forfeited for the Creeks their rights to annuities and land. To retain it, the Indians must make new treaties with the federal government.<sup>81</sup> The Creeks had to agree to permanent peace and friendship among themselves, with other tribes, and with the United States. They were to abolish slavery within their tribe and incorporate the emancipated slaves into their Nation on an equal footing as the original members. The government also stated that the Creeks were to set aside lands within their country for the settlement of tribes from Kansas or elsewhere. Along with the other Indian Nations, they were to organize into one consolidated government.<sup>82</sup> At the time the Indians received these demands, the terms were harsher than any others offered to the South despite the fact that all the Indians in attendance were Unionists.

Upon hearing the government's demands, Micco Hutke, the Creeks spokesman, responded, "We have learned what the government wants us to do, but are not ready at this time to reply."<sup>83</sup> Another Creek delegate, Sanford W. Perryman, wrote a letter of response to the commissioners explaining that the Loyal Creeks had repudiated the Pike treaty before leaders like Sands went to Washington in 1861 to discuss the problems in Indian Territory. He also reminded them of Opothleyahola and the Loyal Creeks' flight

to Kansas and the suffering they incurred while in Kansas, and also that Creek men enlisted and served in the Union army. His point with all of his illustrations was that he and the other Loyal Creeks believed they should “not be classed with the guilty.”<sup>84</sup> However, on September 14, the Creek delegates agreed to a preliminary treaty renouncing the Confederacy and placing their Nation under the protection of the United States.<sup>85</sup>

On September 16, the rebel Indian delegates arrived at Fort Gibson. After greeting one another, the rebel Creeks expressed their opposition to granting freedmen citizenship into the Creek tribe and then suggested that the two Creek factions should make two separate tribes. The rebel Creeks’ agreed to emancipate the slaves but felt the government’s demand to incorporate the freedmen as equals into the tribe was more than the government was willing to do itself with freed slaves.<sup>86</sup> The two Creek sides met again to discuss their differences and agreed to reunite and sign the preliminary treaty as a Nation. On September 18, the rebel Creek delegates signed the preliminary treaty, but turned in a statement calling Opothleyahola a factionalist who fled to serve his own ends and was thus no patriot. They also gave a second written statement accepting part of Cooley’s propositions and rejecting others, such as the granting of citizenship to slaves.<sup>87</sup> The two Creek factions may have agreed to unite for practical purposes, but the actions of their leaders during upcoming treaties showed they had not buried the proverbial hatchet very deep.

After signing the preliminary treaty, the Creeks received permission to leave the council at Fort Gibson and return to Creek country. Once the Southern delegates and the Loyal delegates arrived, they met in council to reestablish the Creek government and

elect a principal chief. On November 5, the Creek council met. Checote, the acting principal chief who supported the Confederacy, surrendered his position and the Council appointed Sands, who the Loyal Creeks elected their principal chief while in Kansas, as the new principal chief of the united Creek nation.<sup>88</sup> Sands's first act as principal chief was to instruct the rebel delegates to return to their encampments along the Red and Washita Rivers and invite their followers to return to their homes. Most of the Creek refugees, loyal and rebel, returned during the winter of 1865-1866; only Ispokogee Yahola's faction refused to return and stayed encamped in the Cherokee Nation.<sup>89</sup>

While the refugee Creeks were returning to their Nation, negotiations with federal officials for a definitive Creek treaty began to take place. In late December, the Indian Office summoned the Creeks to appoint delegates to come to Washington for the purpose of creating a Reconstruction treaty.<sup>90</sup> Being principal chief of the Creeks, Sands received appointment for the delegation along with Coweta Micco and Cotchoche from the Loyal Creeks. The Southern Creeks, concerned that the government officials would take advantage of the diplomatic naivete of the Loyal Creeks, also elected delegates to go to Washington. Checote instructed Daniel McIntosh and James M. C. Smith to "cooperate with the Loyal Creeks in a spirit of 'harmony and friendship and for the best interest of the whole without reference to former difficulties,' and to follow their own judgment to secure the best possible terms with the United States."<sup>91</sup> The two Southern delegates, however, were not recognized by the federal officials or the Loyal Creeks as official Creek delegates.

