ABSTRACT

Confederate Empire and the Indian Treaties: Pike, McCulloch, and the Five Civilized Tribes, 1861-1862

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From its beginning, the Confederacy looked to expand in power and territory by courting the Five Civilized Tribes away from the United States. To accomplish this, the Confederacy sent an unlikely pair of ambassadors: lawyer-negotiator Albert Pike and former Indian fighter Benjamin McCulloch. While Pike signed treaties with the tribes, McCulloch began organizing the Indians as Confederate soldiers.

Pike took over equipping and training the various Indian units and led them to join the main Confederate army in Arkansas. This army, including Pike's Indians, suffered defeat in the 1862 Battle of Pea Ridge. McCulloch's death in the battle, Pike's forced resignation afterward, and the defeat itself doomed Confederate efforts to dominate the frontier. Despite their substantial help to the Confederates, the Five Tribes received little help from Richmond, and paid a massive price for trying to get out of United States protection in unequal and unjust treaties after the war.

Confederate Empire and the Indian Treaties: Pike, McCulloch, and the Five Civilized Tribes, 1861-1862

by

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A Thesis

Approved by the Department of History

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Submitted to the Graduate Faculty of
Baylor University in Partial Fulfillment of the
Requirements for the Degree
of
Master of Arts

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PREFACE

Throughout most of the 1800s, the United States worked on amassing an empire. Much like Britain, France, and other colonial European powers, Americans saw their status as a proud world leader linked to how much land they had under their control. If their country was great, it would encompass as much land as possible, sanctioned somehow by divine right of conquest from anyone who lived there.

This vision did not dim among Southerners during the American Civil War. Indeed, the brief assertion of Southern military power by the Confederacy ushered in a new wave of growth. The Confederates were not content to be just a nation; they had ambitions for a far-reaching slave empire. As such, it should include prizes the Southerners had been eyeing for many years: New Mexico, Arizona, the Caribbean, and Indian Territory.

The Confederate Trans-Mississippi Department offered the largest scope for an imagination bent on expanding the Confederacy. To the west of the department were the New Mexico Territories, and to the northwest was Indian Territory. To obtain both these areas, the Confederacy launched the Sibley expedition to conquer New Mexico and Arizona and the Pike-McCulloch team to negotiate treaties and raise troops from the Five Civilized Tribes. Confederate planners knew New Mexico would not come willingly, but they were willing to try negotiation with the Indians.

Perhaps the most amazing thing about Confederate efforts to obtain more territory despite not attaining their own independence was their belief they would be greeted as conquering heroes by the people who occupied by the frontier of the American empire. Any empire needed subjects, and the lands the Southerners coveted were occupied by

Hispanics and American Indians, the same people that the people of the South had assisted in subduing for years. Despite the way the inhabitants of these places had been treated by Southerners, Confederate leaders persisted in their reveries that the locals would gladly participate in creating the Southern empire.

We do not know what beliefs Albert Pike and Benjamin McCulloch held about the American frontier, but there is little reason to think that their views differed markedly from the beliefs of everyone around them. Both of them worked as a team to sign treaties and train soldiers with the Five Tribes, and played a major role in Confederate efforts to amass an empire.

With negotiations conducted by Albert Pike, and military operations headed by Ben McCulloch, the Confederacy embarked on imperialism. Offering grandiose treaty terms to the Indian tribes it wanted to influence, promises Pike surely knew the Confederacy would at the very least have a hard time delivering, the Five Tribes entered into an alliance with the Confederacy and agreed to contribute men towards the defense of Indian Territory. McCulloch organized, equipped, and commanded the Indian soldiers for a time, but eventually Pike also took command of military operations. Instead of obeying the treaty stipulations that any Five Tribes units had to stay in Indian Territory, new Confederate overall commander Earl Van Dorn ordered the Indians to join his army in early 1862. The ensuing Battle of Pea Ridge, a catastrophic Confederate defeat that the Indians did not play much of a part in anyway, was the best chance for the Confederacy to solidify their gains for empire. Instead, they had to retreat, opening up more territory to capture, and showing the Indians that the Confederacy could not be trusted after all with the defense of Indian Territory. With this realization, increasing numbers of Indians deserted the Confederacy and joined the Union army. By the end of

the war, the United States controlled most of Indian Territory, and few tribal members still believed the Confederacy could fulfill any treaty obligations.

In spite of signing the Indians to the Confederate side, and using some of them quite successfully in the Civil War, the Confederacy could not fulfill her side of the bargain. Despite failure, the effort to claim Indian Territory came close to succeeding in the Pea Ridge military campaign and showed the strength of Confederate determination to amass an empire. After the war, the Indians paid dearly for siding against the United States federal government, and they were punished by even worse treaties than they had received in previous transactions.

ACKNOWLEDGMENTS

It is my observation that never-ending lists of acknowledgements that seem to accompany things like this end up thanking everybody and thanking nobody. In light of this, though my small list could be much longer, I will limit myself to the people who substantially and directly helped me formulate and think through my thesis. Dr. T. Michael Parrish, my thesis director and longtime mentor in all things public history, has helped me in more ways than I can count in the formation of this thesis, and I am very grateful to him for his support. Dr. Julie Sweet and Dr. Tom Riley taught me two classes each in my time at Baylor, and have inspired me to study the understudied in every session I had with them. Though I only had one class with Dr. Julie Holcomb, I remember going to the museum she was involved with when I was younger, and being impressed enough to want to study Civil War history further. Dr. Jody Hall and Eliza Bishop are longtime friends that have greatly helped in organizing my own thoughts on history and keeping me connected to local history, and who will probably be quite interested in critiquing this thesis when they receive it. Finally, I would like to thank Dr. Eric Rust, for encouraging me in my somewhat unusual thesis topic, and for opening up a whole new public history and museum world to me in our study abroad trip to Maastricht in the summer of 2010.

To my parents, for their love

To my professors, for their inspiration

To my Savior Jesus Christ, for my salvation

CHAPTER ONE:

Confiscation, Christianity, and the Coming War

The American Indians of the Five Civilized Tribes were in an unenviable position at the start of the American Civil War. Forced by the federal government during the 1830s to move from their tribal lands in the southeastern United States, the Cherokee, Chickasaw, Creek, Seminole, and Choctaw had made new homes in Indian Territory. After a period to recover, the Five Tribes were once again presented with a difficult choice: to remain loyal to the United States, which had turned them out of their homes, or pledge their loyalty to the new Confederate States government. With their people starving because of a prolonged drought throughout the area, and Confederate agents moving into their territory, the Five Tribes reluctantly sided with the Confederate States of America.[1]

Removal History

The most pivotal event impacting the Five Civilized Tribes prior to the Civil War was forced removal to Indian Territory, modern day Oklahoma and Kansas. Many tribes, not just the Five Tribes, were forced to relocate there. Northwest and south-central tribes also moved to Indian Territory and tried desperately to live as they had before, though now in an alien land. All tribes that moved there struggled coming to terms with their new status, far away from their former lands, surrounded by unfamiliar people, and unable to bring much property from their homelands.

[1] Richard N. Current, ed., *Encyclopedia of the Confederacy* (New York: Simon and Schuster, 1993): 810-812.

The people of Georgia and the United States in general had long wanted land held by the Five Tribes. While various treaties were signed by each tribe, for each one the objective for the United States was always to get them off their eastern lands and shunt them off to the west. Although the Cherokee have received the most attention with the Trail of Tears, all of the Five Tribes endured long and tragic journeys to Indian Territory.[1]

From removal up through the Civil War, the Cherokee were the most numerous of the Five Civilized Tribes. They also suffered the largest and most public schism in terms of people on one side or another of the tribes, with a small group favoring a complete removal of the tribe to the West, while others disagreed and wanted to remain where they were. Despite long resistance to the idea, the Cherokee signed a treaty requiring them to move west to Indian Territory, a treaty ratified by the United States in 1838. Their experience was repeated, though on a smaller scale, among all the Five Tribes.[2]

While the Cherokee, Creek, and Choctaw nations kept their autonomous governmental structure during and after removal, the Chickasaw and Seminole lost theirs. In 1832 and 1833, by the Treaty of Payne's Landing and the Treaty of Fort Gibson, the Seminole agreed to move into Creek land and be under Creek governance. The Choctaw invited Chickasaw to live with them in Indian Territory upon their forced removal to Indian Territory, and there is no record of hostility to the idea when it incorporated into the Treaty of Doaksville in 1837. Both ideas of joint government turned out to be

[1] The Five Tribes lived in parts of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. Annie Heloise Abel, *The American Indian in the Civil War* (Lincoln: University of Nebraska Press, 1992): 19, 27; Charles Richard Francis, "Confederate Ascendancy in Indian Territory, 1860-1861," (B.A. thesis, Nebraska State Teacher's College, 1960): 1.

[2] Arrell Morgan Gibson, "Constitutional Experiences of the Five Civilized Tribes," *American Indian Law Review* 2 (Winter 1974): 24; Edward Everett Dale, "The Cherokees in the Confederacy," *Journal of Southern History* 13 (May 1947): 159; Conley, Cherokee Nation, 132-135, 143, 145-151.

failures, but the idea embedded in the treaties for legal absorption of an independent Indian nation by another was troubling at best.[3]

Unrest about removal continued even after all five tribes were settled in Indian Territory. The Cherokee pro-removal party, also called the Treaty Party or Ridge Party, was led by Major Ridge, his son John Ridge, and Major Ridge's two nephews, Stand Watie and Elias Boudinot. Like most of the pro-removal groups in the Five Tribes, their opposition outnumbered them by a large margin, but the pro-removal leaders were wealthy and powerful group, and their influence was far more than their numbers might indicate. In their view, what their people needed was time to reinvent themselves as somehow American, and then they could assimilate into regular United States society. However, most Cherokee believed that the Ridge Party had sold out their people. In fact, most members of the Five Tribes had no interest in becoming Americans.[4]

The Cherokee people disgruntled with the treaty and Treaty Party coalesced around their principal chief at the time, John Ross. Also a leader of blended heritage, Ross nevertheless commanded at least the respect, if not the allegiance, of most of the Cherokee people. If there was one Cherokee leader who could keep the tribe together, it was Ross. By the time of the Civil War, he had been principal chief since 1828.[5]

The animosity between these two groups is emblematic of the differences between groups in all of the Five Tribes. Cherokee members Major Ridge, John Ridge, and Elias Boudinot were all assassinated on the same day in 1839, shortly after arrival in Indian Territory. These murders threw the Cherokee into civil war until a shaky truce

[3] Gibson, "Constitutional Experiences," 34, 36.

[4] Edward Everett Dale, "Arkansas and the Cherokees," *Arkansas Historical Quarterly* 8 (Summer 1949): 99-100.

[5] Dale, "Cherokees in Confederacy," 160.

was signed in 1846. With the deaths of all three major Cherokee leaders who had signed the New Echota treaty, Stand Watie, Boudinot's brother, became the main leader of the pro-removal party. While other tribes' experiences in coming to grips with their new situation were less violent, they were no less passionate, and all went through the same anguishing experience of giving up their ancestral lands, trading them for undeveloped land in a region not familiar to them. [6]

Government, Geography, and Tribal Population

Following a difficult passage to the West, on the Trail of Tears, the Five Tribes settled in Indian Territory and tried their best to rebuild and restore their lives. Many other Indian groups already lived in Indian Territory, such as the Seneca, Shawnee, Wichita, Delaware, Ottowa, and Quapaw, and the Five Tribes had to work out relations with them as well. New settlements had to be built from scratch and governments created, including new constitutions that embraced both the newcomers and earlier tribal members who had fled to Indian Territory ahead of the forced migrations. All of the Five Tribes continued the constitutional form of government they had used in the Southeast, though of course these constitutions changed as the tribes adapted to their new situations. Some nations were still perfecting their constitutions as late as 1860, trying to find the right formulations of ancient tribal traditions and American-influenced democracy. Each nation also established capitals: the Cherokee at Tahlequah, the Choctaw at Tushkahomma, the Chickasaw at Tishomingo, the Creek at Okmulgee, and the Seminole at Wewoka. From the moment these governmental structures were set up, they became battlegrounds between the pro-removal and resistance camps.[7]

[6] *Ibid*., 161; Francis, "Confederate Ascendancy," 8; Anne J. Bailey, *Invisible Southerners: Ethnicity in the Civil War* (Athens: University of Georgia Press, 2006): 31-32.

The Seminole and Chickasaw experience of government in Indian Territory prior to the Civil War was quite different than their fellow Five Tribes: both nations were originally combined with larger tribes in a joint governmental system upon their arrival in Oklahoma. However, both nations "seceded" from their combined government in the 1850s, with apparently not many hard feelings on either side from the failed experiment.[8]

The Seminole Nation was a special case, even among the Five Tribes. While all five tribes had opposed the forced migration, the Seminole were the only ones who as a bloc met force with force. Led by war chief Osceola, the Seminole resisted all efforts to be moved for ten years. When they finally had to give up, most were conveyed by a heavily armed United States army guard to Indian Territory, where they were to reside in the Creek Nation. Once there, the Seminole people refused to participate in the Creek government, and one group of Seminole actually went to live in Mexico rather than tolerate Creek domination, friendly and understanding though it seemed. Finally in 1856, the Seminole received their own land and autonomy independent of the Creek. Unfortunately, they would enjoy their autonomy and new freedoms for only five years, as the Civil War intruded in 1861, and after the war their autonomy evaporated once again.[9]

The Chickasaw experience in a combined Choctaw-Chickasaw government was also different, but it ended the same way. While they were not brought into Indian

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[7] William Hilton Graves, "The Five Civilized Tribes and the Beginning of the Civil War," *Journal of Cherokee Studies* 10 (Fall 1985): 205; Gibson, "Constitutional Experiences," 23; Jessie Moore, "The Five Great Indian Nations: Cherokee, Choctaw, Chickasaw, Seminole, and Creek: The Part They Played in Behalf of the Confederacy in the War Between the States," *Chronicles of Oklahoma* 29 (1951): 325; Duane Champagne, *Social Order and Political Change: Constitutional Governments Among the Cherokee, the Choctaw, the Chickasaw, and the Creek* (Stanford: Stanford University Press, 1992): 192-193.

[8] Gibson, "Constitutional Experiences," 34-35, 36-38.

[9] *Ibid*., 34-35.

Territory as prisoners, they participated in the joint government, and their relationship with the Choctaw was uneasy by 1845. Both sides developed a new treaty in 1855 in which the Choctaw land would be split into thirds: one-third for the Choctaw, one-third for the Chickasaw, and one-third for the United States, which planned to settle Plains Tribes people in it. Thus both the Choctaw and the Chickasaw got what they wanted, and everyone parted on friendly terms. Regrettably, the Chickasaw had only six years to completely organize their new holdings and government before they were swept up into the Civil War, and both sides had to give a sizable chunk of land promised to them back to the United States just to settle their governmental disagreements.[10]

Though their numbers were reduced following their forced migration to Indian Territory, the Five Tribes still had sizable populations. The 1860 federal census was the first official count taken of the Five Tribes, and it is important in analyzing tribal strengths. The number of tribal members, not including slaves, in the Five Tribes was as follows in table one.

Table 1: Five Tribes Indian Population

Nation	*Number of People*
Cherokee	13,821
Chickasaw	4,260
Choctaw	13,666
Creek	13,550
Seminole	2,253
Total	47,550

Source: Data from Michael Doran, "Negro Slaves of the Five Civilized Tribes," *Annals of the Association of American Geographers* 68, 3 (September 1978): 347).

Unlike the United States, within the Five Tribes whites were in the minority. The few whites that were within tribal lands were there mostly as traders, missionaries, or

[10] *Ibid.,* 36.

federal soldiers, along with scattered white squatters technically prohibited from Indian lands by the federal government. Black slaves were also present in Indian Territory, held in varying numbers by the different tribes. Once the black slaves and white minorities were added to the Indian populations, the total population living in the Five Tribes' area in Indian Territory in 1860 were as follows in table two.

Table 2: Five Tribes Total Population

Nation	*Indian People*	*Enslaved people*	*White people*
Cherokee	13,821	2,511	716
Chickasaw	4,260	975	148
Choctaw	13,666	2,349	804
Creek	13,550	1,532	596
Seminole	2,253	1,000	35
Total	47,550	8,376	2,299

Source: Data from *Ibid*., 347).

As these numbers indicate, the Cherokee, Choctaw, and Creek were about the same in terms of native Indian population, with the Chickasaw and Seminole trailing far behind. In slaves, the Cherokee and Choctaw led again, with the Creek Nation holding about one thousand less than the Cherokee and Choctaw, the Seminole had about five hundred less than the Creek, and the Chickasaw about one hundred less than the Seminole. All together, the Five Tribes had over 50,000 tribal members and slaves, quite a large number for the people who had experienced forced migration not so many years before.[11]

In terms of geography, it is worth noting the positions and borders of each of the Five Tribes. While the Choctaw lands bordered both Texas and Arkansas, the Chickasaw also bordered Texas, and the Cherokee bordered Arkansas. All the tribes were close to

[11] Michael Doran, "Negro Slaves of the Five Civilized Tribes," *Annals of the Association of American Geographers* 68 (September 1978): 345-349.

