

# What effect did the Civil War and Reconstruction have on Indians?

**What were the “Golden Years” of Indian Territory?** Some call the fifteen years or so between the end of the major removals and the outbreak of the Civil War the “Golden Years” of Indian Territory.

During these years, the Five Civilized Tribes rested from the push of white poachers into their original homelands. They recovered from their suffering and losses along the Trail of Tears. They resumed their businesses, adding to their farming incomes at first by hunting and fishing on their new tribal lands. The work was hard in the early stages. Most never rose above poverty level, but as a whole the tribes felt more secure.

Quite a few of the more prosperous planters lived in log houses. They built log stables and sheds for their livestock and crop storage. Those who owned slaves housed them in log cabins. They replaced many log cabins with large *plantation* homes like those in the Southeast.

All the Five Civilized Tribes adopted constitutions very much like that of the U.S. They created executive, legislative, and judicial branches of government. Although the Seminoles never put their constitution to writing, they lived by it as closely as the others did. Each written constitution had a Bill of Rights.

All five supported education in their nations. Several of their leaders were well-educated, which enabled them to deal with the whites. They valued knowledge for knowledge’s sake as well. Many graduates of Indian academies in the Territory went east to college.

Some of the grammar schools and academies (high schools) were public, supported by tribal funds. Others were private or missionary schools, supported by churches and sometimes subsidized (helped with money) by tribal funds. Missionaries who had worked with the tribes in the east followed them and continued their work in Indian Territory. Others came after the removals.

**How were farms and plantations set up?** Members of tribes still owned land together, but they also set up separate farms. This was espe-

cially advantageous to the large planters. They could use as much land as they wished, as long as they did not encroach on another tribesman's work area. Furthermore, the planters paid no taxes on the land they used.

Except among the Seminoles, the five nations developed large plantations. There were several plantations in the eastern Territory in the Cherokee and Creek Nations near Fort Gibson. Numerous Choctaw and Chickasaw plantations were along the Red and Washita rivers. In fact, Robert Love, a mixed-blood Chickasaw, ran two plantations on the Red River. His principal crop was cotton, and each year he hauled his crop to New Orleans on a chartered steamboat. Love owned two hundred slaves.

To avoid encroaching on each other, many Indians scattered their farms or plantations throughout the region. In such cases, slaves were sometimes the only people on a farm. They produced crops for their masters with a minimum of supervision. There were white overseers, but there were also slaves, with the authority of foremen, in charge of other slaves.

**What place did slavery hold in the Indian culture?** Much of Indian Territory resembled the American South with about the same divisions of wealth. Only about 1 percent of the people were large slaveholders and planters. A larger group owned a few slaves, but most were farmers who owned no slaves at all, just land. A sizable number lived in poverty.

Conditions of slavery varied among the tribes just as it did among Southern whites. The living conditions of a slave depended largely on the temperament of his Indian owner. Kiziah Love, an ex-slave, shared stories of her own experience during the 1930s. She related that her master, Frank Colbert, was an easy one, never worked his slaves too hard and always fed them well. He refused to trust his blacks to a white overseer because he feared the harshness of such a person. However, a brother of Mr. Colbert was "the meanest man the sun ever shined on." She said the mean brother killed his baby's nurse by hitting her in the head with the fire tongs. He was angry that she couldn't quiet the baby, who was crying.

Although slavery was not proclaimed as strongly in Indian Territory as it was in the American South, slaves were still valuable *chattel*, or property. They were worth about \$1,200 each in 1861. Many Indians had invested a great deal of money in them.

Only in the Seminole Nation was slavery noticeably different. Seminole slaves in Florida had lived in separate villages and had to produce

## Do You Know?

Oklahoma's four mountain ranges include the Ouachitas, Arbuckles, Wichitas and Kiamichis.

a crop every year to give to their masters. Otherwise, they were able to come and go as they pleased, to earn money, and to live virtually as freedmen. Many Seminole slaves acted as interpreters for their masters and handled their dealings with white men. They carried a great deal of influence with their Seminole masters, and some were considered members of Indian families. Marriages were much more common between Seminoles and blacks than between blacks and members of other tribes. The Seminoles were protective of their slaves and resented any threat from outside the tribe.

