INDIAN TERRITORY BEFORE THE WAR. The fifteen years or so between the end of the major Indian removals to the West and the outbreak of the Civil War have been called by some the “Golden Years” of Indian Territory. During these years, the Five Civilized Tribes rested from the onslaught of white poachers onto their lands, and they recovered from their suffering and losses along the Trail of Tears. They resumed their business activities, supplementing their farming incomes at first with the produce from hunting and fishing on their new tribal lands.

Many of the more prosperous planters lived in log houses and built log stables and sheds for their livestock and crop storage. Those who owned slaves housed them in log cabins, as everyone went about the business of clearing the land and building a new life. The work was hard in the early stages. Many never rose above poverty level, but the tribes as a whole prospered with time. Many log houses were replaced with large plantation homes like those left behind in the Southeast.

All of the Five Civilized Tribes adopted constitutions very much like that of the United States, incorporating executive, legislative, and judicial branches of government. Although the Seminoles never committed their constitution to writing, they lived by it as closely as did the other four tribes who had their constitutions written down. Each written Indian constitution contained a Bill of Rights, and all Five Civilized Tribes supported education in their nations. Education was important to the Indians. Many of their leaders were well-educated. It was their education that enabled them to deal with the whites. They valued knowledge for knowledge’s sake as well. Many of the graduates of Indian academies in the territory were sent 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 west and continued their work in Indian Territory. Others came, new to the Indian missions, after the removals.
FARMS AND PLANTATIONS. Tribal lands were still owned in common by all members of the tribe, but in most places separate farms were established by tribesmen. This was especially 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.

There were large plantations in all of the nations of the Five Civilized Tribes, except among the Seminoles. There were several plantations in the eastern territory in the Cherokee and Creek Nations near Fort Gibson. Many Choctaw and Chickasaw plantations were along the Red and Washita rivers. Two Chickasaw plantations on the Red River were operated by Robert Love, a mixed-blood. His principal crop was cotton, and each year he hauled his crop to New Orleans on a chartered steamboat. Love owned 200 slaves.

Because they could not encroach on the work area of another tribesman, many Indians had several farms or plantations scattered throughout the nations. In such cases, groups of slaves were sometimes the only inhabitants of some of the farms, working and produc-
ing crops for their masters with a minimum of supervision. Some were ruled by white overseers, but others were supervised by a trusted slave with the authority of a foreman.

**SLAVERY IN THE TERRITORY.** Much of Indian Territory appeared to be a replica of the American South with approximately the same divisions of wealth — only about one 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 good number lived in poverty.

Conditions of slavery also varied among the tribes about 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, recounted her days in slavery to a government writer during the 1930s. She related that her own master, Frank Colbert, was an easy master who 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, Mrs. Love states that one of Mr. Colbert’s brothers was “the meanest man the sun ever shined on.” According to Mrs. Love, the mean Colbert 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 crying child.

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

Only in the Seminole Nation was slavery noticeably different. Seminole slaves in Florida had lived in separate villages, responsible only for producing a crop each year which was given to their masters. Otherwise, they were able to come and go as they pleased, to earn money, and to live their lives virtually as freedmen. Many Seminole slaves acted as interpreters for their masters and handled their dealings with white men. They invoked 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.
GOPHER JOHN. Evidence of the liberality of Seminole slavery is the case of Gopher John. John Coheia, or Gopher John, was a Seminole slave who was removed from Florida to Indian Territory with the tribe. En route, because of the lack of provisions and the poor conditions under which they traveled, Gopher John loaned to Lieutenant E.R.S. Canby $1,500 with which to buy supplies for the hungry travelers. Almost no situation other than that provided by the Seminole tribe allowed a slave to accumulate such a large amount of money. Interestingly, noting the value of a slave at that time, John could have used the same money to buy his freedom. He evidently considered his freedom in Seminole slavery surer than the freedom he would have enjoyed outside that atmosphere. Slave codes and laws among whites and other southeastern tribes left the freedman insecure. There were many tales of freedmen being captured and sold on the slave market, despite legal papers supporting their freedom. As a Seminole slave, John could come and go as he wished, living more as a tenant farmer on Seminole lands than as a slave anywhere else.
In fact, for his generosity in this act and for other services rendered the tribe, the Seminole Council freed John Coheia after their arrival in Indian Territory. Some 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 and went on to establish 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.