Southern states, but with the Choctaw and Chickasaw so close to Texas and Arkansas, they could be termed the Deep South Indian nations of the Five Tribes, and they indeed were the closest to the South of all the Five Tribes. The Seminole, Cherokee, and Creek were border tribes, insulated from the South while still sharing many traits with them. The Cherokee alone bordered Kansas, a free state. The positions of all the Five Tribes is important due to the pressure the South would shortly apply to side with them against the United States.[12]

Agriculture and Slavery

Once in Indian Territory, the members of the Five Tribes had to build new lives. The United States government promised money and possessions to help the Indians get established, but neither promise was kept. The first step towards sustenance was food. Both large-scale slaveholding plantations and small independent farms helped provide crops and cash to buy food for the Choctaw and other Five Tribes. Despite moving to a new area with different soils and weather patterns, the Choctaw produced a surplus of forty thousand bushels of corn as early as 1833, and fifty thousand bushels in 1836. Far from being a barren wasteland, untouched by the hand of man and God alike, this new land seemed to have good soil and a long growing season. Artist George Catlin, who was traveling through the area in 1832, commented that "this picturesque country…affords one of the richest and most desirable countries in the world for agricultural pursuits." Other crops included pecans and cotton, which were often transported down the Red River to outside markets. Since all land was communal, people could have as much land

[12] Edward Prag, "The Confederate Diplomacy With the Five Civilized Tribes," (M.A. thesis, University of Oklahoma, 1966): 40.

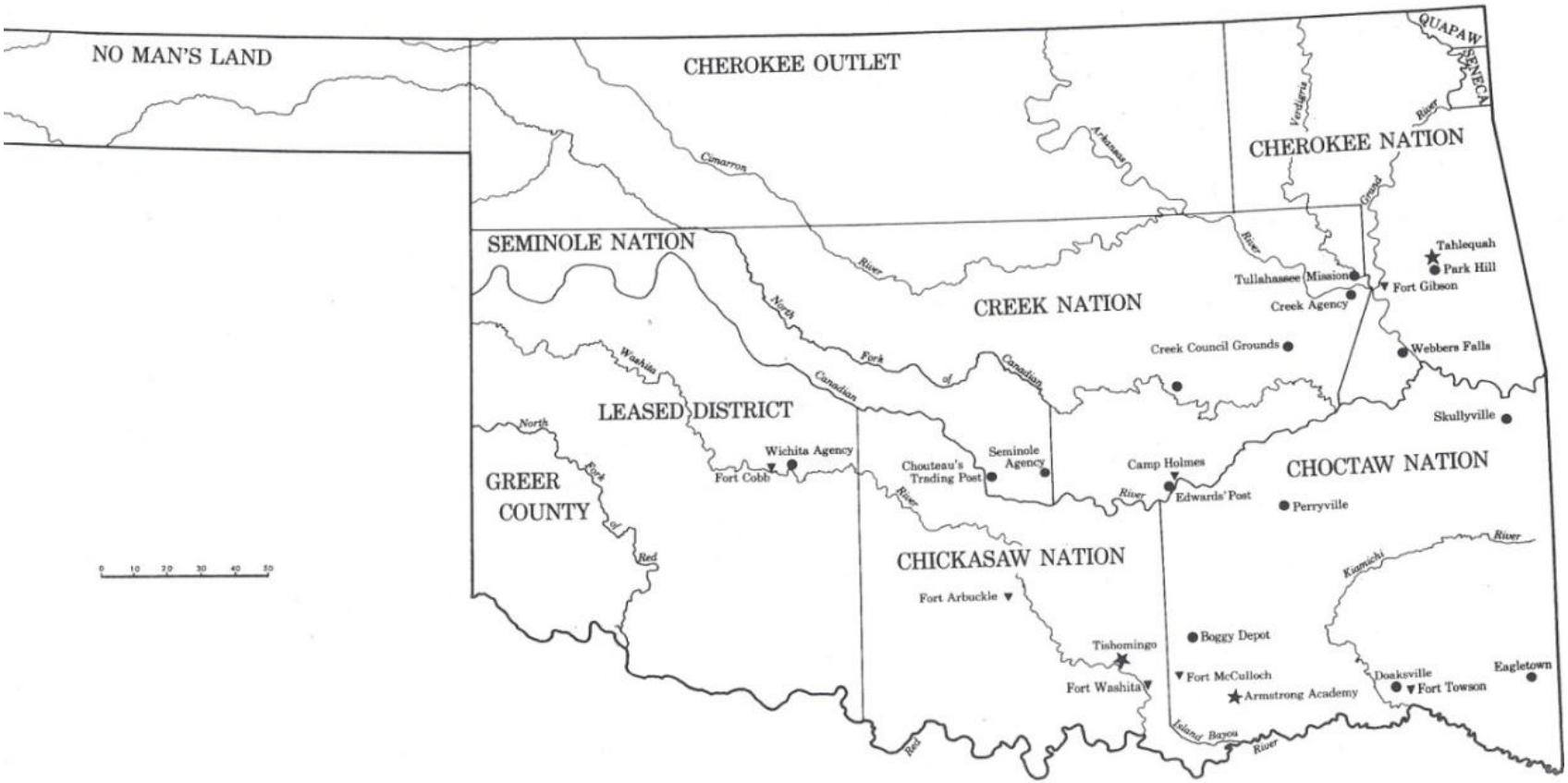

Figure 1. Map of Indian Territory 1855-1866

(Map from John Morris, Charles Goins, Edwin McReynolds, *Historical Atlas of Oklahoma* (Norman: University of Oklahoma Press, 1986): 23).

as they could farm or graze, and this encouraged those with money and slaves to develop increasingly larger amounts of land.[13]

Unfortunately, being new in the area, the people of the Five Tribes did not realize that their new land was more subject to severe droughts than their former lands closer to the Atlantic Ocean had been. When they arrived, the land was enjoying a wet spell, but for a long eleven year period, from 1854 to 1865, the land was gripped by a severe drought, which exacerbated food shortage problems later in the Civil War. For the year 1854, rainfall dropped to half of the average levels from the past ten years, and creeks and springs dried up. The next year, 1855, grasshoppers descended to complete the destruction of the bountiful fields. It was as though they had moved into a land cursed with catastrophes of Biblical proportions. The 1856 harvest promised to be better, but a late freeze in April caused further food shortages, despite scattered good harvests. For the next two years the Choctaw and other Five Tribes endured drought conditions by continually moving around their lands looking for work, water, and food. A break in the drought came in 1859 when an excellent wheat crop was harvested, but harvests of the main food for the people, corn, continued to be poor up to the Civil War.[14]

By 1860, on the eve of the American Civil War, the people of the Five Tribes desperately needed rain for good crop harvests after six consecutive years of drought. Repeated trips to Washington, D.C. asking for aid met with repeated refusals, even though the Kansas and Nebraska tribes received $50,000 for food purchases and

[13] Quoted in Kevin Sweeney, "Twixt Scylla and Charybdis: Environmental Pressure on the Choctaw to Ally with the Confederacy," *Chronicles of Oklahoma* 85 (Spring 2007): 73-75; Gilbert Fite, "Development of the Cotton Industry by the Five Civilized Tribes in Indian Territory," *Journal of Southern History* 15 (August 1949): 345-346.

[14] Sweeney, "Environmental Pressure," 73, 76-80.

shipments to the equally hungry people there. In the face of estimates predicting that the harvest that year would yield only one-fourth of the usual crop from the time before the drought, the General Council of the Choctaw Nation designated a total of $150,633.36 for corn purchases and distributions to the people from the tribe's slim communal purse.[15]

Linked with growing commercial crops was the institution of slavery. Of course, the idea of slavery was not new to American Indians, but the idea of slavery based on race was. As more Euro-Americans poured into tribal lands, the idea of enslaving Africans to work on raising crops to sell domestically or abroad took hold.

Slaveholding by the Five Tribes was, on the surface, very much like the Southern plantation system of slaveholding. All the trappings of slavery, including slave markets, enslaved families, overseers, poor working conditions, horrific punishments, and agricultural cash crops were present, yet the system also had some unique dimensions to it. In the Five Tribes, the tribal members of blended heritage owned most of the slaves, thus splitting the tribes along another group line, which did not encourage unity in the tribes. Slaveholding was seen as a sign of progress in civilizing the tribes by visiting Southern whites. Five Tribes' slaveholding was also marked by generally milder bondage for the enslaved people than slaves received anywhere else in the South, according to several slaves. All three of these differences made the Five Tribes unique among the South as slaveholders, yet the fact that the tribes owned slaves encouraged stronger ties with fellow slaveholding whites in neighboring Southern states.

While the Five Tribes were familiar with slavery, and some had owned slaves while the tribes were still in the East, a demand for labor was not as pressing then as when the tribes moved to Indian Territory. Once there, many of the Indians saw the chance for profit through various enterprises and began casting about for a labor source.

[15] Missionary Cyrus Kingsbury, a Congregational missionary and educator long associated with the Five Tribes, made the estimate mentioned in *Ibid*., 80-83.

With white people not allowed to enter Indian Territory to work as employees until immediately before 1860, and tribal members of blended heritage not interested in working for money, the only labor source left was black servitude. With at least some of their influence and wealth intact from the trip to Indian Territory, some of tribal members of blended heritage began to amass slaves and property to produce surpluses of three major products: cotton, salt, and beef. Grains were also raised for export, but that only brought a fraction of the money that the more lucrative cotton crop brought. As business prospered and the wealthy grew wealthier, inevitably tension arose between those who succeeded, and those who did not.[16]

Comparing the way slaves were treated by the Indians and the way slaves were treated in the American South reveals some interesting contrasts. Of course, methods varied, but by and large the Indians seemed to be better masters than the Americans. This was typified by the comment of a male slave about his Chickasaw Indian master: "I never did know that I was a slave, 'cause I couldn't tell that I wasn't free. I always had a good time, didn't have to work much, and allus [sic] had something to eat and wear." One wonders whether time had colored his remembrances of slavery, but in a land of such plentiful food and opportunities, at least at first, perhaps slavery was not as harsh as elsewhere. Indeed, status differences between Indian masters of unmixed Cherokee background and their enslaved African people were so slight as to allow for intermarriage, notably in the Creek and Seminole tribes.[17]

As typified by the treatment of slaves in the Five Tribes, slaveholding was different there than in the United States. Each tribe also varied to a certain extent as well,

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[16] Theda Purdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville: University of Tennessee Press, 1979): 99; Doran, "Negro Slaves," 337, 340-341.

[17] Quoted in *Ibid.*, 342, 344.

with the Seminole standing in notable contrast to the rest. Since the Seminole were an amalgamation of people from other tribes in the first place, former slaves had found a receptive home among the other refugees. Some Seminole did own slaves, but free blacks lived side by side with enslaved blacks in Seminole communities, and both blacks and Indians fought the United States in multiple wars. This dual status of blacks in Seminole villages, as both slaves and free people, made them even more a part of the tribe than blacks already were in other Five Tribes villages.[18]

Slavery, at least by some, was viewed as necessary to further improve the Five Tribes. By 1859, after the Five Tribes were established in Indian Territory, a United States Indian agent reported that he believed the Cherokee were making progress because a growing number of them were slaveholders who learned good work ethics from their slaves. Even though he was in close contact with the Five Tribes, he believed that only "when thrown in contact with those who will work they will gradually acquire industrious habits." Many other visitors passing through Indian Territory commented that enslaved blacks modeled how to work for the Indians.[19]

The slave population among the Five Tribes in 1860 was 14% of the total population in Indian Territory. While the Cherokee and Choctaw Nations unsurprisingly held the most slaves and were the largest and most numerous of the Five Tribes, other numbers were quite surprising. As a percentage of the total tribal population, the Seminole Nation had the highest percentage of slaves, not the other, wealthier nations of the Five Tribes. In fact, slaves make up almost one-third of the Seminole population in Indian Territory, a percentage not even approached by the other tribes. Yet this high percentage of slaves did not make the Seminole more receptive to Confederate advances

[18] Daniel F. Littlefield, Jr., *Africans and Seminoles: From Removal to Emancipation* (Westport, Conn.: Greenwood Press, 1977): 8-9.

[19] Quoted in *Ibid.*, 335, 347, 350.

than other tribes. Instead the third and fourth nations in a ranking of most to least slaves as a percentage of the total tribal population, the Cherokee and Choctaw, were the tribes widely viewed as being the most attracted to the Confederacy. This analysis seems to contradict the view held by many that slaveholding helped move the Five Tribes to the Confederate side. Perhaps slavery helped to integrate the Five Tribes into the broader South, but it seems the number of slaves within the population did not make much difference whether the tribe was more or less pro-Southern. Other factors such as wealthy slaveholding leaders, influences by pro-Southern Indian agents, or other forces must have carried more weight than the actual number of slaves present within the tribal population.[20]

In any case, regardless of good times remembered by former slaves, slavery laws tightened within the Five Tribes as they did throughout the South in the 1840s and 1850s. In the Choctaw Nation, slaves could not sing in public, carry arms, move about freely, move as freemen into the nation, or be set free without council approval. Free slaves living within the nation also had to leave or face re-enslavement. As late as 1859 the Choctaw were still strengthening black codes, this time with a resolution that gave life and death power to slaves' masters. These laws that made controlling the slave population easier by degrees certainly did not resemble the slave's comment that slavery was blissful.[21]

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[20] This theory of the number of slaves present in the population not determining which side the nation would prefer up to and during the American Civil War is my own, even though it seems to not make much sense. *Ibid*., 347-349.

[21] One story illustrates the extent that the Choctaw had adopted Southern attitudes to race. In Choctaw country, a slave killed his master and then committed suicide by drowning after a mob caught him. Right before his death the slave accused a slave woman of making him murder his master. The frenzied mob then lashed the woman to a post and burned her alive while she protested her innocence. The crowd then attended church and asked for forgiveness. Story from Charles K. Whipple, *Relations of the American Board of Commissioners for Foreign Missions to Slavery* (New York: Negro Universities Press, 1915): 24; Gibson, "Constitutional Experiences," 392; Doran, "Negro Slaves," 342; Paul Bonnifield, "The Choctaw Nation on the Eve of the Civil War," *Journal of the West* 12 (July 1973): 392.

In response to the sectional tensions, tribal members formed several societies either to advance the slaveholding or abolitionist agendas. Two stood out prominently: the Knights of the Golden Circle and the Kee-to-wah Society, or Keetowah Society. The Knights, of course, were not a local invention. The Indians merely formed a chapter of the larger regional organization, working to advance the causes of slavery and slaveholders. Primarily made up of tribal members of blended heritage, the Cherokee chapter of the Knights of the Golden Circle was led by Stand Watie.[22]

The Keetowah Society, reflecting just how complex the issues were in Indian Territory, was not truly an abolitionist organization initially, but it did limit membership by class, further dividing people who needed something to bring them together. It was organized as the opposite of the Knights of the Golden Circle. Members of the Keetowah were anti-slavery, and worked to limit the spread of pro-slavery sentiment. The meaning of the name "Kee-to-wah" is disputed, but it appealed to the Cherokee nationalistic spirit. Only Cherokee of unmixed heritage could join the society. Gradually the society was taken over by a sub-organization more committed to resisting slavery through violence. Commonly known as the "Pins" or "Pin Indians" because of their insignia of two crossed pins, they were perceived as harmful to the Cherokee nation, though interestingly the Knights were not. Most likely the missionaries still in Indian Territory were not leaders of the Pins, as many slaveholders charged, but some missionaries were members of the initial secret Keetowah society.[23]

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[22] Francis, "Confederate Ascendancy," 9-10; Prag, "Confederate Diplomacy," 38; Purdue, *Slavery and Evolution*, 129-130.