The Southern delegates arrived in Washington two weeks after the Loyal Creek delegates had agreed to a new treaty. The Loyal delegates agreed to a treaty that required

them to adopt their freed slaves as citizens with all rights and privileges, such as equal interest in land cession and national funds.<sup>92</sup> They also agreed to allow their Nation to become a part of a territorial government controlled by Congress. Their final main agreement ceded the western half of the Creek territory to the government for a price of thirty cents an acre. The amount of land they agreed to cede was vast, approximately three million two hundred and fifty thousand and sixty acres. The sale of the land would generate approximately \$975,168 for the Creek Nation, but Loyal Creeks were to receive \$775,000 of that amount in compensation for losses during the war.<sup>93</sup>

McIntosh and Smith were not content with the agreements the Loyal delegates made and petitioned to make amendments to the treaty. They believed that the Loyal delegates were diplomatically inept and the government officials took advantage of them. They asked the Loyal delegates to submit a unified request for modification of the terms, but the Loyal delegates denied their request. The Southern delegates then submitted their own protest saying that they represented the majority of the tribe and should be allowed to amend the treaty signed by the Loyal delegates. In their protest, they argued the amount paid for the ceded land was insufficient and they also rejected the recognition of the freed slaves as political equals to the rest of the Creek citizens, because they still believed that the government was asking them to do something that it was still unwilling to do. They also protested their exclusion from the treaty-making process and stated their opposition to money gained from the ceded lands going for reparations to the Loyal Creeks.<sup>94</sup>

Without recognition as official delegates, the Southern delegates' protests gained little support. They were successful in reducing the amount of money paid to the Loyal

Creeks for their losses during the war, but beyond that the main provisions remained. With both Creek delegate parties content with the government's treaty, they officially agreed to the terms in writing on June 14, 1866, and on July 19 the Senate approved it. The last approval needed was from the Creek council and once the Creek delegates returned, the council quickly ratified it.

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## NOTES

- <sup>1</sup> Archibald V. Coffin to William G. Coffin, 25 August 1864, *Report of the Commissioner of Indian Affairs for the year 1864* (Washington, D. C.: Government Printing Office, 1865), p. 307.
- <sup>2</sup> *Ibid.*, p. 308.
- <sup>3</sup> *Ibid.*
- <sup>4</sup> Edmund Jefferson Danzinger, Jr., *Indians and Bureaucrats: Administering the Reservation Policy during the Civil War* (Chicago: University of Illinois Press, 1974), p. 136.
- <sup>5</sup> David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (Columbia: University of Missouri Press, 1978), p. 62.
- <sup>6</sup> *Ibid.*, p. 63.
- <sup>7</sup> William A. Phillips's address to soldiers, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Press, 1891), Series I, Vol. XXXIV, part ii, p. 190.
- <sup>8</sup> John T. Cox to William P. Dole, 5 February 1864, *Report of the Commissioner*, p. 321.
- <sup>9</sup> Angie Debo, *The Road to Disappearance: A History of the Creek Indians* (Norman: University of Oklahoma Press, 1941), p. 162.
- <sup>10</sup> William A. Phillips to Samuel R. Curtis, 24 February 1864, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Press, 1891), Series I, Vol. XXXIV, part i, p. 109.
- <sup>11</sup> William A. Phillips to Una (Daniel) McIntosh, 15 February 1864, *The War of the Rebellion*, Series I, Vol. XXXIV, part ii, p. 997.
- <sup>12</sup> William A. Phillips to Samuel R. Curtis, 16 February 1864, *The War of the Rebellion*, Series I, Vol. XXXIV, part i, p. 107.
- <sup>13</sup> William A. Phillips to Samuel R. Curtis, 24 February 1864, *The War of the Rebellion*, Series I, Vol. XXXIV, part i, p. 108.
- <sup>14</sup> Danzinger, Jr., *Indians and Bureaucrats*, pp. 175-176.
- <sup>15</sup> *Ibid.*, p. 176.
- <sup>16</sup> George A. Cutler to William G. Coffin, 1 September 1864, *Report of the Commissioner*, p. 311.
- <sup>17</sup> *Ibid.*; Danzinger, Jr., *Indians and Bureaucrats*, p. 176.
- <sup>18</sup> Danzinger, Jr., *Indians and Bureaucrats*, p. 176.
- <sup>19</sup> William G. Coffin to William P. Dole, 24 September 1864, *Report of the Commissioner*, p. 304.
- <sup>20</sup> James G. Blunt to William A. Phillips, 3 April 1864, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Press, 1891), Series I, Vol. XXXIV, part iii, p. 32.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> Debo, *The Road to Disappearance*, p. 163; Annie Heloise Abel, *The American Indian under Reconstruction* (Cleveland: The Arthur H. Clark Company, 1925), p. 72.
- <sup>23</sup> George A. Cutler to William G. Coffin, 1 September 1864, *Report of the Commissioner*, p. 312.