SLAVE REBELLION. One of the common fears among slaveholders everywhere was the fear of slave rebellion — the fear that the blacks would rise up against their owners and kill them, not just in a quest for freedom, but in retaliation against the bondage in which they lived. In 1842 a slave rebellion took place in Indian Territory among slaves of the Cherokees and Creeks.

With some amount of organization and on an agreed-upon day, slaves rose at 4:00 a.m. and locked their overseers and/or masters in their houses while they were still sleeping. They confiscated mounts, arms, and food, and struck out for a black settlement in Mexico. They were unable to continue farther than Webbers Falls. There they fortified, setting up a barricade of dirt and logs. Estimates of the number of slaves involved range from 200 to 600.

Three companies of Dragoons (mounted infantrymen) were sent to stop the insurrection, but the slaves were so well armed that the Dragoon commander sent to 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. The barricade was finally destroyed and several blacks were killed. The rest were captured and returned to their owners. Some of the leaders of the rebellion were hanged and others were beaten.

ABANDONED IN INDIAN TERRITORY. 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, however, the citizens of the Territory were aware of the discord in the East, and they wondered how it would affect them. Most of them hoped to remain neutral — to stay out of the white men’s trouble — but such was not to be their destiny.
The United States Government with whom they were allied appeared to have abandoned the people of Indian Territory. Most tribal agents were loyal to the Confederate states. When the Union appointed new agents, they congregated in Kansas but did not venture into the Territory because of the ever-present Confederate soldiers. Military posts were abandoned by Union troops running from invading Texas Confederates. Even the *annuity* payments were stopped because the federal government feared the money would fall into Confederate hands.

**CONFEDERATE INTERESTS.** 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 permitted 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 situated in the Territory were also attractive to southern leaders. The South had produced none of these things for itself in many 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 attractive answer to the Confederate problem.

Indian agents living in the Territory were almost exclusively Southern. They used all their influence 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 pointed out that the Union had abandoned the Indians, and they claimed that the new Southern government would take the place of the Northern government which had once ruled them both. All the visible evidence seemed to support these statements.

**INDIAN SYMPATHIES WITH THE SOUTH.** Furthermore, during Abraham Lincoln’s presidential campaign, William H. Seward, who had campaigned for Lincoln, advocated opening Indian lands to white settlement. It had been the Federal Congress and Andrew Jackson who successfully forced Indian removal, although Southern states such as Georgia, Alabama, and Mississippi were strongly behind those moves. Many Indians feared another removal action by the Union, and the Confederates promised to protect Indians and their lands in Indian Territory.

Slavery, of course, pushed the Five *Civilized* Tribes toward a Southern *alliance*, since many Indians were slaveholders. There were more than 5,000 slaves in the Territory, valued at $1,200 each, making *abolition* costly.

In addition, some Indians remembered friends and relatives left behind in the southern states, and they feared for them.
Confederate agent Albert Pike signed treaties with the Choctaws, Chickasaws, Seminoles and Creeks in 1861. All four tribes agreed to support the Confederacy.

TRIBAL DIVISIONS OVER ALLIANCES. Considering these factors, perhaps the surprise is that all the Indians didn’t immediately align themselves with the Confederacy. Instead, most tribes were sharply divided on the question of Northern or Southern loyalty. They remembered other factors. 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.

Probably the majority of citizens in Indian Territory favored neutrality. Cherokee Chief John Ross became the leader for neutrality. 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. Stand Watie, Ross’s old enemy from removal days, became Ross’s enemy in neutrality. He recruited soldiers for the Confederacy and formed Stand Watie’s Cherokee Mounted Rifles. Fearing a Cherokee civil war more than he feared a white civil war, John Ross
became the last chief of the Five Civilized Tribes to sign an alliance treaty with the Confederates. The Choctaws were almost in total agreement with the South and signed a treaty with Confederate agent Albert Pike on July 12, 1861, along with the Chickasaws. The Creeks had signed on July 10, and the Seminoles signed on August 1.