[23] The word "Kee-to-wah" is either the name that the Cherokee used for themselves when in ancient alliances with other tribes, or the name of the first village of the Cherokee after their migration from Iroquois country. Yet another application of the word was for a Keetoowah Society, which was some sort of council that the most experienced elders of the Cherokee formed to protect sacred rituals and myths. There has been no attempt, or even discussion, of reconciling these wildly divergent explanations for the origin of the word "Keetoowah." Patrick N. Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003): 71-89, 95-98; William

Though ongoing research about these secret societies has added much to what we know about them, there will probably always be some ambivalence about them due to the lack of specific records about them. It does not help that many sources describe both societies using Masonic terms. Since Albert Pike, John Ross, and Stand Watie, all Masonic members, were also working to further their own agendas, it is confusing to discover who in fact was a member of which secret organization.[24]

The forced removal of the Five Tribes to Indian Territory in the 1830s irrevocably changed the tribes. It split the Cherokee into factions that descended occasionally into open war, it made the Seminole fight the United States, and it gave all the tribes grounds for not trusting the United States, if they had not already reached that conclusion from past land treaties. Once in Indian Territory, though, the tribes did well, with some people amassing slaves and land that would help them to be a major influence in the years ahead. As conflict increased in the United States, the Five Tribes also suffered unrest caused by special interest groups pushing their own agendas. These groups included secret organizations such as the pro-slavery Knights of the Golden Circle and the abolitionist Keetowah Society. The terrible drought that hit Indian Territory made some quite desperate, especially when the United States government would not help, and perhaps made them more willing to listen to other promises, which would come in just a few short years.

McLoughlin, *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839-1880* (Chapel Hill: University of North Carolina Press, 1993): 155-156, 158; Dale, "Cherokees in Confederacy," 161; Celia E. Nailor, *African Cherokees in Indian Territory: From Chattel to Citizens* (Chapel Hill: University of North Carolina Press, 2008): 135-137.

[24] Laurence Hauptman, *Between Two Fires: American Indians in the Civil War* (New York: Free Press, 1995): 46.

CHAPTER TWO

McCulloch, Pike, and the Coming War

As a sectional crisis between North and South loomed closer, the Five Tribes began to look for what their positions would be in the event of a conflict. A bit of news from the 1860 presidential campaign that concerned them could not have come at a worse time. William Seward, future Secretary of State in the Lincoln administration, proclaimed in a speech in Chicago that "the Indian territory, also, south of Kansas, must be vacated by the Indians." For pro-slavery Indians, who were convinced a Lincoln administration would attempt to free their slaves, this was an easily quotable statement proving that the United States government intended to violate yet another treaty.[1]

Throughout 1860 and 1861, the pro-Southern Indian agents of the United States were preparing the way for Southern representatives to approach the Five Tribes with treaty offers. These agents, working off the record, actively worked to undermine tribal trust in the United States, as the first step towards preparing the Indians to receive Southern emissaries. This crucial activity was of inestimable value to the South: the men the tribes trusted, and had worked with for years, were now advising them to trust the Southern states instead of the United States. Even the superintendent of Indian Territory, Elias Rector, had started to undermine the incoming Lincoln administration even before Lincoln was inaugurated. With such strongly pro-Southern men on the ground in Indian

[1] Quoted in Abel, *American Indian*, 58.

Territory, all it would take to sway the Indians to the South would be someone to coordinate the Confederate message and be ready to present treaties.[2]

The turncoat Indian agents were also making sure that only their influence would be felt among the Five Tribes by doing what they could to force out the missionaries. The agents knew the missionaries had influence and would probably speak against going to war if it came to that. Agent Douglas Cooper wrote as early as 1854 that "something must be done speedily to arrest the systematic efforts of the Missionaries to abolitionize the Indian Country." Despite having no authority to remove the missionaries, the agents were well placed to limit their message. This was certainly an abuse of power by the agents, but desperate times called for desperate measures.[3]

Reactions to Sectional Conflicts

With the election of Abraham Lincoln in November 1860, the slaveholders' message grew frenzied and impatient. As was the case in the Southern states, it was alleged that the sectional "Black Republican" Party would move to free slaves from their masters, throwing the Southern way of life into chaos. Using the Knights of the Golden Circle to promote their slavery agenda, planters from nearby Arkansas and Texas also swayed Indians from the Five Tribes to support the South and reject the North. Though the news took a long time to arrive and was slanted towards the South, news did arrive in

[2] The United States Indian agents among the Five Tribes at the time of the Civil War were as follows: Pierce Butler- Cherokee Nation, William Garrett- Creek Nation, Douglas Cooper- Choctaw and Chickasaw Nation, Samuel Rutherford- Seminole Nation. William H. Graves, "Indian Soldiers for the Gray Army: Confederate Recruitment in Indian Territory," *Chronicles of Oklahoma* 69 (June 1991): 137; Edwin McReynolds, *The Seminoles* (Norman: University of Oklahoma Press, 1957): 290.

[3] Quoted in Abel, *American Indian*, 41-42.

Indian Territory, including South Carolina's secession from the Union in December 1860.[4]

The Chickasaw called for a meeting of representatives from all the Five Tribes for February 17, 1861, with the topics for discussion not stated. Nothing really came out of the meeting, especially with only three of the Five Tribes represented. Part of the reason may have been because the Choctaw General Council came out with a document on February 7 that could not be discussed at length in the meeting, since the whole point of the inter-tribal conference was to keep the tribes together, and not to publish anything that would cause disunity.[5]

The Choctaw, always considered to be the most pro-Southern of the Five Tribes, had passed a series of resolutions on February 7, 1861, bemoaning the differences between the North and the South that caused disunion. However, the Choctaw realized that they would "be left to follow the natural … interests of our people, which…bind us in every way to… the Southern States." This was an unprecedented statement of support for the South by one of the Five Tribes. One wonders, though, if the Choctaw people really meant what their leaders stated. Having been forced from their eastern homes largely as a result of the oppressive nature of the Southern states, some Choctaw could not feel comfortable depending on the South for their lives or property. This resolution, written ten days before the inter-tribal conference, shows that the Choctaw believed some kind of association with the Southern states would be in their best interests.[6]

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[4] *Ibid.*, 67-68.

[5] *Ibid*., 70-72; 261-262.

[6] General Council of the Choctaw Nation, "Resolutions," U.S. War Department, *War of the Rebellion: Official Records of the Union and Confederate Armies* (Washington: 1880-1901): I, 1, 682 (hereafter cited as *O.R.*).

Moreover, Seward's statement about removing the Indians from Indian Territory caused much anxiety about the federal government's plans, and this was confirmed by a letter to United States Indian Commissioner William Dole from a former missionary teacher to the Five Tribes, who took the time to describe in 1862 what Indian Territory had been like around the time of Southern states' secession. "Seward's speech at Chicago…produced intense excitement. The Secessionist Journals [said] 'The abolitionists want your lands…your only safety is to join the South." Although various Southern states had coveted Indian land for almost one hundred years by this point, and had the federal government's help at times to claim it, Southerners now portrayed themselves as protectors of the various tribes they had thrown out of their own lands.[7]

Although pro-slavery Texas planters had already done their part to stir up Indian sympathy for the South, Texas interests would be better served by official contact between the state and the tribes. In the event of war, Texans wanted to make sure that they were on friendly terms with the tribes in Indian Territory. They could do little to make peace with tribes such as the Comanche out on the plains, but they could make peace with the settled tribes, such as the Five Tribes. In addition to peace, Texas and Arkansas wanted security for their northern and western borders. If the tribes could act as a buffer zone from abolitionist areas such as Kansas and Colorado, then Texas and Arkansas could turn their attentions to matters other than frontier defense.[8]

Both Texas and Arkansas moved swiftly to ascertain how powerful the pro-Southern faction was among the Five Tribes, and then to prod it towards the South. On February 17, 1861, the same day of the inter-tribal conference and ten days after the Choctaw authored their pro-Southern resolutions, the Texas Secession Convention sent a

[7] Abel, *American Indian*, 76.

[8] Graves, "Five Civilized Tribes," 205.

delegation of three men north of the Red River to discern how the Indians felt about secession. The three commissioners wrote back to Texas Governor Edward Clark on April 23 claiming that the Creek, Choctaw, and Chickasaw were on their side and although Cherokee Chief Ross was not pro-Southern, most Cherokee were. The trio also concluded that "the active friendship of these nations is of vital interest to the South," a strong affirmation that Texas and the South should continue efforts to sway the tribes.[9]

Arkansas also moved to push the Five Tribes toward the South. Arkansas did not attempt anything so overt as sending a commission to Indian Territory, but Governor Henry Rector did write to Chief Ross urging him to side with the South. Perhaps this was not as visible as sending men to talk with the Five Tribes, but the sentiment expressed was the same as Texas had shown with the commissioners' visit. Something that undoubtedly helped keep both men informed about Indian Territory was a family connection: Governor Rector of Arkansas was a cousin of Elias Rector, the United States Superintendant of the Southern Indians in Indian Territory. In an effort to build up tribal goodwill towards the Five Tribes, Arkansas appointed a prominent Cherokee of blended heritage, Elias C. Boudinot, as secretary of the Arkansas Secession Convention. This was not as overtly pandering as it seemed, since Boudinot was practicing law in Fayetteville at the time and did not live in Indian Territory. Still, it was a move clearly designed to influence thought among the Five Tribes, though since this Boudinot was the son of the man who had helped sign away their lands in the East, it is doubtful that the Cherokee appreciated this gesture.[10]

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[9] *O.R.* IV, 1, 322-325; Graves, "Five Civilized Tribes," 206; *Handbook of Texas Online*, "Secession," http://www.tshaonline.org/handbook/online/articles/SS/mgs2.html (accessed 3 September 2010); Abel, *American Indian*, 91-95.

[10] Graves, "Five Civilized Tribes," 206; McLoughlin, *After Trail of Tears*, 171; Dale, "Cherokees in Confederacy," 162; Thomas Burnell Colbert, "Elias Cornelius Boudinot, 'The Indian Orator and Lecturer,'" *American Indian Quarterly* 13 (Summer 1989): 249.

In April 1861 a Choctaw delegation left for Washington, D.C. to press claims for approximately $500,000 from the federal government for unspecified reasons. This in itself was hardly significant, but what happened next, as related in a letter by a missionary teacher, to the Indian Commissioner was probably very significant. The delegates had apparently come to "Washington by way of *Montgomery* [Alabama] & were when they reached Washington probably all, except Judge Garland, secessionists." In April 1861, before the bombardment of Fort Sumter, Montgomery, Alabama, was the capital of the Confederacy. That the delegates went through Montgomery on their way to the capital of the United States was quite interesting, even if that was the only way they could get to Washington on the limited Southern railway system. The delegation could hardly fail to have been affected one way or another in the heady early days of Confederate independence.[11]

But the letter continued on to say that once the commissioners were asked if they owned slaves, and they answered affirmatively, business was over. When the Choctaw allegedly met with newly elected Abraham Lincoln, he told them they would not receive any money until the close of the war. Even though this information was at least secondhand, it was still quite remarkable. If the claim about slaveholders was true, then the federal government was already suspicious that slaveholders could not be trusted, and the government did not want to give away money only to watch it be used against them. Claims about what President Lincoln said, however, could be interpreted many ways. Perhaps he wanted to control costs, since war debts would spiral upward. Maybe Lincoln intended to overhaul federal Indian policy after the war. He could have planned to use

[11] Evidently the United States Indian Commissioner wanted to know midway through the war exactly why the Five Tribes went over to the Confederates in the first place. The letter from a missionary teacher, quoted here, helped show the many reasons why the Indians were not favorably disposed towards the United States at the time the Confederacy came calling. Quoted in Abel, *American Indian*, 76.

the money that was due the Indians for something else. There were probably many other theories that could be derived from this in addition to those mentioned, if Lincoln did in fact say what was claimed.[12]

Regardless of what Lincoln said or did not say, the federal government did not provide the Five Tribes any money, or any assurance that it would stand by and protect the tribes in case of war, both guarantees that would be desperately needed if the pro-Union sentiment in the tribes were to survive. Congress did appropriate $250,000 to the Choctaw for removal damages after Lincoln became president, but the money never made it to Indian Territory. In fact, assurances of protection in letter form, to be hand-delivered to the tribes, may not have ever made it to any official in Indian Territory. The bearer of the letter made it to the territory by June 1861, but could not go any farther due to hostility towards the United States government, and was soon forced to leave. Communications of Unionists to the Indian Bureau in Washington were by then completely curtailed. Southern domination of the area was seemingly complete. [13]

But all was not abandoned. Union military forces were still in the area. Three Federal forts were within Indian Territory to protect the Five Tribes from the Plains Indians and other threats. These forts, Washita, Arbuckle, and Cobb, were all garrisoned by United States regular army troops in April 1861. Troops at Fort Smith in nearby Arkansas abandoned their post on April 23, 1861, in the face of a secessionist force marching to take it, and these United States troops joined their fellow soldiers in Fort Washita. The United States commander of the area, Colonel William H. Emory, received a confusing jumble of orders to withdraw troops from some forts to reinforce others, to have his headquarters at first one fort and then another, and to move supplies from one

[12] *Ibid.*, 76.

[13] Sweeney, "Environmental Pressure," 86; Abel, *American Indian*, 79-81.

fort to another. Together with all of this confusion, his vulnerable supply line, which ran through secessionist Arkansas and Texas, was compromised when a group of secessionists seized a transport boat and confiscated all supplies on board. With pressure mounting on him to make a decision, Emory received word from Washington, D.C. to gather all of his command and march north to Fort Leavenworth, Kansas, thereby leaving Indian Territory to its own fate.[14]

This decision by the United States to abandon Indian Territory and the Five Tribes was one of the main reasons that the Five Tribes eventually sided with the Confederacy. If the Indians could not depend on the United States to keep its promises of protection from invasion, everything else promised to them was also suspect. All factors, such as geographical proximity and slaveholding, seemed to push the Indians to the South rather than the North. The idea of abandonment was also a potent weapon for Confederates to use in trying to persuade the Indians to work with them. Fear of what the South, especially Texas, might do if the Five Tribes did not side with the South was a factor also. As one Indian put it: "If the north was here…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." Fear of the Texans seemed to have played a large role this Indian's affiliation, but it is unknown how many other Indians felt this way. Even though small Texas forces were moving about in Texas, they were hardly organized enough to attempt an invasion, yet several Indians at least worried that they were about to be invaded. In the face of a phantom invasion, some Indians searched in vain for a counterweight to growing pro-Confederate sentiment, and an answer to the predicament facing the Five Tribes after the

[14] Francis, "Confederate Ascendancy," 18-23; Wiley Britton, *The Union Indian Brigade in the Civil War* (Kansas City, Mo.: Franklin Hudson Publishing Co., 1922): 21-22.

departure of United States troops: they could either declare for the United States, which was not present, or they could side with the South, with the very same states that had caused them such grief in the past, and hope for the best.[15]

Throughout all of this John Ross, principal chief of the Cherokee, continued to resist calls for either secession or abolition. When the Texas delegation called on him, it reported that he was pro-Union. In a letter replying to the Arkansas governor, who also wanted to know his position, Ross stated that the Cherokee were allied to the United States under the last treaty they had signed. However, Ross also assured the governor that the Cherokee would not tolerate abolitionism in their nation. While Ross was not fond of abolitionists, he was hardly disowning the United States and calling for the Cherokee Nation to strike out on its own. He was definitely rejecting repeated calls for the Cherokee to join first with the Confederacy, and he did not give it any openings for negotiations, other than making common cause over rejecting abolitionism.[16]

Meanwhile, the Confederate government, now seated in Richmond, Virginia, and including Texas and Arkansas, was acting quickly to send its own representative to the Five Tribes. The Confederate Provisional Congress passed a bill as early as February 21, 1861, to open up negotiations with Western Indian tribes, which included the Five Tribes, and followed that motion with a bill on March 4, moving "that the president be…authorized to send a suitable person as special agent of this Government to the Indian tribes west of the State of Arkansas." President Jefferson Davis evidently had decided on someone for the position, as he wrote to lawyer Albert Pike of Arkansas, on

[15] Despite leaving the Five Tribes Indians to their fate, one of the great "ifs" of United States Indian policy was Lincoln's intentions regarding reforming the existing policy. As early as 1862, Lincoln had committed to changing government policy towards the Indians, but never had a free moment to pursue it. David A. Nichols, "The Other Civil War: Lincoln and the Indians," *Minnesota History* 44 (Spring 1974): 12-14. First quote in Abel, *American Indian*, 77-78; Francis, "Confederate Ascendancy," 29-32.

[16] *O.R.* IV, 1, 322-325; *O.R.* I, 13, 491-492; Abel, *American Indian*, 93, 117-118.