Still, slave codes and laws among whites and other southeastern tribes left the freedmen insecure. There were often tales of freedmen being captured and sold on the slave market, despite legal papers supporting their freedom.

**Who was Gopher John?** The case of John Coheia, or Gopher John, shows the liberal attitude of Seminole slavery. A Seminole slave, he was removed from Florida to Indian Territory. Along the way, his tribe suffered from poor conditions and a lack of provision. Gopher John loaned \$1,500 to the military escort, in order to buy supplies. Usually slaves couldn't earn or save that amount of money, but the Seminoles allowed them to. In fact, Gopher John could have used the money to buy his freedom. But he must have felt his freedom in Seminole slavery was a surer thing than the freedom outside of it.

For his *generosity* in this act and for other services to the tribe, the Seminole Council freed Gopher John after their arrival in Indian Territory. A number of the Creeks tried to capture him and enslave him again. On at least one occasion he was ambushed and his horse was shot. But John escaped. He went on to found the town of Wewoka with a group of Seminole Negroes in the Little River Country. Wewoka became the Seminole capital and is now the county seat of Seminole County.

**What happened when slaves rebelled in 1842?** A common fear among slaveholders everywhere was the fear of rebellion — that the blacks would rise up against their owners and kill them, for freedom and for revenge. In 1842, a slave rebellion took place in Indian Territory among slaves of the Cherokees and Creeks.

On a chosen day, slaves rose at 4:00 a.m. and locked their overseers and/or masters in their houses while they were still sleeping. They took mounts, arms, and food and struck out for a black settlement in Mexico. They could not continue past Webbers Falls. There they set up a *barri-*



**Gopher John**

*cade* of dirt and logs. Estimates of the number of slaves involved range from two hundred to six hundred.

Authorities sent three companies of *Dragoons* (mounted infantrymen) to stop the insurrection, but the slaves were so well armed that the *Dragoon* commander asked Fort Towson for back-up *artillery* and infantry troops. Reinforced by a Cherokee unit under the command of Captain John Drew, the *Dragoons* and others attacked. They finally destroyed the *barricade* and killed several blacks. They captured the rest and returned them to their owners. Some of the rebellion's leaders were hanged, and others were beaten.

**Why did Union forces leave Indian Territory during the Civil War?** In 1861, there were several roads crossing Indian Territory. The Butterfield Stage route angled down across country from Arkansas to Texas, bringing news to the Indians from the white world. Even without these travelers, the citizens of the Territory were aware of the Civil War, and they wondered how it would affect them. Although most tribal agents were loyal to the Confederate states, most of the general population hoped to remain neutral.

Several events challenged their neutrality. Early in 1861, the Union manned Fort Washita, Fort Arbuckle, and Fort Cobb. When Southerners stole supplies that were headed to these forts, the Union pulled out. It ordered the military to abandon Indian country and relocate to Kansas. Then the Union appointed new agents, who gathered in Kansas but did not venture into the Territory because of Confederate soldiers. The Union even stopped sending *annuity* payments for fear the money would fall into Confederate hands. It seemed that the U.S. government had abandoned the people of Indian Territory.

**Why did most Indians sympathize with the Confederacy?** Geographically, the Union was at a disadvantage in Indian Territory. Texas on the south and west and Arkansas on the east were solidly Confederate. To the north, Kansas was Union, but vast areas of Kansas were largely unsettled and allowed little, if any, protection for the Indian tribes.