Pike rode into the Leased District and made agreements on August 12 with the western tribes who lived on reservations in western Indian Territory. On the same day, he effected a treaty with the Plains Comanches. Only the Kiowas, a few Apaches, and the Kickapoos refused to sign a treaty.

**THE CHEROKEES.** On August 21st, 4,000 Cherokee men met at Tahlequah and listened to John Ross advocate 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 ally with the South but left the details to Ross, who 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 had been any treaties they had made with the United States Government. Specifically, delegates from the Cherokee tribe, the Choctaw-Chickasaw tribes, and the Creek-Seminole tribes were to sit in the Confederate Congress. No Indian tribe ever had a delegate in the Federal Congress.

After the Cherokee treaty was signed, John Ross tried to exercise 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 signed treaties with the Confederacy, and the Osages agreed to furnish 500 warriors to the Southern cause. Ross’s attempt to prevent civil war among his own and other tribes, however, failed miserably.

**THE CREEKS.** The full-blood Creeks, under the leadership of Sands (Oktaraharsars Harjo) and Opothleyahola, called an intertribal meeting at the western edge of Creek territory. It was attended by Union sympathizers and neutrals from all the southeastern tribes except the Choctaws and by factions from most of the other tribes in the Territory. They drafted a letter declaring their neutrality and ask-
ing the Union for the protection they had been promised in all their treaties. They specifically asked that a federal official be sent to meet with them. The Indian messengers met with a Creek agent on November 4 somewhere in Kansas, after making their way through the Confederate troop-laden Territory and across the bandit-infested Kansas border. This was the first official contact of any territorial tribe with the United States of America since Indian Territory had been officially abandoned by the Union early in the war.

Sands and Opothleyahola prepared their people to move to a new location to wait out the war. Groups of Creeks, Seminoles, Chickasaws, Cherokees, Kickapoos, Shawnees, Delawares, Comanches, and African Americans (some slaves, some free, and some runaways) loaded their possessions on their wagons and drove their livestock to converge on Round Mountain, near the mouth of the Cimarron River.

**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 Opothleyahola led his followers to a new hiding place near the Creek settlement, Tulsa (Tulsa).

**REFUGEES.** The Confederates sought out the new hiding place, and a second battle occurred. Once again the Confederate troops were driven back, and the neutral Indians moved, this time making camp at Chustenalah in the Cherokee Outlet. The Cherokee Outlet was in northwestern Oklahoma and belonged to the Cherokee Indian Tribe. 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 confiscated their wagons, livestock, and supplies. That night, while Opothleyahola’s people were hiding 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 they arrived in east-central Kansas, many were victims of frostbite, and arms and legs were amputated as a result.

Some 4,000 refugees arrived in Kansas in the first group. By April
there were 6,700 in the camp, many of them women and children. The men resented the hardships placed on their families and wanted to join Union troops to retake their home country. The neutral Indians were finally enlisted as the First Regiment of Indian Home Guards, serving under white officers.

**DESTROYING THE TERRITORY.** Confederate troops who had fought the neutral Indians in 1861 had been Indian troops from all five southeastern tribes — the 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. The Civil War in Indian Territory was fought Indian against Indian, and no tribe was left out. Neither did any tribe escape devastating destruction on its lands. Battles were fought in all areas of the Territory, and refugees roamed from one area to another, seeking safe
shelter. Guerilla warfare was waged everywhere, homes burned, and livestock driven off. Quantrill’s Raiders, a band of renegade soldiers who raided and plundered in the name of war, also entered the Territory and practiced their own particular brand of havoc.

**BATTLE OF HONEY SPRINGS.** There were no decisive battles fought in Indian Territory, but the most important battle in the area was the Battle of Honey Springs, fought on July 17, 1863, just south of present-day Muskogee. Like Gettysburg, which was fought at the same time and was the turning point of the war in the East, Honey Springs was the turning point of the war in Indian Territory. The Confederates had not previously won large battles in the Territory, but they had definitely controlled the Indian country. In 1863 the Union army began to dominate the Indian lands. 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. 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.