March 9, 1861, appointing him as his special commissioner according to the guidelines passed by the Congress.[17]

Albert Pike

Born in Boston, Massachusetts on December 29, 1809, Pike was raised in New England by a fervently religious mother and an equally irreligious father. From early on, Pike was sensitive to criticisms and very strong-willed, a combination that did not help him do well in school. Pike left home in March 1831. For someone who did not learn well from others, despite his talent and reputation as an ambitious and literary young man, being on his own was quite a challenge this early in life. After various journeys on a wagon train to New Mexico, a fur-trapping expedition to West Texas, and time in Fort Smith, Arkansas, Pike settled in Little Rock as assistant editor to the Little Rock newspaper *Advocate*, and began writing on the important news events of the day, which included Arkansas' imminent entry into the United States as a state.[18]

Pike became a fixture at Little Rock social gatherings, and married the wealthy heiress Mary Ann Hamilton in 1834. She brought Pike considerable prominence, since her guardian was the influential Colonel Terrence Farrelly, whose good opinion of Pike helped as he moved up in social circles. Pike also no doubt saw the advantages to being married at this point in his career, because no one in the South would take him seriously in writing for his newspaper or in high society until he made the transition from

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[17] Quoted in Confederate States Congress, *Journal of the Congress of the Confederate States of America, 1861-1865*, 7 vols., Washington: U.S. Govt. Print Office, 1904-1905: I, 105; Abel, *American Indian,* 127-129; Albert Pike, *Message of the President and Report of Albert Pike, Commissioner of the Confederate States to the Indian Nations West of Arkansas, of the Results of His Mission*, Richmond: Enquirer Book and Job Press, Tyler, Wise, Allegre & Smith, 1861): 7.

[18] Robert Lipscomb Duncan, *Reluctant General: The Life and Times of Albert Pike* (New York: Dutton, 1961): 14-16, 17-21, 22-66; William L. Boyden and Ray Baker Harris, eds., *Bibliography of the Writings of Albert Pike* (Washington, 1957): 10-11; Walter Lee Brown, "Albert Pike, Arkansas Editor," *Arkansas Historical Quarterly* 10 (Winter 1951): 393-400, 401-405.

bachelorhood to marriage. He also viewed a career change as advantageous. With frontier Arkansas filling up with settlers, the opportunities for wealth as a lawyer rather than an editor were better, so he studied law at night for a time and became a practicing lawyer after two years in the newspaper business. Working with the newspaper had made his reputation in Arkansas, and he had no trouble finding legal clients.

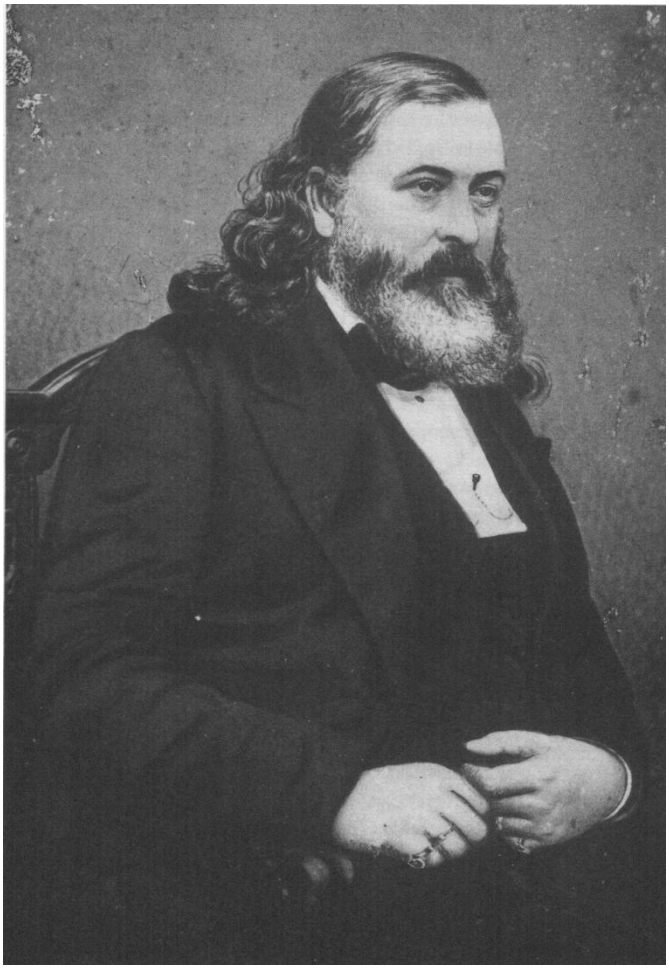

Figure 2. Albert Pike

(Picture from William L. Shea and Earl J. Hess, *Pea Ridge: Civil War Campaign in the West* (Chapel Hill, N.C.: University of North Carolina Press): 24).

In his spare time, Pike wrote poetry, continued to speak out on political questions of the day as he had as newspaper editor, and built a grand plantation-style mansion for his wife and growing family.[19]

The Mexican War cut short Pike's efforts to enhance his wealth and status in Little Rock. In 1842 he had been elected captain of the Little Rock Home Guard, known as "Pike's Artillery," despite his lack of military knowledge. Once the Mexican War began, it was almost a foregone conclusion that troops from Arkansas would be marching to war, given their geographic proximity to Texas. In fact, David Crockett, Sam Houston, and Stephen F. Austin had all passed through Little Rock on their way to Texas and left an enduring impression. Answering the governor's call for a company of cavalry, even though the unit had been artillery up to that point, Pike retained his rank of captain and marched his company to join General John E. Wool's command in San Antonio, Texas. Wool's command was transferred to General Zachary Taylor's army shortly after the capture of Monterrey in northern Mexico. The volunteers did not make a favorable impression on their immediate divisional commander, General Wool, despite Pike's diligent instruction of his independent-minded unit. Calling the Arkansas men "mounted devils" probably did not endear Wool to the Arkansas men, and they returned the favor by flaunting military discipline, as many frontier American units had done before them. [20]

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[19] *Ibid*., 68-89.

[20] A story is related by Duncan of Sam Houston when he went through Little Rock. "Sam Houston had traced a wobbling, alcoholic trail across Arkansas in 1827, and people were still laughing about the time he stripped off all his clothes and threw them into the fire as a sacrifice to Bacchus." I am not sure if this story and the one about the Arkansas recruit and General Wool are really true, or just some of the tales that gain currency after every conflict. Even if not totally true, they indicate the irreverence that volunteers had towards military authority. Story from Duncan, *Reluctant General,* 110-114, 118. Walter Lee Brown, "The Mexican War Experiences of Albert Pike and the 'Mounted Devils' of Arkansas," *Arkansas Historical Quarterly* 12 (Winter 1953): 304-305

The only battle Pike and his men participated in was the Battle of Buena Vista in 1847, and their involvement in that battle is suspect. By then Pike's unit had been detached from the main Arkansas body, but several eyewitnesses recorded that all the Arkansas men ran to the rear when they confronted Mexican troops. Pike wrote that the colonel of the main Arkansas regiment, whom he disliked, ordered a short retreat to better cover, which was interpreted by the men in the ranks to mean retreat to the rear. Pike's command, not part of the Arkansas regiment about which he wrote, returned to help stabilize the line. Despite the lack of discipline by the Arkansas volunteers, the United States troops under Taylor won the battle. Pike apparently could not keep quiet about how most of the Arkansas troops fled while he stayed at the lines, however, and he was accosted by angry Arkansas men after the battle who claimed they had heard Pike accuse their unit of cowardice. To settle the matter, Pike called for a court of inquiry, which was promptly arranged. In the council, Pike claimed that he had never gone farther than accusing the unit of being badly managed, an explanation which was satisfactory to the Arkansas officers present. After being mustered out after the allotted twelve-month enlistment expired, however, Pike found out that the Arkansas regimental leaders had vengefully written home claiming Pike's unit never saw combat. Upon hearing the counterclaim of cowardice, Pike challenged the regimental commander, Colonel John S. Roane, to a duel. Roane accepted, but after firing two rounds at each other, both sides' surgeons threatened to leave, and the duel was over. Both Pike and Roane had kept their honor, and Pike had survived the long ordeal of fighting in the Mexican War, in which he had only participated reluctantly in the first place.[21]

[21] Brown, "The Mexican War Experiences of Albert Pike," 308-315; Duncan, *Reluctant General*, 128-131.

Figure 3. Albert Pike's House in Little Rock, Arkansas

(Picture from Tresner, *Albert Pike*, 208).

After the war, Pike returned home to Little Rock but did not stay long. He was now an important man in the community and was much in demand as a public orator. His wife wanted him to spend more time at home, which he would not do. Home life grew fractured enough that Pike finally separated from her out of court. She took almost all he possessed, except for his books. Though the final legal separation would not happen until 1857, as Pike worked throughout the 1850s, his home life was building towards separation with his wife. As it did, Pike tried to find solace in his public speaking and membership in secret organizations. Pike had always enjoyed traveling, and he indulged in a lot of it prior to the Civil War, including a trip in Western Arkansas which he wrote about and published in a New York sporting magazine. He became an important voice in favor of the impending transcontinental railroad, though with a Southern route. He spoke about his wish for immigration to stop, and became affiliated with the ultra-nativist Know-Nothing movement as it spread rapidly through the South in

the 1850s. This was probably Pike's first experience in a quasi-secret organization, and he liked it so much he joined another, the Masons. Even today, he is known among Masons as one of their most eloquent defenders.[22]

Albert Pike's associations with the Masonic Order may have helped him revive an interest in spirituality, but it also made him an easy target. Whatever ambitions he may have had about running for political office disappeared after his involvement with the Masons became widely known. Despite his rapid rise in the order, moving from new member in 1850 to Sovereign Commander of the Supreme Council in the South by 1859, the anti-Masonic hysteria that had swirled around the country for more than twenty years enveloped him as well, marking him as suspicious to a broad section of Arkansas and the South.[23]

Along with his involvement in secret organizations and public speaking tours, Albert Pike also became engaged in Indian litigations. The Creek Indians, still angry about Andrew Jackson's treaty which stripped them of land after the Battle of Horseshoe Bend, wanted the United States to pay for the land. Pike agreed to represent them, and he wrote a pamphlet outlining their claim and sent it to Washington. To almost everyone's surprise, the claim not only made it out of committee in the House of Representatives, but supporters of the bill also attached the surprisingly liberal estimate of thirty cents per acre to the vast majority of the land. The resulting uproar in the House assured the defeat of

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[22] Virgil Baker for his article on Albert Pike as a speechmaker notes some important reasons why Pike was such a successful speaker, though it is doubtful whether Baker can be totally sure about all this, as he never heard or saw Pike speak. Baker notes that Pike's speeches were well-organized, delivery was steeped in literature and ponderous in nature, and he peppered his speeches with emotional appeals and grandiose attempts to flatter the ladies in the audience. Virgil L. Baker, "Albert Pike: Citizen Speechmaker of Arkansas," *Arkansas Historical Quarterly* 10 (Summer 1951): 146-149, 150-156; Duncan, *Reluctant General*, 132-144; Mark Keller and Thomas A. Belser, Jr., "Albert Pike's Contributions to the Spirit of the Times, Including His 'Letter From the Far, Far West,'" *Arkansas Historical Quarterly* 37 (December 1978): 334-353.

[23] *Ibid*., 144-146, 156.

the bill, but the fact that such a bill had even made it out of committee was a triumph for the Creek and for Pike.[24]

Since the Creek case had been so successful, though he had not actually won the case, Pike took similar cases with the Choctaw and Chickasaw, and he won in 1856-1857 when the Senate granted one million dollars in reparations to the Creek and $800,000 to the Chickasaw and Choctaw. For his services, Pike was paid $190,000, most of it in gold. One of the unsolved mysteries about Pike is that no one has ever discovered what became of his substantial fortune from these Indian claims.[25]

Despite Albert Pike's extensive public speaking throughout the South and his identity as a Southerner, he did not embrace secession. Instead, he tried to take a compromise position between the North and South over slavery, and wrote a pamphlet admonishing the North that slavery was not a moral issue while also insisting there were many other evils worse than slavery. What little respect he had built up in the minds of Northerners from his increasingly popular poetry now evaporated, and he finally signaled that he would go with the South, though he did not endorse secession. Regardless of what he wanted, Arkansas seceded in 1861, and Pike knew what he must do. Ready to leave behind his successful law practice and his friends acquired through long years of working in Washington on court cases, he wrote a letter to one of his friends representing Arkansas in the Confederate legislature, outlining his belief that the Indian tribes to the west could help the Confederate cause. Apparently the Confederate government remembered his past cases with the Five Tribes, because Pike received President Davis' letter of March 9 in May appointing him as commissioner to those tribes. Though disappointed that his scanty instructions did not include a military component, Pike left in

[24] *Ibid.*, 151-153, 157.

[25] *Ibid.*, 157-158.

late May for Fort Smith to convert his friendly relations with the Five Tribes into treaties of alliance with the Confederacy.[26]

Pike and Hubbard Confusion

Pike's appointment as Confederate commissioner to the Indians is intertwined with David Hubbard's appointment as Superintendant of the Indian Bureau, and neither are easy to disentangle. It seems that Confederate Secretary of State Robert Toombs and Pike had been corresponding on the problem of bringing the Indians to Confederacy before the appropriate resolutions were introduced in Congress, though this correspondence has not been found. Toombs introduced a bill on March 4 that called for the Confederate president to "send a suitable person as special agent of this Government to the Indian tribes west of the State of Arkansas." There are no further notations that it was passed, but in Albert Pike's later reports he states directly that he received a letter from Jefferson Davis, written on March 9, that appointed him commissioner. All of this occurred before the Indian Bureau was created, with Pike evidently under the direction of the secretary of state, not the secretary of war, which confused everyone. Even Pike was confused, wanting a clarification of what his powers would be, and wrote shortly after the letter from Davis asking for further instruction. Secretary of State Toombs directed Pike to stand by for further forthcoming instructions, which came in May.[27]

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[26] *Ibid*., 160-169; James T. Tresner, *Albert Pike, The Man Beyond the Monument* (New York: M. Evans and Company, Inc., 1995): 189-202, 207-209; Walter Lee Brown, "Rowing Against the Stream: The Course of Albert Pike from National Whig to Secessionist," *Arkansas Historical Quarterly* 39 (Autumn 1980): 237-243; Prag, *Confederate Diplomacy*, 44.

[27] Despite the absence of correspondence, Abel seems to think there is a high probability that such a discourse occurred. She points out that they were both Masons of the thirty-second degree, knew each other casually before the time in question, and wrote to each other about the Confederate-Indian question shortly after this time. We at least know that they corresponded about this matter shortly after this period. Quoted in Abel, *American Indian*, 129, 131, 134.

Part of the problem undoubtedly was due to the disorganization of the Confederate government, which was trying to establish a nation and formulate national laws at the same time. A glimmer of the confusion in the Confederate high command were the repeated references of Pike responding to the directives of Secretary of State Toombs, not Superintendant Hubbard or his immediate superior Secretary of War Leroy Pope Walker, which meant that Pike was not under Walker, but rather under Toombs. Likewise, Hubbard's correspondence was not to Toombs, but rather to Walker, his superior. This has long been established, but Pike's authority was not so clear cut. If Pike was under Toombs, not Walker, it would explain why Hubbard and Pike were not able to coordinate their activities; they were in separate departments of the executive branch. Both departments may have decided that they had the authority to treat with Indian Territory, and they would send someone to fill the need for a negotiator.[28]

Based on Toombs' resolution, Davis' letter to Pike, and a series of resolutions passed by the Confederate Congress on March 15, Pike's appointment as commissioner was made before the Bureau of Indian Affairs was created and Hubbard was appointed to head it. This was upheld by Judah P. Benjamin's testimony, written when he was Secretary of State in December 1861. Benjamin claimed that the Confederate Congress passed a bill to send a commissioner to Indian Territory to make treaties with the Indian tribes there before the Bureau of Indian Affairs was even created. This confirms what

[28] This theory is gleaned from the repeated references to Pike's correspondence to Toombs found in Abel, *American Indian,* 134, 152, and Walker's correspondence with Hubbard also in Abel, *American Indian,*142. These notes, together with Albert Pike's plain statement that his appointment as commissioner had been "accepted, by letter to the Secretary of State," and that the secretary had "directed me [Pike] to proceed to the Indian country" from Pike, *Report of Albert Pike*, 7. It seems clear that he reported to Toombs, not to Walker.

many documents already stated, and discredited many scholars that have dated these events in the wrong order.[29]

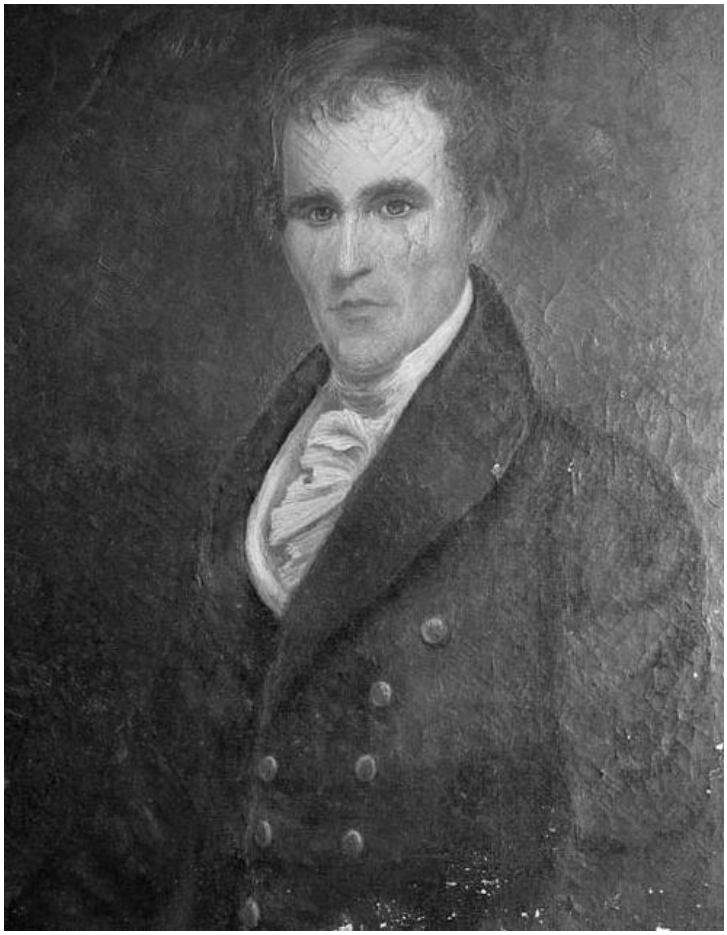

Figure 4. David Hubbard as a Young Man

(Picture from Alabama Department of Archives and History, http://digital.archives.alabama.gov/cdm4/item_viewer.php?CISOROOT=/photo&CISOPTR=4879, accessed 14 December 2010).