Additionally, the Confederacy was interested in Indian Territory as a source of supply. Grain and meat were unavailable to them from the North, and the United States had blockaded southern ports so that European sources could not reach them. The Five Civilized Tribes had large herds of cattle and horses and produced plentiful grain crops. The lead and salt mines in the Territory were also attractive.

### Do You Know?

Foress B. Lillie was a participant in the land run of 1889 and set up a tent for business as soon as shots were fired. Lillie's Drug was the first drug store established in Guthrie.

The South had produced none of these things for itself in years. Operating on a primary money crop system, most Southerners raised cotton, tobacco, or rice. They used every available acre for these money-crops, which they harvested and sold on the Northern or European markets. In some areas, even gardens were scarce because all the available land was used to produce the money-crops. The Northern blockades were very effective warfare in that they threatened starvation for the Southerners. Indian Territory quickly became an answer to the Confederate problem.

Indian agents in the Territory were almost all Southern. They worked to persuade the Indians to ally with the Confederacy. They argued that the Union had been divided and that Indian Territory lay in the South. They claimed that the Union had abandoned the Indians and that the Confederacy would take the place of the Northern government which had once ruled them both.

It had been the U.S. Congress and Andrew Jackson who forced Indian removal, although Southern states such as Georgia, Alabama, and Mississippi were strongly behind them. Furthermore, during Abraham Lincoln's presidential campaign, William H. Seward had advocated opening Indian lands to white settlement. Many Indians feared another removal by the Union. The Confederates promised to protect Indians and their lands in Indian Territory.

Since Indians could own slaves, slavery also pushed the Five Civilized Tribes toward a Southern alliance. There were more than 5,000 slaves in the Territory, making *abolition* costly.

In addition, some Indians remembered friends and relatives left behind in the southern states, and they feared for them.

### **What were the issues guiding Indians on which side to support?**

Despite these factors, the tribes didn't immediately side with the Confederacy. Instead, most were sharply divided on the question of Northern or Southern loyalty. They had several reasons. A majority of Indians owned no slaves. The southern states were instrumental in forcing Indian removal in the 1830s. It was the Union government with whom they had made treaties and to whom they were bound by those treaties.

By 1861, probably the majority of citizens in Indian Territory favored neutrality. Cherokee Chief John Ross became their leader. He wrote letters to all the tribes advising them to remain neutral. He wrote to the Southern government notifying them of the Indian desire to remain neutral. Meanwhile Stand Watie, Ross's old enemy from removal

days, became Ross's enemy on this issue, too. He recruited soldiers for the Confederacy and formed Stand Watie's Cherokee Mounted Rifles.

The Confederate President, Jefferson Davis, named Albert Pike as Commissioner of Indian Affairs. Pike set out in May 1861 to *negotiate* alliances with Indians. The mixed-blood Creeks signed an *alliance* with Pike on July 10,

1861. Two days later, the Choctaws and Chickasaws signed a treaty with him. Then the Seminoles signed on August 1.

Pike rode into the Leased District and made agreements on August 12 with the western tribes on reservations in western