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- <sup>24</sup> Ibid., p. 311; William G. Coffin to William P. Dole, 24 September 1864, *Report of the Commissioner*, p. 304.
- <sup>25</sup> George A. Cutler to William G. Coffin, 1 September 1864, *Report of the Commissioner*, pp. 311-312.
- <sup>26</sup> Ibid., p. 312.
- <sup>27</sup> William G. Coffin to William P. Dole, 24 September 1864, *Report of the Commissioner*, p. 304.
- <sup>28</sup> Stand Watie to Thornton B. Heiston, 3 October 1864, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Press, 1893), Series I, Vol. XLI, part i., pp. 784-788; Richard Gano to Douglas Cooper, 29 September 1864, *ibid.*, pp. 788-791.
- <sup>29</sup> Henry Hopkins to Lorenzo Thomas, 25 September 1864, *The War of the Rebellion*, Series I, Vol. XLI, part i., pp. 769-771.
- <sup>30</sup> Samuel Curtis to William Rosecrans, 20 September 1864, *The War of the Rebellion*, Series I, Vol. XLI, part i, p. 764.
- <sup>31</sup> William G. Coffin to William P. Dole, 24 September 1864, *Report of the Commissioner*, p. 304.
- <sup>32</sup> George A. Cutler to William G. Coffin, 1 September 1864, *Report of the Commissioner*, p. 312.
- <sup>33</sup> Ok-Ta-Ha-Sus-Hur-Gah, Ka-Pit-Cha-Fir-E-Co, Ko-We-Ta-Mic-Co, Mic-Co-Hut-Ka, Tus-Te-Nuk-E-Mu-Chu-Ah-Hi-Ko-Gee, Tul-La-De-Gu-La-Cha-Po-Ka to William Dole, 16 July 1864, *Report of the Commissioner*, pp. 343-344.
- <sup>34</sup> William G. Coffin to William P. Dole, 24 September 1864, *Report of the Commissioner*, p. 305.
- <sup>35</sup> Danzinger, Jr., *Indians and Bureaucrats*, p. 177.
- <sup>36</sup> William G. Coffin to William P. Dole, 24 September 1864, *Report of the Commissioner*, p. 304.
- <sup>37</sup> Ibid.
- <sup>38</sup> William Phillips to Samuel Curtis, 5 April 1864, *The War of the Rebellion*, Series I, Vol. XXXIV, part iii, pp. 52-53.
- <sup>39</sup> Danzinger, Jr., *Indians and Bureaucrats*, p. 177; William Phillips to Francis Herron, 16 January 1865, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Press, 1896), Series I, Vol. XLVIII, part i, pp. 542-543.
- <sup>40</sup> Debo, *The Road to Disappearance*, p. 163.
- <sup>41</sup> William Phillips to John Thayer, 10 July 1864, *The War of the Rebellion*, Series I, Vol. XLI, part ii, pp. 107-108.
- <sup>42</sup> Ibid., p. 108.
- <sup>43</sup> William Phillips to Edward Canby, 16 February 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part i, p. 871; Danzinger, Jr., *Indians and Bureaucrats*, pp. 177-178.
- <sup>44</sup> Danzinger, Jr., *Indians and Bureaucrats*, p. 178.
- <sup>45</sup> Samuel Curtis to George Cutler, 25 March 1864, *The War of the Rebellion*, Series I, Vol. XXXIV, part ii, p. 733.
- <sup>46</sup> Ibid.
- <sup>47</sup> William Phillips to John Pope, 16 February 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part i, p. 874.