[29] Even though she presents the primary documents in their entirety in her own book, Abel seems to believe the Bureau of Indian Affairs was created before Albert Pike was appointed commissioner, as these events were related out of order in her book. Abel, *American Indian*, 128-141. Many other sources evidently believed her timeline of events and did not check the primary sources. These include McLoughlin, *After Trail of Tears*, 172. Kenny Franks, "An Analysis of the Confederate Treaties with the Five Civilized Tribes," *Chronicles of Oklahoma* 50 (December 1972): 458-459, even claims Hubbard was the one first nominated by Pike to go negotiate with the Indians.

On March 15 and 16, the Confederate government continued preparing for new relations with the Indians by creating a Bureau of Indian Affairs, within the War Department. President Jefferson Davis also nominated David Hubbard from Alabama to head the bureau. Hubbard did have some experience with the frontier as past secessionist commissioner from Alabama to Arkansas, but he had no experience dealing with Indians. He did have considerable legislative and administrative experience as former state senator, state representative, and presidential elector. With no budget, employees, or contact with Indians, at least for a while, Hubbard did not have much to do at first, but his distinguished past demonstrated the importance the Confederacy placed in this new bureau.[30]

By early May, the Confederate Congress heard of the resolutions passed by the Choctaw in February stating their solidarity with the South. In a secret session, the Confederate Congress passed a voluminous bill on May 7 dealing exclusively with the Indians in Indian Territory. Unfortunately the full text of the bill was never published, probably because it was considered in a secret session, but three amendments to the law were preserved. These paragraphs deal exclusively with the Confederate States taking over payment of all bonds and moneys owed to the tribes by the United States government, which was quite a sweeping declaration from what was a new and bankrupt nation, and must have engendered a lot of debate.

Pike wrote to Toombs twice in early and mid-May, both times commenting on the need to bring the Indians in as soldiers for the Confederacy. Pike also wrote to Arkansas' Confederate representative in Congress, Robert W. Johnson, expressing his opinions

[30] In the *O.R.*, IV, 1, 248, Secretary of War Leroy Walker states "The Bureau of Indian Affairs…has been organized…So far this Bureau has found but little to do. But this branch of the public service doubtless will now grow in importance in consequence of the early probably accession of Arkansas to the Confederacy; of the friendly sentiments of the Creeks, Cherokees, Choctaws, and Chickasaws, and other tribes west of Arkansas toward this government." Abel, *American Indian,* 108-109, 128.

about what he would do in Indian Territory if he was in command. Toombs responded to Pike's letter by asking Pike to visit Indian Territory as a commissioner, even though Pike already had the authority from Davis to visit the area. In his second letter to Toombs, Pike expressed a desire to make treaties with the Indians, expecting that "General [Benjamin] McCulloch will join me in this, and so, I hope and suppose, will Mr. Hubbard." It seems Pike quite naturally supposed that even though his instructions predated Hubbard's, both of them would be needed to help convince the Indians to side with the South. Perhaps Pike was not sure of his own powers now that an Indian superintendant had been appointed. Hubbard was receiving instructions which sound quite similar to Pike's directives. On May 14 the Secretary of War directed Hubbard to go to the Creeks and persuade them that the Confederacy was ready to protect them from an overly aggressive North. While the word "treaty" was not used in Hubbard's instructions, it is certainly was implied. While Pike's correspondence mentioned Hubbard, none of Hubbard's correspondence or instructions mentioned Pike. Thus at the same time, two different men set out on almost identical missions, to sign treaties binding the Indians to the Confederacy as quickly as possible.[31]

Regardless, Hubbard's part in the negotiations for Indian Territory did not last long. He reached Arkansas but was delayed on the way by an attack of pneumonia and never made it to any of the Five Tribes. Pike had left as well for Indian Territory, staying in Arkansas long enough to write again to Toombs before heading to Fort Smith. It is not

[31] Abel again is not quite right when she states that "Hubbard's mission to the west was quite independent of Hubbard's." Though there is no mention of the two men working together, it is inconceivable that the Confederate authorities in Richmond would not eventually figure out they had assigned an extremely similar mission to another man connected with the War Department less than one month earlier. At the least Pike and Hubbard knew of each other's missions, but with Pike as the agent on the ground and Hubbard not it is questionable at least to suppose the men did not communicate. The only reason why they might not is that they seemed to be in separate departments. Abel, *American Indian*, 131, 134, 141-143. Letter from L.P. Walker to David Hubbard, May 14, 1861, *O.R.* I, 3, 576-578; Letter from Albert Pike to R.W. Johnson, May 11, 1861, *O.R.* I, 3, 572-574; Britton, *Union Indian Brigade*, 24-25.

certain when Pike learned that he would be the only commissioner to the Indians, but Hubbard never played the part he was meant to play in Indian Territory, whether that included working with Albert Pike or not.[32]

Benjamin McCulloch

As important as selecting a man to negotiate treaties was, it was also important to choose a man who could protect the Five Tribes in Indian Territory, raise and equip Indians as soldiers fighting for the Confederacy, and use them in combat. On May 13, the man appointed to command the District of Indian Territory, within Department Number 2 (Department of the West), was Brigadier General Benjamin McCulloch.[33]

Benjamin McCulloch was born in Tennessee in 1811. His father participated in the Red Stick War as a volunteer aide and did some survey work. Because his father was frequently gone, McCulloch shouldered many of the responsibilities of the family homestead in Tennessee, in spite of his status as the fourth son.[34]

When his nearest neighbor David Crockett was defeated in his run for political office in 1835 and announced his intention to go to Texas, Ben and his younger brother Henry wanted to go with him. The McCulloch brothers traveled to Texas and began looking for Crockett, but soon Henry went back home and Ben came down with the measles, which prevented his presence at the Battle of the Alamo. After recovering from his sickness, McCulloch joined Sam Houston's Army of Texans and was put in the artillery company, which serviced two six-pound cannons. During the Battle of San

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[32] *Ibid*., 144; Letter from Albert Pike to Robert Toombs, May 20, 1861, *O.R.* I, 3, 580-581.

[33] Carolyn Bartels, *Stand Watie and the First Cherokee Regiment, 1861-1865* (Independence, Mo.: Two Trails Pub., 1990s): 11.

[34] Ralph Wooster, *Lone Star Generals in Gray* (Austin, Tex.: Eakin Press, 2000): 146; Thomas W. Cutrer, *Ben McCulloch and the Frontier Military Tradition* (Chapel Hill: University of North Carolina Press, 1993): 9-13.

Jacinto, McCulloch helped at the guns for awhile, but when the Texans charged he abandoned the guns and attacked as well.[35]

After Texas won its independence, McCulloch did a number of odd jobs including operating a sawmill, surveying work, gathering and selling pecans, and growing corn. Along with his brother Henry, who came down after San Jacinto, he also joined a number of volunteer companies to go after Comanche and Kiowa Indian raiders, and joined Jack Hays' Texas Ranger company in 1840. He would spend the rest of Texas' independence patrolling the frontier, fighting desperados, and occasionally chasing Comanche and Mexican soldiers.[36]

With the onset of the Mexican War in 1845, McCulloch raised a volunteer cavalry company, and brought it to General Zachary Taylor's army on the Rio Grande. Acting as scouts, McCulloch's men did not participate much in the Battle of Monterrey, and decided to go home on furlough shortly afterward. McCulloch went with them, but by 1847, he was back with Taylor's army in Mexico. Since his original recruits had scattered upon reaching Texas, McCulloch was obliged to raise and train an entirely new company. Prior to the Battle of Buena Vista, it was McCulloch's ranger unit that found Santa Anna's army hastening towards Taylor's position. After the United States victory, McCulloch headed back for Texas, since his term of enlistment was up once again.[37]

Upon returning from Mexico, McCulloch drifted into various adventures. He went prospecting in California, served as United States marshal to Texas, demonstrated

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[35] *Ibid*., 13-20; William Garrett Piston and Richard W. Hatcher III, *Wilson's Creek: The Second Battle of the Civil War and the Men Who Fought It* (Chapel Hill: University of North Carolina Press, 2000): 18-19.

[36] Cutrer, *Ben McCulloch*, 21, 26, 27, 38, 45, 47-48.

[37] *Ibid*., 78-20, 92-103; Jack Gunn, "Ben McCulloch: A Big Captain," *Southwestern Historical Quarterly* 58 (July 1954): 7-8.

Morse carbines, and lobbied for the colonelcy of one of the two new regular cavalry regiments. Despite McCulloch's intense lobbying of Secretary of War Jefferson Davis,

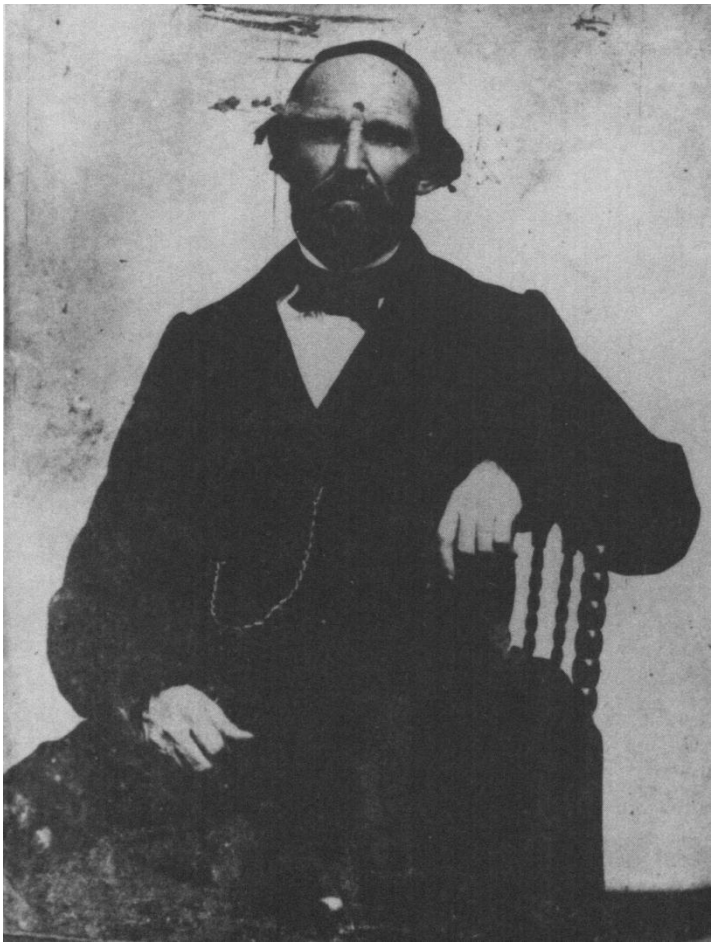

Figure 5. Benjamin McCulloch

(Picture from Shea and Hess, *Pea Ridge*, 18).

Albert S. Johnston and Edwin V. Sumner received the regimental command posts. Not even a lifelong military man such as McCulloch could obtain a regimental command in the regular United States army, illustrating how professionalized the army had become.[38]

[38] Cutrer, *Ben McCulloch*, 104-119, 121, 124, 128-137, 163, 164, 174-175; James R. Arnold, *Jeff Davis's Own: Cavalry, Comanches, and the Battle for the Texas Frontier* (Edison, N.J.: Castle Books, 2007): 25; Gunn, "Ben McCulloch," 12-13.

As he was a Southerner, Ben McCulloch's feelings on slavery were decisive. Like many influential Southern men, he believed that the Democratic party was the only organization that stood for Southern rights about slavery and other issues, and he was convinced that the Republican Party was another anti-slavery party that intended mortal harm to the South. McCulloch even proposed that the state of Texas purchase Mount Vernon, Virginia, since then it would have Washington's own plantation as a rallying place close to Washington, D.C. if a Republican became president. If a Republican were elected, Texas and the other southern states should call for creating their own government. McCulloch was at all three of the Democratic conventions to choose a presidential candidate, and he was present when John C. Breckinridge was chosen to run for president by the pro-Southern wing of the Democratic party. Ever the army officer, McCulloch was deeply concerned about military preparations and recommended that Texas purchase rifles as quickly as possible. Hurrying back to Texas after the convention, he did not have to wait long before Texas called on him once again.[39]

In late 1860, Texas could not afford to have armed United States regulars guarding federal property in Texas if secession came, and McCulloch, with the rank of colonel in the state militia, was ordered to discreetly recruit volunteers and stand by to await further orders. The orders to seize federal property in San Antonio and expel the United States army troops stationed there came on February 15, 1862, ten days after Texas seceded, and by the end of the sixteenth McCulloch had secured the evacuation of all United States forces in Texas and the turnover of an estimated 1.3 million dollars'

[39] Quoted in Arnold, *Jeff Davis's Own*, 140, 144, 151-159, 165-169; *Handbook of Texas Online*, "Secession."

worth of federal property in the state. Texas had taken its first steps toward war, and McCulloch was in the middle of it. [40]

From 1860 as colonel in the Texas militia, Ben McCulloch's rise to higher command was rapid. He was asked to raise a regiment of Texan mounted rifleman by the Confederate Secretary of War in 1861 with the rank of colonel in the Confederate volunteer army, but he refused the command, believing himself qualified for a higher rank and position. Instead, he waited in vain for a Confederate commission, but he busied himself ordering Colt revolvers and Morse carbines for Texas soldiers. On May 11, 1861, however, President Jefferson Davis appointed Ben McCulloch as a brigadier general in the Provisional Confederate Army. McCulloch was one of just eleven men out of the 425 to serve the Confederacy as general officers who had not received any college education, and he was the first civilian general to be nominated. With his commission in hand, McCulloch was ordered not to the District of Texas, but to the frontier District of Indian Territory. As someone who had lived and fought on the frontier all his life, and with the military command he had always dreamed of, Benjamin McCulloch was now in place to help Albert Pike transform the Five Tribes nations in Indian Territory into allies of the Confederacy, and to recruit a sizeable army of Indians and Texans to defend the area and take the fight to the enemy.[41]

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[40] Arnold, *Jeff Davis's Own*, 179-185.

[41] *Ibid*., 188-197, Wooster, *Lone Star Generals*, 149; Gunn, "Ben McCulloch," 17-20.