**WESTERN INDIANS IN THE WAR.** Meanwhile, warriors from western tribes who had agreed to fight for the Confederacy were also fulfilling their commitment. Although federal troops drove the rebels out of Arizona and New Mexico in 1862, Comanche and Kiowa warriors stayed busy harassing Union supply trains.

Members of the western tribes who became disillusioned with Confederate neglect had moved into Kansas and were supporting 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 a group of western warriors attacked the agency at Sugar Creek, killing white traders and employees of the Wichita Agency, 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 booty to the Union commander. Shortly
after the Sugar Creek attack, several hundred Kickapoos moved to Mexico. They joined their relatives and were given a tract of land by the Mexican Government in exchange for their protection against raiding Kiowas and Comanches.

**ROSS JOINS 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 the 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 that city, capturing John Ross. He was eventually settled in Philadelphia and allowed to remain there for the duration of the war. From Philadelphia, Ross organized a Union movement among the Cherokees in Indian Territory.

**GENERAL STAND WATIE.** In 1864 Confederate officials promoted Stand Watie to the rank of brigadier general. He was the only Indian to attain 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 of 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.

**END OF THE WAR.** The official end of the war came on April 9, 1865. Confederate commanding General Robert E. Lee surrendered his forces to Union commanding General Ulysses S. Grant at Appomattox Courthouse, Virginia. The war in Indian Territory continued into the summer. Confederate officers surrendered to Union officers at Doaksville, Choctaw Nation. General Stand Watie, the last Confederate general to surrender anywhere, gave up his sword on June 23, 1865, at Doaksville.

The war in the Territory was not officially concluded 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.
NEGOTIATING THE RECONSTRUCTION TREATIES. Although the term “Reconstruction” applied to federal dealings with all of the South after the Civil War, it was especially applicable 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 coerced into signing treaties with the Confederacy, 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, Cooley informed the Indian leaders that they had forfeited their annuities and lands. He made it clear that the federal government intended to punish them for their supposed part in the war.

Secretary of Interior James Harlan, urged by railroad officials looking for grants in Indian Territory, scolded the Indians for their “per-
fidious (traitorous) conduct.”

In defense, Isaac Warrior, chief of the Senecas, told how they went to meet with Pike and “we 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 government officials showed no sign of recognizing any injustice in the proposed punishment of any Indian tribes.

The Choctaws and Chickasaws did not plead duress (forced by threat). They readily admitted signing treaties with the Confederate states and claimed that as separate nations, they had the right to take any steps which they deemed necessary for the survival of their nation or for its benefit.

The three remaining southeastern tribes did plead duress, and the Cherokees in particular had difficulty in reconciling their various factions. The federal officials, fearing the finesse (ability to do things subtly) of the Cherokee chief, John Ross, denounced him as chief and refused to deal with him, calling him a “pretender” to his office.

Negotiations were dismissed, and leaders of the Five Civilized Tribes were instructed to meet in Washington in January, 1866. When negotiations resumed in Washington, the government’s hardline attitude had softened just a little. Instead of treating all the Indians as Southerners, government officials required some damages paid to the Union Indians. This mattered mostly to intertribal exchanges, however, and meant little to the tribes.

**CONDITIONS OF 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 some 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 federal government. The Seminoles
ceded all of 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 government 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 opted for relocation of the former slaves, but the government neglected their removal, and the freedmen remained in the Territory. Eventually the Choctaws adopted the freed blacks, but the Chickasaws held out permanently.

Regardless of the hardships they inflicted, the Reconstruction treaties did allow the Indians to re-establish themselves under their own governments and did not require a federal territorial government.

**RAILROADS AND PUBLIC GRANTS.** Shortly after the signing of the new 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 United States Government made promises which were to be fulfilled “whenever the Indian title shall be extinguished by treaty or otherwise.” And 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 vol-
untary cession.”

White men, therefore, were still at work trying to obtain Indian lands. This was despite all the promises of protection and peace that had been made in every treaty with the Indians 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 why 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.