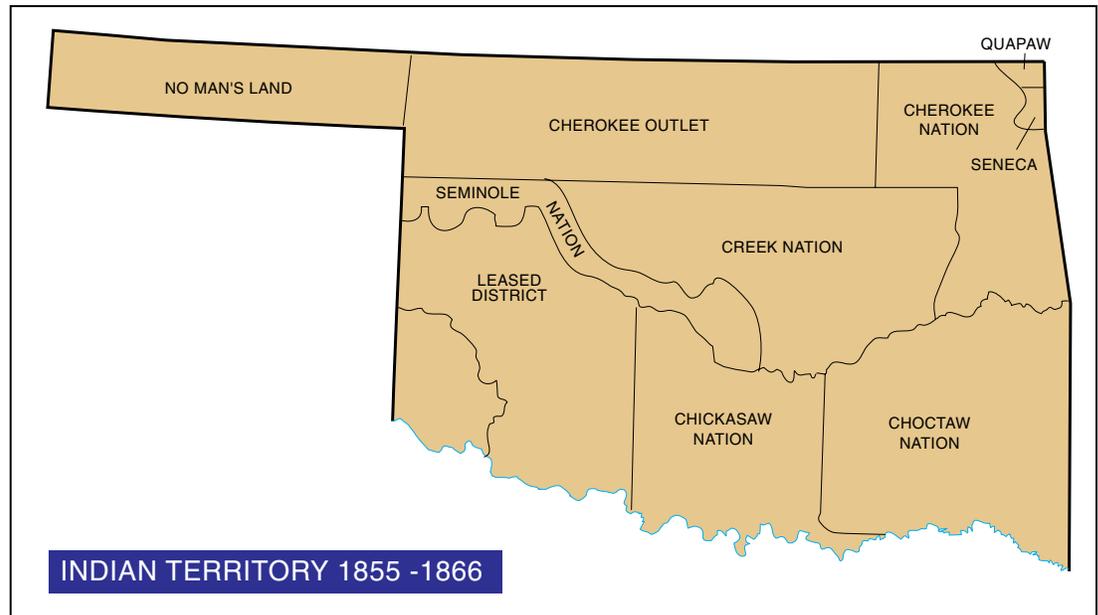
Indian Territory. The same day, he achieved a treaty with the Plains Comanches. Only the Kiowas, a few Apaches, and the Kickapoos refused to sign.

**What factors determined Cherokee support?** Fearing a Cherokee civil war more than a white civil war, Ross reluctantly agreed to support the South. He was the last chief of the Five Civilized Tribes to do so. On August 21, four thousand Cherokee men met at Tahlequah and listened to Ross encourage a treaty with the Confederate States of America because of the Cherokee need for unity. He said, "Union is strength, *dissension* is weakness, misery and ruin! In time of war, if war must come, fight together. As brothers live; as brothers die!"

The Cherokees voted to side with the South but left the details to Ross. He conferred with Pike and signed a treaty on October 7, 1861.

All Southern treaties with the Five Civilized Tribes were more advantageous to the Indians than treaties of the U.S. government. Southern treaties arranged for delegates from the Cherokee tribe, the Choctaw-Chickasaw tribes, and the Creek-Seminole tribes to sit in the Confederate Congress. No Indian tribe ever had a delegate in the U.S. Congress.

After signing the Cherokee treaty, Ross honored his responsibilities to the Confederacy. He persuaded the Osages from Southern Kansas, the



Senecas, the Shawnees, and the Quapaws from northeast Indian Territory to meet with Pike. They also signed treaties with the Confederacy, and the Osages even agreed to furnish five hundred warriors to the Southern cause.

Ross's attempt to prevent civil war among his own and other tribes, however, failed.

**How did the Creeks lead the push for neutrality?** Meanwhile, the full-blood Creeks pushed for neutrality. Under the leadership of Sands (Oktarharsars Harjo) and Opothleyahola, they called an intertribal meeting at the edge of Creek territory. They gathered Union sympathizers and neutrals from all the southeastern tribes (except the Choctaws). Factions from most of the other tribes in the Territory also attended. This group drafted a letter declaring their neutrality and asking the Union for the protection they had been promised in all their treaties. They specifically asked that a federal representative meet with them.

The Indian messengers made their way through the Territory, despite Confederate troops, and across the Kansas border, despite bandits. They met with a Creek agent on November 4 in Kansas. This was the first official contact of any territorial tribe with the United States of America since Indian Territory had been more or less abandoned by the Union forces.

Sands and Opothleyahola prepared their people to move and wait out the war. These neutrals, also called the Loyal Creeks, actually included Seminoles, Chickasaws, Cherokees, Kickapoos, Shawnees, Delawares, Comanches, and African-Americans (slaves, freedmen, and runaways). Everyone loaded their possessions onto wagons and drove their livestock. The neutrals converged and camped at Round Mountain, near the mouth of the Cimarron River. This was northwest of a Creek settlement, Tulsey Town, now Tulsa.