CHAPTER THREE

Troops, Treaties, and Commanders

Benjamin McCulloch and Albert Pike met at Fort Smith, Arkansas, in May 1861. They had both been dispatched to Indian Territory to organize the Indians for the Confederacy, Pike through treaties, and McCulloch through troops. There is no record of their first meeting there, or what they thought of one another, but they would work well together for the duration of their partnership. They did talk about their separate missions, for McCulloch decided to accompany Pike on his first official visit as Confederate commissioner: a call on John Ross, principal chief of the most powerful Five Tribes Nation, the Cherokee. If they could convince Ross to join the Confederacy, the rest of the Five Tribes would soon follow, or risk being isolated.[1]

Signing the Five Tribes' Treaties

Pike and McCulloch met with Ross in early May 1861. Previously, Pike had held a clandestine meeting with the leaders of the pro-secession movement in the Cherokee Nation. While it is not known what they talked about, Pike would have wanted to identify what he was up against. He recognized that the Cherokee would be the hardest group to sway, and he had to discern how things stood in the nation, and how many people were on each side. He also wanted to have a backup group that he could sign a treaty with if Ross did not cooperate in a reasonable amount of time, much like the United States had done to get the Cherokee out of the southeast many years before. After this meeting, Pike and McCulloch journeyed to talk with Ross. Despite the best efforts of

[1] Abel, *American Indian*, 152, Franks, "An Analysis," 459.

both Confederate officials, Ross was firm in his commitment to neutrality. He did share with them his plan to call the Cherokee Council together to discuss future political policies, but he did not intend to announce any change from neutrality. The disappointed Confederate leaders parted soon after the end of the meeting. [2]

Their face-to-face meeting with Ross had failed, though they both would continue writing to Ross to apply pressure to join the Confederacy. McCulloch journeyed outside of the Cherokee Nation to begin organizing his troops, while Pike moved on to the Creek Nation. Perhaps the Cherokee would respond to their advances if other Five Tribes nations signed treaties with the Confederacy.[3]

Instead, John Ross issued a formal Proclamation of Neutrality on May 17, 1861, urging his fellow Cherokee to observe a strict neutrality. Whatever happened between the states did not concern the Cherokee, and if they wanted to be free from a catastrophic war, they should not choose sides. By drawing attention to what would happen if the Cherokee took a side, not to mention if they chose the losing side, Ross hoped that the pro-secession Cherokee would stop their agitation and unite with his side to preserve what would certainly be a precarious neutrality. In August 1861 a mass meeting of some four thousand Cherokee affirmed Ross' neutral position and expressed confidence that their political leaders would make the right choices for them, which meant Ross would continue the current neutral policy. Though the pro-secession Cherokee protested

[2] Morris Wardell, *A Political History of the Cherokee Nation, 1838-1907* (Norman: University of Oklahoma Press, 1977): 130; Abel, *American Indian*, 152-153; Dale, "Cherokees in Confederacy," 162-163; James W. Parins, *Elias Cornelius Boudinot: A Life on the Cherokee Border* (Lincoln: University of Nebraska Press, 2006): 43; My Kinneth McNeil, "Confederate Treaties With the Tribes of Indian Territory," *Chronicles of Oklahoma* 42 (Winter 1964): 411-412

[3] Letter from Benjamin McCulloch to L.P. Walker, May 28, 1861, *O.R.* I, 3, 587-588; Graves, "Five Civilized Tribes," 210.

bitterly, they did not have the power to overrule the Ross faction and had to be content with the declared neutrality.[4]

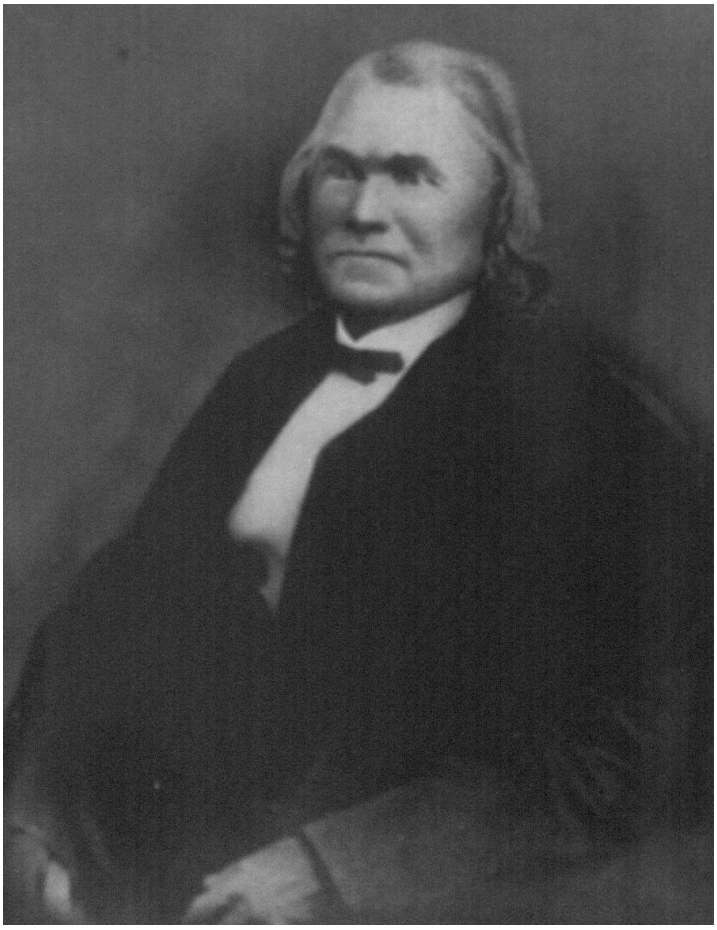

Figure 6. Stand Watie

(Hauptman, *Between Two Fires*, picture insert).

Pike went to the Creek Nation, and after only a couple of weeks scored his first major triumph: an alliance treaty with the Creek Nation signed on July 10, 1861 in North Fork Village, Creek Nation. The Creeks did not have a leader of Ross' power to oppose Pike, but a majority of the Creek people still opposed secession even at this late date. Before accepting the Confederate offer, over 1,000 Creeks held a meeting in early July to

[4] Abel, *American Indian*, 153-154; Dale, "Cherokees in Confederacy," 164-165.

consider the offer. As the past treaties were considered, and future courses debated, many leaders of unmixed Creek heritage began to come around to the pro-secession position already staked out by many the leaders of blended heritage. The influential McIntosh family, a pro-secession family of blended heritage led by Daniel N. McIntosh, pushed hard for secession, and by July 10 the tribe was ready to sign with the Confederacy. Not all had been convinced. The faction against a Creek-Confederate alliance gathered around the old Creek leader Opothleyahola, who refused to consider separation from the United States. Though he was not there to speak against the treaty in person, he was not a chief at the time, and would have had to fight the pro-secession group purely on his own influence built up through the years. When he learned of what transpired at North Fork, however, Opothleyahola never hesitated. He preferred to leave the Creek Nation rather than live in a land allied with the Confederacy, and his withdrawal from the Creek Nation would be the first test of the pro-Confederate treaty. Despite his protests, the treaty was signed on July 10, with more to come shortly.[5]

Also at North Fork village the Choctaw and the Chickasaw signed treaties with the Confederacy. The fact that Pike did not even need to come to their nations to persuade them to sign the treaties showed the pressure that had already been put on them to ally with the Confederacy and abandon their treaties with the United States. Most of the leaders of both nations had already been swayed to the South and were only waiting to treat with a commissioner who had the authority to put together a treaty binding both parties. In fact, the Chickasaw nation had adopted a bill that amounted to a declaration of independence from the United States in May 1861, and were ready to ally

[5] LeRoy H. Fischer and Kenny A. Franks, "Confederate Victory at Chusto-Talash," *Chronicles of Oklahoma* 49 (March 1972): 454-456; Mary Jane Warde, "Now the Wolf Has Come: The Civilian War in the Indian Territory," *Chronicles of Oklahoma* 71 (March 1993):66; Abel, *American Indian*, 192-195; Brown, *A Life*, 361.

themselves with the Confederacy. The Choctaw who had gone to Washington, D.C. about a tribal money matter helped Pike and the pro-secession group in persuading the few unconvinced Choctaw that a treaty with the Confederacy would be a good thing. Both the Chickasaw and Choctaw signed treaties with the Confederacy just two days after Pike negotiated the Creek treaty. The Choctaw-Chickasaw-Confederate treaty was signed on July 12, 1861, with Choctaw Principal Chief George Hudson announcing the independence of the Choctaw Nation on July 14. Pike now had just two more nations of the Five Tribes to convince about signing treaties with the Confederacy, the Seminole and the Cherokee.[6]

Albert Pike went next to the Seminole. Though he had signed treaties with three of the Five Tribes, some of the most powerful tribes in Indian Territory, he still had not gotten the Cherokee to sign with the Confederacy. His initial overtures to them through official channels had been rejected, but there was a chance that the Cherokee could be isolated and then dealt with. By building up momentum through signing treaties with all the other tribes he could, perhaps the Cherokee would be more willing to come over to the South. Pike knew that he would have to sign more treaties than only three before going back to the Cherokee, so he headed for the Seminole Nation.[7]

The Seminole Principal Chief, Billy Bowlegs, was not well-disposed to the Confederacy or its member states that had helped the United States army remove the tribe from their southeastern homelands. Pike did have an ally in another important chief, John Jumper, but the Seminole as a whole were not enthusiastic about signing a treaty

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[6] Abel, *American Indian*, 157, 192-197; Brown, *A Life*, 362-363; A. Alexanan, John E. Anderson, and C. Harris, "Resolutions of the Senate and House of Representatives of the Chickasaw Legislature Assembled," May 25, 1861, *O.R.* I, 3, 585-587; Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma Press, 1971): 263-264; George Hudson, "Proclamation by the Principal Chief of the Choctaw Nation, June 14, 1861, *O.R.* I, 3, 593-594.

[7] Franks, "An Analysis," 459; Abel, *American Indian*, 157, 192-197.

with the Confederacy. Having fought the United States army for so long, it is strange that the tribe did not want to leave United States "protection" at the first opportunity. Pike shrewdly brought some of the Creeks who had just signed a treaty with the Confederacy to help him persuade the Seminole. Former United States Indian agents who were pro-secession also rallied behind Pike's efforts. Despite all the pressure, the main body of Seminole leaders was not swayed to the Confederacy. [8]

Figure 7. John Jumper

(Hauptman, *Between Two Fires*, picture insert).

[8] Graves, "Five Civilized Tribes," 207; Abel, *American Indian*, 199; Brown, *A Life*, 363-364.

Even with friends pushing for the Seminole to leave the United States' treaties behind, it took Pike almost three weeks to persuade enough Seminole leaders to sign the treaty, and even then he had to sign a secret treaty with John Jumper and get the Seminole leadership to ratify it after the fact. Despite many people's efforts to convince others about the merits of a treaty with the Confederacy, once the treaty with the Seminole was signed on August 1, 1861, an exodus of pro-United States Seminole took place. Many left to rally behind Opothleyahola and his rapidly growing coalition of Five Tribes Indians who were loyal to the United States.[9]

Pike was also authorized to sign treaties with other tribes in Indian Territory, not just the Five Tribes. Since he had not received any communications from Chief Ross indicating a change of heart towards the Confederacy, he decided to let the Cherokee ponder the future longer while he went to find the Wichita, Comanche, Osage, Seneca, Shawnee, and Quapaw. Some of these tribes, including the Quapaw and Osage, held land in Kansas, so this was a way for the Confederacy to encroach into areas considered to be more pro-Union than was Indian Territory to the south. Some of them signed treaties with the Confederacy, and some did not. It took time for Pike to reach the itinerant Plains tribes, but he eventually found a band of Comanche willing to sign a peace treaty with the Confederacy. Whether this one group of Comanche possessed the authority to speak for all Comanche is debatable, but Pike worked out a peace deal with them on August 12. That same day, Pike also signed a treaty with miscellaneous Indians living along the False Washita River, including the Wichita. With each of Pike's

[9] Littlefield, Jr., *Africans and Seminoles*, 182; McReynolds, *The Seminoles*, 292.

successes, pressure built on the most powerful tribe in the area, the Cherokee, to join their neighbors in working out a deal with the Confederacy.[10]

All this time that Albert Pike had been negotiating treaties with the Five Tribes and other Indian groups, Benjamin McCulloch had not been idle. Despite McCulloch's acknowledgment of Cherokee neutrality, and his assurances to John Ross that he would honor it, McCulloch turned a blind eye to United States and then Confederate States Indian Agent Douglas Cooper's raising of Indian troops for the Confederacy as early as April 1861. Cooper was joined by Stand Watie and Watie's nephew Elias Boudinot in this, as the Watie family had more influence than Cooper alone, and Stand Watie wanted command of the troops organized. McCulloch wrote to Watie authorizing him to raise troops to protect the Cherokee border, but gave him no other authorization. This was blatantly illegal, as Ross' neutrality policy was still in effect, and the troops were organized within the boundaries of the Cherokee Nation, but Cooper and Watie did not care. With McCulloch fighting the Battle of Wilson's Creek in Missouri in August, Cooper had a free hand in enrolling troops, though some left to join McCulloch at Wilson's Creek. With the Confederate victory at Wilson's Creek, the pro-secessionist groups across Indian Territory were emboldened and pushed with redoubled energy for all tribes hesitating to come and sign treaties with the Confederacy. After Wilson's Creek, McCulloch moved his command to the edge of Cherokee country, ready to defend

[10] Robert Kerby points out just how blistering a pace Pike set in negotiating treaties. Within three and a half months, he had negotiated treaties with the Creeks, Chickasaw, Choctaw, Seminole, Osage, Quapaw, Seneca, Shawnee, eleven tribes in the Ouachita Agency, four Comanche bands, and the Cherokee. Robert L. Kerby, *Kirby Smith's Confederacy: The Trans-Mississippi South, 1863-1865* (Tuscaloosa: University of Alabama Press, 1972): 39; Letter from Albert Pike to L.P. Walker, July 31, 1861, *O.R.* I, 3, 623-624; Gary L. Cheatham, "'Within the Limits of the Southern Confederacy': The C.S.A.'s Interest in the Quapaw, Osage, and Cherokee Tribal Lands of Kansas," *Kansas History* 26 (Autumn 2003): 174-175; A.M. Gibson, "Confederates on the Plains: The Pike Mission to Wichita Agency," *Great Plains Journal* 4 (1964): 9-16.

the area if necessary, but also waiting for news of his victory to reach John Ross and influence him to change his neutrality policy.[11]

By late August, certainly by early September, John Ross was changing his mind about neutrality. The Battle of Wilson's Creek, which took place in Missouri on August 10, 1861, was a decisive Confederate victory and showed Ross that the Confederates were able to win battles. Ben McCulloch was one of the Confederate commanders, and his triumph also reflected well on his abilities to protect Indian Territory, since he had been detailed to protect the Territory. Probably a trickle of Indians who had taken part in that battle, now coming back to Indian Territory, helped jolt Ross into action once he saw their enthusiasm for the Confederacy. There was also the fact that the Cherokee were now virtually the lone holdout of all the Indians in Indian Territory who had signed peace treaties with the Confederacy. If the Cherokee did not act soon, they might find themselves under attack, at least verbally, by other tribes who were more committed to the Confederate cause.[12]

Ross also had to do something to slow down the pro-Confederate team of Douglas Cooper and Stand Watie, who were recruiting Cherokee ostensibly as a home guard, but everyone knew they would fight for the Confederacy at the first opportunity. Ross was in danger of losing his position as head of the Cherokee Nation, since his enemies were now backed with military troops, and Ross had none to ensure that his wishes would be carried out. It was imperative that he begin forming a unit of troops loyal to him, but they would not rally around neutrality as the Cherokee policy now after the resounding

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[11] *Ibid*., 207-211, 225-226; Letter from Benjamin McCulloch to L.P. Walker, June 22, 1861, *O.R.* I, 3, 595-596; Letter from L.P. Walker to Douglas Cooper, May 13, 1861, *O.R.* I, 3, 574-575; Lynda Lasswell Christ and Mary Seaton Dix, editors, *The Papers of Jefferson Davis*, volume 7 (Baton Rouge: Louisiana State University Press, 1992): 267; Colbert, "Elias Cornelius Boudinot," 249.

[12] National Park Service, "A Brief Account of the Battle of Wilson's Creek," http://www.nps.gov/wicr/historyculture/brief-account-of-the-battle.htm, accessed 25 October 2010; Gary E. Moulton, *John Ross: Cherokee Chief* (Athens: University of Georgia Press, 1979): 170-172.