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- <sup>48</sup> William Coffin to Alexander Hamilton, 22 September 1864, *The War of the Rebellion*, Series I, Vol. XLVIII, part i, pp. 872-873.
- <sup>49</sup> *Ibid.*
- <sup>50</sup> *Ibid.*, p. 873.
- <sup>51</sup> William Phillips to John Pope, 16 February 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part i, p. 874.
- <sup>52</sup> Elijah Sells to Dennis Cooley, 16 October 1865, No. 86, *Report of the Commissioner of Indian Affairs for the year 1865* (Washington, D. C.: Government Printing Office, 1865), p. 252.
- <sup>53</sup> *Ibid.*, p. 253.
- <sup>54</sup> Abel, *The American Indian under Reconstruction*, p. 116; Samuel Curtis to Grenville Dodge, 30 December 1864, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Press, 1893), Series I, Vol. XLI, part iv, p. 967.
- <sup>55</sup> *Ibid.*, p. 116.
- <sup>56</sup> Samuel Curtis to Henry Halleck, 31 December 1864, *The War of the Rebellion*, Series I, Vol. XLI, part iv, p. 971.
- <sup>57</sup> Ulysses Grant to Henry Halleck, 1 January 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part i, p. 391.
- <sup>58</sup> Debo, *The Road to Disappearance*, p. 163.
- <sup>59</sup> William Phillips to Edwin Stanton, 8 January 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part i, p. 457.
- <sup>60</sup> *Ibid.*
- <sup>61</sup> *Ibid.*, p. 456.
- <sup>62</sup> Abel, *The American Indian under Reconstruction*, p. 104.
- <sup>63</sup> *Ibid.*, p. 117; William Phillips to Edwin Stanton, 8 January 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part i, p. 456.
- <sup>64</sup> Abel, *The American Indian under Reconstruction*, p. 72; Debo, *The Road to Disappearance*, p. 163.
- <sup>65</sup> Debo, *The Road to Disappearance*, p. 163.
- <sup>66</sup> Isaac Coleman to Cyrus Bussey, 31 March 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part i, p. 1303.
- <sup>67</sup> J. J. Reynolds to John Pope, 8 April 1865, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D. C.: Government Printing Press, 1896), Series I, Vol. XLVIII, part ii, p. 53.
- <sup>68</sup> William Phillips to J. J. Reynolds, 19 April 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part ii, p. 136.
- <sup>69</sup> William Phillips to J. J. Reynolds, 4 April 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part ii, p. 27.
- <sup>70</sup> Cyrus Bussey to William Phillips, 24 April 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part ii, p. 177.
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- <sup>72</sup> Resolutions of the Grand Council, 15 June 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part ii, p. 1104.
- <sup>73</sup> *Ibid.*

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- <sup>74</sup> James Veatch to J. Schuyler Crosby, 20 July 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part ii, p. 1095.
- <sup>75</sup> Abel, *The American Indian under Reconstruction*, p. 142.
- <sup>76</sup> Resolutions of the Grand Council, 15 June 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part ii, p. 1104.
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- <sup>79</sup> Resolutions of the Grand Council, 15 June 1865, *The War of the Rebellion*, Series I, Vol. XLVIII, part ii, p. 1104.
- <sup>80</sup> Debo, *The Road to Disappearance*, p. 168; Abel, *The American Indian under Reconstruction*, p. 183.
- <sup>81</sup> Report of Dennis Cooley, 30 October 1865, *Report of the Commissioner*, pp. 298.
- <sup>82</sup> *Ibid.*, pp. 298-299.
- <sup>83</sup> Debo, *The Road to Disappearance*, p. 168.
- <sup>84</sup> *Ibid.*, pp. 168-169.
- <sup>85</sup> Report of Dennis Cooley, 30 October 1865, *Report of the Commissioner*, p. 303.
- <sup>86</sup> Abel, *The American Indian under Reconstruction*, pp. 210-211.
- <sup>87</sup> *Ibid.*; Debo, *The Road to Disappearance*, p. 169.
- <sup>88</sup> Debo, *The Road to Disappearance*, p. 169.
- <sup>89</sup> *Ibid.*, pp. 169-170.
- <sup>90</sup> Abel, *The American Indian under Reconstruction*, p. 338.
- <sup>91</sup> Debo, *The Road to Disappearance*, p. 171.
- <sup>92</sup> *Ibid.*, p. 172; Abel, *The American Indian under Reconstruction*, p. 340.
- <sup>93</sup> Debo, *The Road to Disappearance*, p. 172; Abel, *The American Indian under Reconstruction*, p. 341.
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## CHAPTER TEN

### CONCLUSION

The ratification of the government's treaty officially moved the Creek Nation into Reconstruction. The war took its toll on the Creek lands, but more importantly on the Creek population. A census taken shortly after the ratification of the treaty listed 9,771 Creeks in the Creek country. Ispokogee Yahola and his 369 followers remained in the Cherokee country and did not return until the winter of 1869-1870. A small number of Creeks who remained in the Choctaw and Chickasaw country never returned. The census showed a twenty-four percent decline since the 1859 census. Almost a quarter of the Creek Nation died during the war, a staggering statistic. Reconstruction would entail more than simply building new homes, but also the rejuvenation of a seriously depleted population.