**What was the Battle of Round Mountain?** Confederates discovered the camp, and on November 19, 1861, the first Territorial battle of the Civil War took place at Round Mountain.

The Confederate troops were under the command of Colonel Douglas Cooper, and the neutral Indians were under the leadership of Opothleyahola and Sands. The Indians forced the Confederates to retreat, and then found a hiding place near Tulsey Town on Bird Creek.

**What convinced neutral Indians to join the Union effort?** The Confederates sought out the second hiding place, and a second battle occurred. Once again the Confederate troops were driven back, and

the neutral Indians moved, making camp at Chustenalah in the Cherokee Outlet. This area was in northern Oklahoma and belonged to the Cherokee Indians. On December 26, 1861, Cooper's troops surrounded the camp at Chustenalah and defeated the Indians, who had run out of *ammunition*. Armed troops scattered the Indians and stole their wagons, livestock, and supplies.

That night, while Opothleyahola's people hid in the woods, a severe snowstorm struck. They reassembled after troops left the area and began their long walk into Kansas. Several people froze to death as they traveled through the blizzard. When the survivors arrived in east-central Kansas, many were victims of frostbite, and arms and legs were amputated as a result.

Some four thousand *refugees* arrived in Kansas in the first group. By April there were 6,700 in the camp, including a large number of women and children. By then, the men resented the hardships placed on their families and wanted to join Union troops to retake their homes. Thus, the neutral Indians were enlisted as the First Regiment of Indian Home Guards, serving under white officers.

**Why did the Civil War affect Indian Territory so negatively?** The Civil War in Indian Territory was fought Indian against Indian, and no tribe was left out. Confederate troops who fought the neutral Indians in 1861 had included Indian troops from all five southeastern tribes. There were Confederate Creeks and Seminoles, and six Choctaw-Chickasaw regiments under Colonel Cooper. At the Battle of Bird Creek outside Tulsey Town and at the Battle of Chustenalah, Cooper's soldiers were joined by Colonel Drew's Cherokee regiment.

No tribe escaped destruction on its lands. Battles occurred in all areas of the Territory, forcing *refugees* to roam from one area to another, seeking shelter. Guerilla warfare was waged everywhere, homes burned, and livestock driven off. Quantrill's Raiders, a band of renegade soldiers who plundered in the name of war, also entered the Territory and practiced their own brand of havoc.

The most important battle in the Territory was the Battle of Honey Springs, fought on July 17, 1863, just south of present-day Muskogee.



***Indian recruits are sworn into the army during the Civil War.***  
*Oklahoma Historical Society*

Just two weeks earlier, the Battle of Gettysburg had been the turning point of the war in the east. Honey Springs was the turning point of the war in Indian Territory.

The Confederates never won large battles in the Territory, but they definitely controlled it for half the war. In 1863, the Union army be-

gan to dominate there. Fort Gibson was recaptured by the federals, and northern *refugees* were moved to the area, although their condition did not greatly improve. Their federal annuities were still only intermittent, and much of the money was drained off by dishonest contractors who had been hired to supply food and equipment.



**Confederate agent Albert Pike signed treaties with the Choctaws, Chickasaws, Seminoles, and Creeks in 1861. All four tribes agreed to support the Confederacy.**

*Illustration by Charles Banks Wilson*

Southern *refugees*, scattered throughout the Choctaw and Chickasaw Nations and in northern Texas, fared little better. The Choctaws, Chickasaws, and Texans contributed supplies to their support, and the Confederacy not only advanced annuities but also gave loans to the tribes. Still, there was much suffering on both sides.