Confederate win at Wilson's Creek. Ross had no choice but to accept a Confederate alliance treaty and try to install officers loyal to him into the Cherokee-Confederate army,

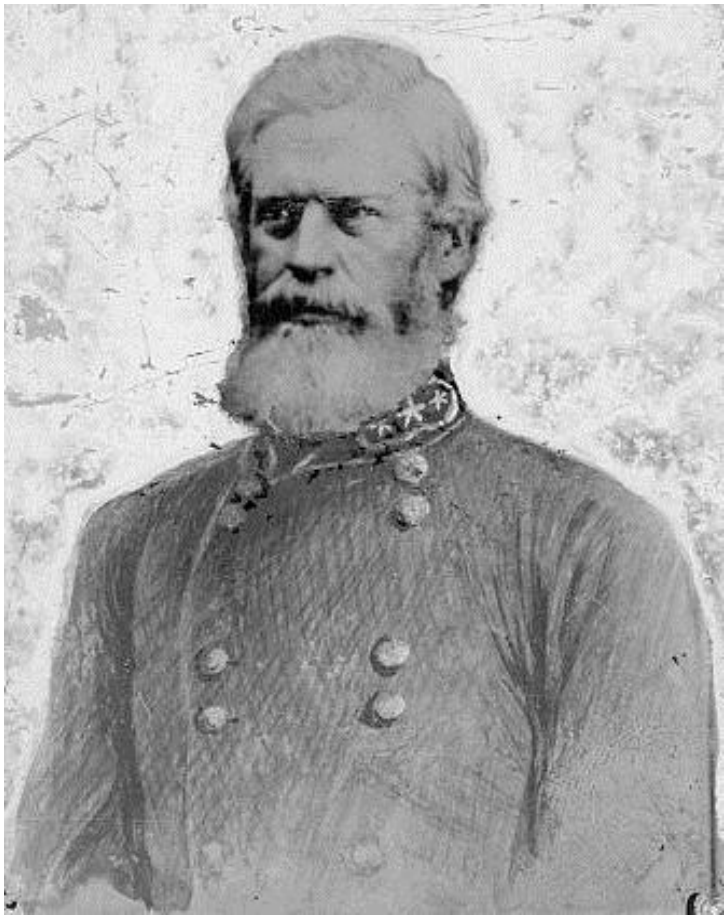

Figure 8. Douglas Cooper

(Picture from Library of Congress Prints and Photographs Division, http://hdl.loc.gov/loc.pnp/cph.3c34004, accessed 14 December 2010).

so that he could retain at least some control over future events. Ross set the date of August 20 for a mass meeting of the Cherokee people, and asked Pike to come sign a treaty with the Cherokee. [13]

[13] Letter from Benjamin McCulloch to John Ross, June 12, 1861, *O.R.* I, 3, 591-592; Susannah J. Ural, *Civil War Citizens: Race, Ethnicity, and Identity in America's Bloodiest Conflicts* (New York: New York University Press, 2010): 191; Hauptman, *Between Two Fires*, 47-48.

The Cherokee mass meeting opened on August 20, and John Ross delivered the principal address, though others spoke as well. After reviewing his neutral policy, he shocked everyone by declaring that since nearly every other Indian nation had declared for the Confederacy, the Cherokee should not stand alone; they should also seek an alliance with Pike and the Confederacy. This bombshell got everyone talking, even the 70-80 pro-secession men who intended to break up the meeting, as reported by a missionary at the gathering. The result of the meeting was a series of resolutions by the Cherokee stating their friendship for the Confederacy and confidence in Ross to lead the Cherokee and the Confederacy together into a mutually beneficial alliance. Ross also pushed through his plan to raise a mounted regiment, to be staffed by Cherokee loyal to him, and not to the Watie faction of the nation.[14]

McCulloch was notified of the Cherokee change of heart on August 24, and Pike returned to the Cherokee Nation to put together a treaty, which was signed on October 7. Ross also helped convince smaller outlying nations who had not yet signed with the Confederacy, such as the Quapaw and the Osage Nations, to ally with the Confederacy so that all the Indian nations of the area stood together. As of October 7, 1861, Benjamin McCulloch and Albert Pike had accomplished their objectives: all of the Five Tribes and more Indian nations besides had signed peace treaties with the Confederacy, the Five Tribes would provide troops to fight the Union, and the trans-Mississippi Confederate states were safe from Union intrigue among the Indians.[15]

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[14] *Ibid*., 217-225, 234; Letter from John Ross to Benjamin McCulloch, August 24, 1861, *O.R.* I, 10, 673-678; Wardell, *Political History*, 131-132; Brown, *A Life*, 369; Jay Monaghan, *Civil War on the Western Border, 1854-1865* (Boston: Little, Brown, and Company, 1955): 217; Gary E. Moulton, "John Ross and W.P. Dole: A Case Study of Lincoln' Indian Policy," *Journal of the West* 12 (1973): 415; Bailey, *Invisible Southerners*, 34.

[15] Cheatham, "Within the Limits," 175; Wardell, *Political History*, 132; *Ibid*., 235-239; Brown, *A Life*, 369-370; *Farmer's Cabinet*, "The Disaffection of the Creeks and Cherokees," October 11, 1861.

Analyzing the Five Tribes' Treaties

The treaties that the Five Tribes signed with the Confederacy in 1861 were among the most liberal treaties the Tribes ever signed. Despite stipulations for the tribes to provide soldiers for the Confederacy, and to fight only in Indian Territory, the tribes received a bounty of provisions never before seen in treaties with the United States. The ability to go over their agent's head by sending a representative to the Confederate Congress was one of the major features, but also included were provisions for the Confederacy to pay all annuities owed to the tribes by the United States and guarantees that the Confederacy would never purchase any land then a part of the nations. These terms and others were quite a bundle of promises, and though the Confederacy never did enact many of them, these terms were much better than the Indians had enjoyed under their relationship with the United States.[16]

All of the treaties were extremely careful to delineate the boundaries of the Five Tribes nations. If the boundaries of the nations were not designated accurately, disputes could arise later between Confederate states and Indian nations, and the states would probably prevail. Pike at least was on the Indians' side when it came to land deals, due to his past legal cases with their representatives, and he wanted to make sure that they would not lose any more land. The boundaries set forth in the treaties were practically the same as they had been before, with one minor alteration of the Choctaw-Chickasaw-Arkansas boundary. The Confederacy guaranteed that no nation, including itself, would ever purchase any land from the Five Tribes and add it to an already existing state or territory. Nobody other than Indians could set foot in Five Tribes lands unless authorized by the individual nations, keeping tribal integrity intact and ensuring that other tribes

[16] Dale, "Cherokees in Confederacy," 166; Abel, *American Indian*, 177.

would not be settled in the same area that the Five Tribes already held, as had been done before.[17]

Complete internal self-government was guaranteed by the Confederacy to the Five Tribes, including full control over all people and property within their lands. However, the laws of the Five Tribes must be compatible with Confederate laws, the Five Tribes could not try non-tribal members, and the Confederacy would be the final judge of trade and intercourse matters and disputes. For the purposes of Confederate and tribal laws, citizens of the Five Tribes were defined as people who had intermarried, or people who had settled among the Indians with their consent and took part in elections. Each tribe would be the sole authority on who met these requirements, but once it was declared that someone met these standards, they could never be defrauded of the privileges of tribal citizenship.

In terms of future diplomacy between the Confederacy and the Five Tribes, each tribe would receive one agent and one interpreter, not to be appointed without the Indians' consent, and subject to removal by the appropriate Indian authorities. These agents would be the primary diplomatic contact between the tribes and the Confederacy. In a larger scope, the Indians would be perpetually bound to the Confederacy in offensive and defensive alliances. No other nation could enter into any agreement with the Five Tribes, but the tribes themselves could band together to improve their mutual welfare. If the tribes needed military help to eject any intruders from their country, the Confederacy was obligated to help, whether the matter was internal strife or hostile invaders. Cattle ranchers evidently qualified as intruders, since the treaties stipulated that no one could graze animals on tribal lands without the consent of the tribes.[18]

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[17] *Ibid*., 158-162; Franks, "An Analysis," 460-463; Dale, "Cherokees in Confederacy," 165.

[18] Franks, "An Analysis," 464-466.

For present and future military operations, stemming from the military alliance, the Five Tribes were required to provide troops for the Confederate military. These troops, paid and equipped by the Confederacy, had strict conditions attached to their use. They could not go out of Indian Territory, they would be commanded by their own officers, and the Five Tribes would never bear the cost of defending themselves in the current Civil War or any other war. Thankfully for the tribes with smaller populations, they would not all have to provide the same number of soldiers. The Cherokee, as the largest of the five nations, would provide a full regiment of ten companies for service in the war. An additional two mounted companies would provide for home defense while so many men were away fighting. The Choctaw and Chickasaw were again grouped together and had to provide ten companies together. Seminole and Creek men would have to join together and form ten companies as well. These fighting men were one of the primary reasons the Confederates wanted an alliance with these tribes, since they expected these Indians would make excellent soldiers and scouts for the Confederacy. They were also the only reservoir of manpower available in a sparsely settled area, and through treaties they could instantly provide men to protect the borders of Confederate states Texas and Arkansas, making the men who otherwise would have had to defend those two states free for duty elsewhere.[19]

The Five Tribes would also be rewarded financially for siding with the Confederacy. The Confederacy would assume all annuities paid (or not) by the United States, with the money invested according to how the Indians chose to do so. The Confederacy would also pay all moneys that the Indians would stand to lose that had been invested by the United States government in stocks in neighboring states, a significant sum of money. Delegates to the treaty-signing meetings were also reimbursed

[19] *Ibid.,* 469.

with a substantial amount of money. As one example, the Choctaw and Chickasaw combined received two thousand dollars to cover travel expenses. Other money was awarded to the tribes independent of annuities or treaty travels. For arms and ammunition expenses relating to the arming of Five Tribes men for Confederate military service, the Choctaw received $50,000, though it is not clear if any of that was actually given to the tribe. To satisfy the Seminole in their treaty, the Confederacy obligingly went all the way back to the time of removal and agreed to pay the Seminole people for the slaves illegally taken from them during their journey to Indian Territory. Finally, as more of a political payoff for his services in bringing the Seminole into the Confederate fold, the Confederacy awarded $500 to principal chief John Jumper, $100 for Seminole signers of the peace treaty, and an astonishing $1,250 dollars for unspecified Southern supporters. Either the distribution of all this money was necessary to get the Seminole to sign the treaty, or this was a payoff unprecedented in Confederate negotiations with the Five Tribes to persuade money-hungry leaders to go against the will of their people and obligate their nation to be under Confederate protection.[20]

Every nation in the Five Tribes received the right to send a representative to the Confederate Congress to represent their nation without depending on their tribal agent to do it for them. This representation, which had been proposed for Indians to have in the United States Congress for years without any result, was finally made available to Indians under the Confederacy. The potential existed, however, for some representatives to become confused, since each tribe did not have one representative. Some tribes were combined with others for representational purposes, such as the Creeks and Seminole,

[20] *Ibid*., 471; Abel, *American Indian*, 163-166; Alvin Turner, "Financial Relations Between the United States and the Cherokee Nation," *Journal of the West* 12 (July 1973): 374; Ohland Morton, "Confederate Government Relations with the Five Civilized Tribes," *Chronicles of Oklahoma* 31 (1953): 204.

and Choctaw and Chickasaw. The Cherokee alone received one delegate. This probably had more to do with tribal population than with intentionally slighting some Five Tribes nations. The delegates had to be tribal citizens, to avoid foreign domination of the new right of congressional representation, and be over twenty-one years old. Like their regular state counterparts, they served for two years and then had to run for reelection. This idea of congressional representation for the Five Tribes, long sought but never attained under the United States, was the culmination of an idea to give Indians more of an equal footing in the national government.[21]

Attached to some treaties were specific articles that applied only for one or two Indian nations. Every nation in the Five Tribes had clauses that only applied to an individual nation in their treaties, regarding everything from representation in the Confederate legislature, to travel remittances, to monetary claims dating from removal, and to how many soldiers they had to supply the Confederacy. These individual claims not only addressed the needs of a specific nation, but also sweetened the pot that a nation would receive if they joined with the Confederacy.

The Chickasaw and Choctaw together received one of best political offers any tribe ever received in American history. A clause in the treaty provided these two tribes' ultimate admission into the Confederacy as a single state, an offer extended to no other tribe. This is curious, considering that even combined the Chickasaw and Choctaw were not as numerous as several other tribes. Yet they were considered the most Southern-like of the states, at least as far as slaveholding and high society went, and perhaps this was recognition of that. The treaty cites only "in consideration of the uniform loyalty and

[21] *Ibid.*, 470.

good faith" as the reasons why the Choctaw and Chickasaw should get the chance to become a state.[22]

Another clause unique to certain treaties included the right of the Choctaw and Chickasaw to petition the removal of their agent if he did not obey their laws. The Cherokee, Choctaw, and Chickasaw regained their land if their tribal agency was moved to another location within their nation, a curious provision that perhaps was made in recognition that their agency would have to move at some point in the future. The Seminole negotiated a potentially huge source of cash: the Confederacy agreed to pay for all slaves owned by Seminoles seized during their removal from the southeast. Even though it may have been an admission of guilt over wrongs from long before, the fact that the Seminole were able to parlay their support for the Confederacy into such an agreement either illustrates how desperately the South wanted allies or how hard of a bargain the Seminole were trying to strike. Regardless of the Confederacy's position, Albert Pike was willing to make special modifications to each treaty to get the maximum support possible from each tribe.[23]

All of these new treaty additions were better terms than the Indians and their sympathetic allies had ever gotten from the United States. Whether it was desperation by the Confederacy in trying to find and sign allies or that they genuinely wanted to help the Five Tribes is open to conjecture, but now the Confederacy had the treaties it wanted. All that remained was for the Confederate Congress to approve them.

The Confederate Congress did approve the treaties Pike negotiated, though President Jefferson Davis was concerned about a few of Pike's more novel ideas embedded within the treaties. Predictably, the problems were caused by the articles that

[22] Franks, "An Analysis," 463-464.

[23] Franks, "An Analysis," 465, 471-472.

provided for a delegate in the Confederate Congress and future statehood for the Chickasaw and Choctaw. Though these were central to future Indian checks on Southern land-grabbing schemes, Davis believed they were unconstitutional, and that such things should be left up to the Confederate Congress to decide, not lowly treaty-makers on the ground talking with the Five Tribes about how to ensure their future safety within the Confederacy. Nevertheless, Davis forwarded the treaties to the Congress with only a minimal preface. Congress saw fit to make only minor changes. The idea of congressional representation for the Five Tribes was agreed to, but these representatives could only participate on topics that the Five Tribes were particularly interested in, instead of a blanket right to any get involved in any congressional action. Rights to Confederate civilian courts were also changed slightly, but not enough to make a big difference. Other than in those areas, the Confederate Congress passed Pike's treaties, a major coup considering Pike had only scanty instructions and almost unlimited power to bind the Confederacy to any terms necessary to get the Indians on the Confederate side.[24]

McCulloch's Organizing Activities

Meanwhile, Benjamin McCulloch had been active. Once the treaties had been signed with four of the Five Tribes, he began mustering in soldiers for cavalry units. When the Cherokee joined with the Confederacy, organizing troops became a top priority, as all the Five Tribes had now committed to enrolling their men into a home defense force under Confederate organization.

Upon arrival at his department in May, McCulloch immediately began raising Texas and Arkansas cavalry units, as his orders directed. Enlistments for Indian units

[24] Paul T. Wilson, "Delegates of the Five Civilized Tribes to the Confederate Congress," *Chronicles of Oklahoma* 53 (Fall 1975): 353-354; Franks, "An Analysis," 472.

were a little slower than the men flocking to his banner in Arkansas and Texas, but by June 1861 McCulloch was forming the 1st Regiment Choctaw and Chickasaw Mounted Rifles, with Union-turned-Confederate Indian Agent Douglas Cooper as colonel. By the end of July, this unit had 1,085 men, and McCulloch posted it close to the Cherokee border, with his own growing army on the western Missouri border.[25]

Despite no effort to officially join the Confederates until August, so many Cherokee wanted to join McCulloch's growing army that he was obliged to have them form their own unit. By the time the Cherokee did in fact side with the Confederacy, pro-treaty leader Stand Watie had already raised a battalion of 300 men just across the border from the Cherokee Nation in Arkansas, and petitioned McCulloch for instructions. McCulloch ordered him to the north of the Cherokee Nation, just over the line into Kansas, to watch both Ross and Kansas. Later in 1861, Watie had the opportunity to begin raiding Kansas with his regiment, which McCulloch ordered him to do beginning in October.[26]

After the Cherokee came into the Confederate fold, McCulloch redoubled his enlistment efforts. He formed the men signing up into the following regiments:

1st Choctaw and Chickasaw Mounted Rifles, commanded by Colonel Douglas Cooper

1st Cherokee Mounted Volunteers, commanded by Colonel Stand Watie

1st Cherokee Mounted Rifles, commanded by Colonel John Drew

1st Creek Mounted Volunteers, commanded by Colonel Daniel McIntosh

[25] Letter from Samuel Cooper to Benjamin McCulloch, May 13, 1861, *O.R.* I, 3, 575-576; Stephen B. Oates, *Confederate Cavalry West of the River* (Austin: University of Texas Press, 1961): 18; Letter from Benjamin McCulloch to L.P. Walker, June 22, 1861, *O.R.* I, 3, 595-596.

[26] Letter from Benjamin McCulloch to Sterling Price, October 22, 1861, *O.R.* I, 3, 721.

These were the main units that would see action in the Civil War, though there were many smaller units that were also organized and fought for the Confederacy.[27]

McCulloch had to contend with many challenges in recruiting and organizing his new Indian units. Having come into an area with no existing military structure for the Confederacy, he did an admirable job of setting up supply depots and gathering what supplies he could for them, but it was not easy. Indian Territory was large and sparsely populated, and it was difficult to find supplies for military forces. However, after a time supplies became the least of McCulloch's worries. He could grow and gather more foodstuffs, but he could not simply make more rifles and cannon. These had to come from outside, but his repeated pleas for more munitions to the Confederate War Department could not be answered positively. Unfortunately for McCulloch, it seemed to be a truth universally acknowledged that every Southern commander was looking for more and better guns and ammunition. The War Department was dealing with crippling shortages across the South, and supplying Indian Territory naturally was not as high a priority as Virginia and Tennessee. McCulloch would have to do the best for the Indians that he could.