The task of rebuilding their homes and lives was daunting. Those who returned found piles of ash and blackened chimneys to mark where the houses once stood. The Creeks who returned began to build rude shelters that would get them through the upcoming winter. However, not all the Creeks returned to their old homes and fields. The wealthy mixed-bloods, whose plantations were located in the Arkansas-Verdigris valley, returned to find the valley occupied by emancipated slaves who had established small farms. Many of the mixed-bloods did not return to their plantations, for they were unwilling to live in the same vicinity as their previous slaves and because of this many

established new homes around North Fork Town.<sup>1</sup> Other issues such as growing food needed to be addressed when the Indians returned. Other than the fields that the Union Indian soldiers cultivated during the spring, many of the once bountiful fields were now nothing more than overgrown thickets of weeds. The Creeks needed new field equipment so they could remove the weeds and cultivate the fields for future use.<sup>2</sup>

Reconstruction of Indian Territory meant something entirely different for government and railroad officials. The land the government gained in the treaties from the Indian tribes would allow them to move the Kansas and other civilized tribes into the Indian Territory. By relocating these civilized Indians to the Indian Territory, states like Kansas would gain new agricultural lands for their white citizens. The government also gained land access for railroad companies like the Missouri- Kansas-Texas (Katy) so they could build railroad lines through the Indian Territory. In the treaty, the Creeks granted the right-of-way to two railroad lines, one running north to south and the other running east to west. They also agreed to sell a six-mile-wide area around the tracks to the railway company. The last time the Creeks gave access to the white man to cross their lands back in their eastern homelands, led to white settlement that ultimately pushed them out to the Indian Territory. The Creeks' future was now linked with its past and the story would prove the same; the government would gain the desired land and the Creeks would be on the losing end. We know the government over time gained more of the Indian Territory, for it is now known as Oklahoma. The Creeks, like the other civilized tribes, slowly saw their Nation shrink down to nothing more than individual land ownership.

As sad as the removal to the Indian Territory was in Creek history, their saga during the Civil War could almost supercede it. History had taught many of them to side

with the Union because of its strength, but that loyalty to the Union cost them more than they ever gained. The lack of promised protection forced them to flee their homes and country and take refuge in a state that was already trying to get rid of their own Indians. Their refuge in Kansas for the most part was a sad existence with government officials herding them around like cattle (except that they valued cattle more) to refugee camps farther away from their Nation. They spent three hard winters in a foreign land where many lost hope and witnessed the deaths of thousands of friends and family members to starvation, disease, and exposure in the refugee camps. Then in 1864, the government moved them back into the Indian Territory with almost no military protection where they had to spend another winter away from their country.

Finally in 1865, the end of the war came and government officials came calling for the Creeks to make new treaties, treaties which to that time the government never upheld fully. Government officials made new treaties with the Creeks, but instead of receiving a reward for their loyalty, officials treated them as a conquered people. Conquered they were, for they never had a chance against a government whose prejudiced views and capitalistic ideas guided them in all their dealings. This was something the Creeks should have learned from their past experience in Alabama and Georgia.

For Opothleyahola and his followers, there was no other choice than to put their loyalty with the Union, because they had already seen what its forces could do. The Confederacy could not defeat such a strong force and to join them would mean losing all that they had. Therefore, this time they placed themselves completely in the hands of the

government, who in return slowly took away land that was to be theirs for as long as the grass grows and the rivers run.

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## NOTES

<sup>1</sup> Angie Debo, *The Road to Disappearance: A History of the Creek Indians* (Norman: University of Oklahoma Press, 1941), pp. 170-171.

<sup>2</sup> *Ibid.*, p. 169.

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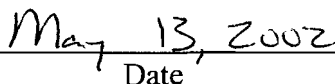
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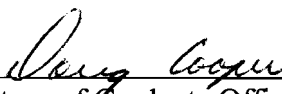


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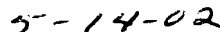


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