**What happened to Western Indians in the Civil War?** Meanwhile, warriors from western tribes were also fulfilling their commitment to the Confederacy. Although Union troops drove the rebels out of Arizona and New Mexico in 1862, Comanche and Kiowa warriors stayed busy harassing their supply trains.

There were members who became disillusioned with Confederate neglect. They moved into Kansas and supported the Union. They made frequent raids into Confederate Indian Territory, driving herds of cattle back into the North to be sold to the Union army. In 1862, western Indians attacked the Wichita agency at Sugar Creek, killing white trad-

ers and employees, although agent Leeper himself escaped. They confiscated the Pike Treaty with the Wichitas, \$1,200 in Confederate money, a Confederate flag, and several ponies. They burned the buildings and returned to Kansas to turn over their loot to the Union commander. Shortly after the Sugar Creek attack, several hundred Kickapoos moved to Mexico. They joined their relatives and Mexico gave them a tract of land in exchange for their protection against raiding Kiowas and Comanches.

**Why did John Ross defect to the Union?** All during the war, Confederate Indians *defected* and joined Union forces, especially among the Cherokees. Chief John Ross refused to defect, having given his word in the Confederate treaty that Cherokees would support the South. In reality, however, his heart was not with the South.

On July 12, 1862, the Union army surrounded Tahlequah and took it, capturing John Ross. He was eventually sent to Philadelphia and allowed to remain there for the duration of the war. From there, Ross organized a Union movement among the Cherokees in Indian Territory.

**What Indian became a Confederate general?** In 1864, Confederate officials promoted Stand Watie to the rank of brigadier general. He was the only Indian to reach such a rank in the Confederacy. From the time of his promotion, he commanded most of the Confederate troops in Indian Territory. His greatest victory was at the Battle of Cabin Creek in September 1864. He captured a Union supply train and shared the food, clothing, medical supplies, and blankets with Confederate Indian *refugees* camped along the Red River.

**Who was the last Confederate general to surrender?** The war ended on April 9, 1865. General Robert E. Lee, the Confederate commander, surrendered his forces to General Ulysses S. Grant, the Union commander, at Appomattox Courthouse, Virginia. But the war in Indian Territory continued into the summer. Finally Confederate officers surrendered to Union officers at Doaksville, Choctaw Nation. There Stand Watie, the last Confederate general to surrender anywhere, gave up his sword on June 23, 1865.

The war in the Territory was not formally over until September, when Dennis Cooley, the Commissioner of Indian Affairs for the United States, signed peace treaties with the various Indian nations assembled at Fort Smith.

**What were “Reconstruction” treaties?** Although “Reconstruction” applied to federal dealings with the South after the Civil War, the term was especially fitting in Indian Territory. The map of Indian Territory

was entirely reconstructed, leaving little resemblance to territorial maps from the days before the war.

Four of the Five Civilized Tribes had furnished loyal warriors to the Union cause during the war, and all four tribes boasted more Union soldiers than Confederate soldiers. Only the Choctaws, with no political division, had remained loyal to the Confederacy throughout the war. Several small tribes in the northeast, although forced into Confederate treaties, had immediately appealed to the Union for help and had never raised a hand against the federal forces.

The western tribes had also signed treaties with the Confederacy, but most of their warriors fought for the Union.

Despite these facts, Commissioner Cooley informed the Indian leaders that they had given up their annuities and lands. He made it clear that the U.S. intended to punish them for their supposed part in the war. Secretary of the Interior James Harlan, urged by railroad companies looking for property, scolded the Indians for their *allegedly* traitorous conduct.

In defense, Isaac Warrior, chief of the Senecas, told how they went to meet with Pike and “found ourselves surrounded.” He related that they signed the treaty under duress, then went to Kansas in search of a Union official.

“Not one of our men...went south;. . .we didn’t do anything to our Grand Father, didn’t even scratch him, and. . .our young men went into the army and helped our Grand Father to fight,” he said. Still, the officials did not see any injustice in the proposed punishment of any tribe.

The Choctaws and Chickasaws did not plead duress (force by threat). They readily admitted signing treaties with the Southern states. They claimed that as nations separate from the U.S., they had the right to take any steps necessary for their own survival or benefit.

The three remaining southeastern tribes did plead duress, and the Cherokees in particular had difficulty reconciling their various divisions. For their part, the federal officials feared John Ross, who had returned from the east and was known as a capable leader. They denounced him as Cherokee chief and refused to deal with him, calling him a “pretender” to his office.

The authorities dismissed the negotiations, instructing the leaders of the Five Civilized Tribes to meet in Washington in January 1866. When negotiations resumed there, the hard-line attitude softened just a little. Instead of treating all the Indians as Confederates, the government con-

sidered some of them Union and required partial damages paid to them. This mattered mostly to intertribal exchanges, however, and meant little to the tribes.

**What requirements were mandated by the treaties?** The severity of the treaties depended largely on the bargaining power held by the individual tribes. The Choctaws and Chickasaws displayed a united front as Southern sympathizers and received the best treaty terms. Although the Cherokees were divided, John Ross obtained a bit of leniency for the whole tribe. (The government was forced to recognize him as the duly elected chief because one Cherokee faction refused to *negotiate* until they did.) The Creeks and Seminoles, however, were forced to sign confessions of war guilt. Ironically, they had lost more and were committed to greater suffering than any other group, white or Indian, because of their loyalty to the Union. The Seminoles ceded all their tribal lands and were given a small area of the Creek Nation on which to live.

As a group, all five tribes ceded the western half of Indian Territory and agreed to the construction of two railroads across the Territory — one north-south railroad and one east-west railroad. The Cherokees, Creeks, and Seminoles were forced to make citizens of their former slaves, but the Choctaws and Chickasaws were given the option of adopting the blacks or having them removed. The U.S. agreed to pay the Choctaws and Chickasaws for ceded land but said they would use the money for the benefit of relocated Negroes, if the tribes did not adopt their slaves.

Both tribes chose re-location of the former slaves, but the authorities neglected their removal, and the freedmen remained in the Territory. Eventually the Choctaws adopted the freed blacks, but the Chickasaws held out permanently.



***The Cherokee delegation to Washington, D.C., in 1866, included John Rollin Ridge, Saladin Watie, Richard Field, E. C. Boudinot, and W. P. Adair.***  
Oklahoma Historical Society

Regardless of the hardships they inflicted, the Reconstruction treaties did allow the Indians to re-establish self-rule and did not require a federal territorial government.

**What public grants were given to railroads?** Shortly after the signing of the latest treaties, Congress awarded franchises to railroads, along with grants of public land. Indian Territory was not public land, of course, but, in the grants, the treaties made promises which were to be fulfilled “whenever the Indian title shall be extinguished by treaty or otherwise.” Furthermore, the government agreed to obtain title to Indian lands “as rapidly as may be consistent with public policy and [their] welfare...and only by their voluntary cession.”

White men, therefore, were still trying to obtain Indian lands. This was despite the promises of protection and peace they made in every treaty since 1786 and despite agreements made by both sides in the *Reconstruction* treaties.

## DISCUSSION QUESTIONS

1. What role did geography play in the alignment of Indian Territory with the South in the Civil War?
2. What were the major reasons Indian Territory joined with the Confederacy?
3. How did the tribes settle into a society similar to that of the Old South?
4. How did the Seminoles differ in their attitude toward slavery from that of the Cherokees?
5. Tell about the slave rebellion in 1842.
6. How was the Cherokee leadership divided over the issue of taking sides during the Civil War?
7. Why was the Confederacy interested in Indian Territory?
8. What actions did the Plains Indian Tribes take in taking sides during the Civil War?
9. How did Reconstruction affect Indian Territory?
10. Discuss the role of John Ross in the Civil War as it was conducted in Indian Territory.