This shortage of guns and ammunition made McCulloch's Indians make do with a bewildering variety of flintlocks, shotguns, cumbersome close-quarter fighting knives of all sorts, tomahawks, and few cannon. The couple of white units McCulloch had, including the 1st Arkansas Mounted Rifles, 3rd Louisiana, and the Totten/Pulaski Light Battery, were little better off, with no belts, tents, ammunition, or cartridge boxes. Even

[27] For the many small units, which often did not exist long and were never up to full strength, see the lists in Moore, "Five Great Indian Nations," 329-331 and Oates, *Confederate Cavalry*, 19-20, 167-169. The battalions of Seminole and Creek commanded respectably by John Jumper and Chilly McIntosh were probably the best organized and most effective of the numerous small units after the main regimental organizations. See Abel, *American Indian*, 252-253; Kenny A. Franks, "The Implementation of the Confederate Treaties With the Five Civilized Tribes," *Chronicles of Oklahoma* 51 (March 1973): 4; Gibson, *The Chickasaws*, 265.

though they had fought with McCulloch at Wilson's Creek, they still did not have many basic supplies after the battle and their return to Indian Territory. The white soldiers at least, and probably the Indians as well, were resorting to running pleas in local newspapers for civilians to sell them better guns. Some were undoubtedly obtained this way, but for every white soldier who received a firearm, there were Indians who needed them too. In the absence of guns, even whites had no better weapons than huge Bowie knives, some reaching three feet in length. If any properly trained cavalryman was present in this motley army, he would have been amused at the use of saber-like knives. Despite the undisciplined nature of the army, at least some were equipped with objects approaching cavalry regulations. Not only did the lack of arms, instruction, and military accoutrements not reflect well on the Confederacy, but McCulloch's troops also could not hope to take the field if they were not soon supplied.[28]

As the troops trained and waited for supplies, the Confederates in McCulloch's command sized up the Indians of the Five Tribes as fighting men. Some were not convinced that the Indians would amount to anything as soldiers. One soldier from Louisiana was disgusted with "all the hideousness of their war paint," and thought them to be "apparently as savage as when…they alone inhabited the…continent." Even Pike himself admitted that they were undisciplined and not armed very well. Others were more impressed. A Louisiana captain, in stark contrast to the other man from his state, believed that the Creeks were "nearly as white as I am…educated gentlemen…polite as

[28] Ben McCulloch and Edward M. Coffman, eds., "Ben McCulloch Letters," *Southwestern Historical Quarterly* 60 (June 1956): 119; Cutrer, *Ben McCulloch*, 199-200, 206-207; Bullock, "The Confederate Services," 23-24; Edwin C. Bearss, "Fort Smith Serves General McCulloch as a Supply Depot," *Arkansas Historical Quarterly* 24 (Winter 1965): 317-318, 320-322, 326, 330-331, 338-342; Gibson, *The Chickasaws*, 265-266; Oates, *Confederate Cavalry*, 64-65.

any of our own race." Thus, reactions were mixed as to the future effectiveness of Indians as fighters in this white man's war.[29]

McCulloch also tried his hand at enlisting more men through a personal appeal. After the Battle of Wilson's Creek, many of the men under Arkansas Militia General N. Bart Pearce had gone home because their enlistment time was up. McCulloch saw these

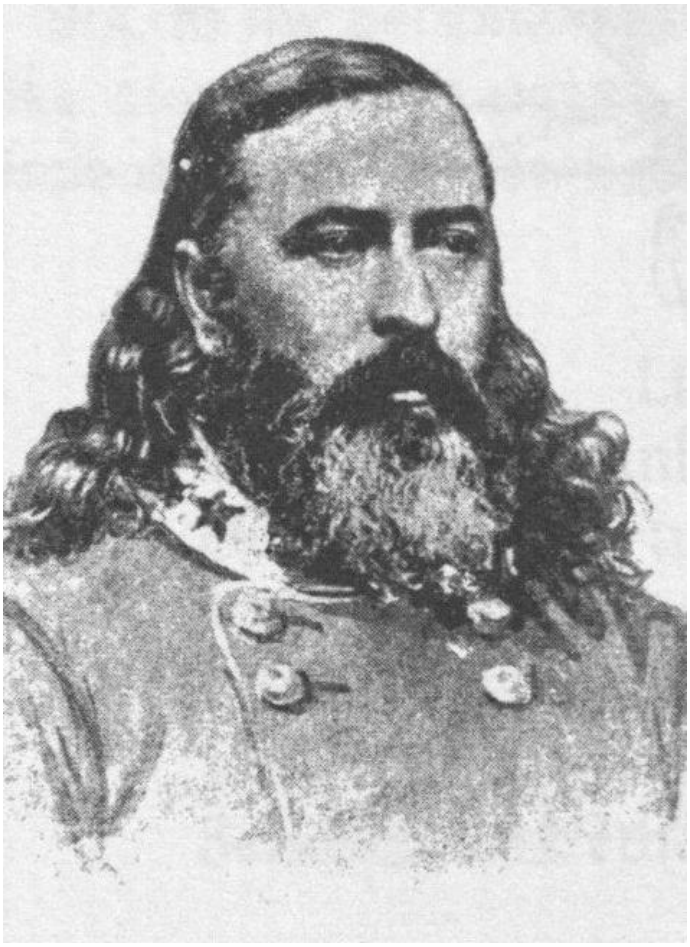

Figure 9. Brigadier General Albert Pike

(Picture from James T. Tresner II, *Albert Pike: The Man Beyond the Monument* (New York: M. Evans and Company, Inc., 1995): 198).

[29] Quoted in Cutrer, *Ben McCulloch*, 205-206.

as desirable men, who had combat experience, and he sent out an appeal through the newspapers for men to come to his headquarters to be trained and outfitted for Confederate service in the Arkansas-Indian Territory area. He hoped that the War Department, which had approved his appeal in advance, would also send along some arms for the new men, since he had only enough rifles for two regiments.[30]

McCulloch's proclamation was his last official action as immediate commander of Indian Territory. With his attention split between Indian Territory, Arkansas, and Missouri, the War Department evidently believed he needed relief, so it split Indian Territory away from his command and made it a separate military department. Reluctantly, McCulloch let the Indian command go, freely admitting that he did not have the time to tend to what was effectively three separate districts at once. With the government well pleased with Pike's service as commissioner and the ties to the tribes he had cultivated, Albert Pike was elevated to brigadier general and placed in charge of the newly created Department of Indian Territory. Pike was almost immediately confronted with a military problem emblematic of the larger tribal differences of opinion his treaties had helped magnify.[31]

But before Pike could confront any new challenges, he had to go to Richmond, capital of the Confederacy, to be on hand for the ratification of his negotiated treaties. From Richmond, Pike sent letters demanding the money, weapons, and accoutrements for his Indian soldiers to the appropriate officials in Richmond. Just to get gold coin to pay

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[30] Letter from N. Bart Pearce to Jefferson Davis, May 13, 1861, *O.R.* I, 3, 576; Bullock, "The Confederate Services," 60-61.

[31] By September, McCulloch wrote to Pike that "it is impossible for me to pay that attention to the Indian Regiments that I would like to, or that they should have from their commander," so occupied was he with Confederate efforts in Arkansas and Missouri. Quoted in McCulloch and Coffman, "Ben McCulloch Letters," 121; *Barrre Gazette*, "The Indian Tribes: The Geographical and Political Position," October 25, 1861; Brown, *A Life*, 372; Abel, *American Indian*, 253-254.

his soldiers consumed three weeks, and it was not until late January that he finally arrived back in Indian Territory.[32]

Campaign Against Opothleyahola

The old Creek leader Opothleyahola, who had refused to sign the Creek-Confederate treaty, had by now gathered a large group of Indians around him who varied in allegiances but were all somewhere between neutral and pro-Union. For some time he was not sure what to do with himself or his group. He only knew that he opposed living under Confederate-aided rule in his own homeland.

Finally, on November 5, 1861, he decided to go north to Kansas and live under the protection of the Union forces there. His followers, now numbering less than two thousand men plus an unknown number of women and children, began to move north. This action could also be interpreted that Opothleyahola intended to attack and defeat the Confederate Creek unit under McIntosh. Pike, preparing to leave for Richmond, sent Colonel Douglas Cooper with around 1,500 men to watch Opothleyahola. Cooper either took his orders too seriously or intentionally misread them, and he decided to crush Opothleyahola's force before it could reach Kansas.

Because Cooper was the temporary commander of Indian Territory during Pike's absence while he was in Richmond, no one could countermand his orders unless he received new orders from Pike before his campaign could start. In a running campaign with Cooper chasing Opothleyahola, during which both sides assured the other that they had no intention of fighting, the Confederates won three pitched battles and gathered many belongings of the refugees, though some of questionable military value. However, the bulk of Opothleyahola's force did reach Kansas and safety. The Confederate Indians

[32] Duncan, *Reluctant General*, 185-187, 193-197.

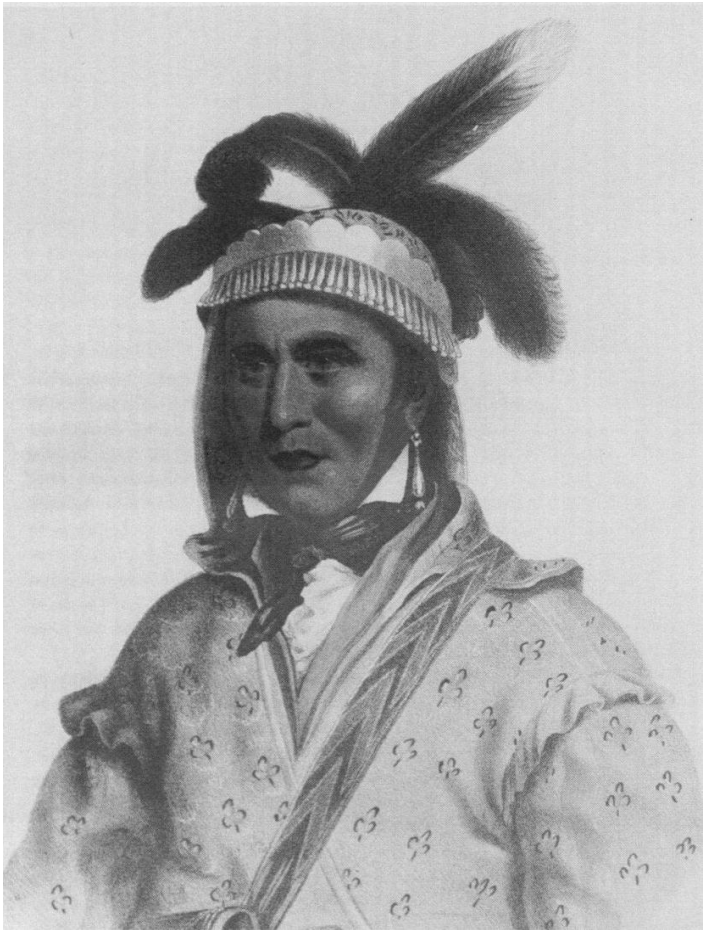

Figure 10. Opothleyahola as a Young Man

(Hauptman, *Between Two Fires*, picture insert).

now held further advantages, though they had come at a price. Many Cherokee, including almost all of Drew's regiment, had deserted when they learned they were about to fight the Creeks, which was a worrisome start to the idea of Indian service in the Confederate army. Regardless, the Confederate Indians were now rid of many Unionist Indians who did not agree with them, they had become richer through booty gathered while on campaign, and they had established their military supremacy in the area. The

Confederacy could also claim victory in all four battles fought close to Indian Territory, and that mattered a lot in keeping the Indians on their side.[33]

By this time, the United States had begun to act in Indian Territory. Though ill-equipped to deal with the flood of refugees into Kansas, Union commanders did what they could to help the Indians there. Other pleas for military help were reaching the federal government in Washington, D.C. sporadically, culminating with the visit of several Chickasaw to the Indian Commissioner, asking for help evicting the Confederacy from their lands, help that they were due under treaties signed with the United States. Though the United States was reluctant to help feed and clothe refugees, they were eager to enlist Indians to fight against their own people, at least on a departmental level in Kansas. Once word reached the United States War Department of plans to use Indians as soldiers, the whole project was shut down, pending further investigation.[34]

Upon the ratification of his treaties, Pike returned to his command and plunged into continuing McCulloch's work of organizing and equipping Confederate Indian units, using Fort Smith as a supply depot. He also had to construct fortifications around Fort Gibson, plus all the military buildings needed: commissaries, barracks, stables, kitchens, and all the rest. Although he had several people he trusted helping him, including his son and old friend William Quesenbury, none of them had any military background. Under

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[33] Author Stephen Oates tells a very different story about the campaign against Opothleyahola than everyone else does. He claims that Cooper lost more than one battle and had to request reinforcements not because they would help, but because they were required. With Cooper losing men fast due to desertion, he needed more men to keep his command from falling apart. Overall, Oates paints a bleak picture of something that was trumpeted as a series of Confederate victories, but was perhaps something quite different. Oates, *Confederate Cavalry*, 31-33; Fischer and Franks, "Confederate Victory," 452-476; Brown, *A Life*, 372-373; Abel, *American Indian*, 254-259; Monaghan, *Civil War*, 221-227; Purdue, *Slavery and Evolution*, 134-135; Parins, *Elias Boudinot*, 49; Duncan, *Reluctant General*, 188-192; McReynolds, *The Seminoles*, 292-302; Arrell Morgan Gibson, "Native Americans and the Civil War," *American Indian Quarterly* 9 (Autumn 1985): 388-389.

[34] Warde, "Now the Wolf Has Come,"68-70; Abel, *American Indian*, 260-261, 265-267, 270-271, 275-279.

these circumstances, he needed trained help and ways to train all those under his command. Tellingly, even though he sympathized with the Indians and had aided them in many ways, he wrote immediately to the War Department requesting white soldiers to help. "I wish to organize a…respectable command," he wrote. "I am not desirous to be merely a general of Indians, because a force of…irregular mounted troops is only of value when sustained by infantry and artillery." Of course, these base infantry and artillery should be white troops, not Indians. Soldiers from the Five Tribes might be helpful, but in Pike's eyes they were still merely Indians, and not as reliable or as disciplined as regular white troops were.[35]

The reply from the War Department was less than helpful. Pike was given permission to raise two infantry regiments and two artillery batteries of white soldiers, but he would receive but no additional arms, money, or supplies to equip them. Pike also had to deal with the official fallout from Cooper's expedition against Opothleyahola. He blamed a myriad of things for Cherokee desertions before the fight: no guns, no pay, Unionist influence, no word of the treaties being ratified, and too few white troops to back up Indian military units. Whether all of these excuses were valid is debatable, but Pike did finally get promises of rifles for the Indians from the War Department, though little ammunition followed.[36]

Van Dorn Appointed

After observing the fragmented and confused nature of dealing with the Confederate military commands west of the Mississippi River for over a year, on January

[35] Duncan, *Reluctant General*, 186-187; W. David Baird, "Fort Smith and the Red Man," *Arkansas Historical Quarterly* 30 (Winter 1971): 340, 342; Lee David Benton, "On the Border of Indian Territory: The Oklahoma Adventures of William Quesenbury," *Chronicles of Oklahoma* 62 (June 1984): 144.

[36] Brown, *A Life*, 375-379; Parins, *Elias Boudinot*, 50.

10, 1862, Confederate President Davis decided to act. Ben McCulloch and Sterling Price had not agreed on anything in Missouri since their big win at Wilson's Creek, and close cooperation was needed in an area of so few resources. McCulloch, concerned about Indian Territory, Texas, and Arkansas, wanted to stay in northwest Arkansas until he had a clearer picture of any Union actions. Price, a Missourian and commander of an army of Missourians, had no wish to be anywhere else but Missouri and could not understand why McCulloch would not come help him eject the Yankees from his state. McCulloch, to his credit, had seen that a partnership between himself and Price would not work without a commanding officer over both of them, so he suggested to Price and Missouri Governor Claiborne Jackson that they ask Major General Braxton Bragg, at that time commanding a department in Florida, to come and be their superior commander. Having a supreme Trans-Mississippi commander seemed sensible to Governor Jackson, who was looking for any attention Missouri could get, and he seconded the motion.[37]

Meanwhile, another person close to the action, Arkansas Congressman Robert Johnson, wrote to overall western commander Albert Sidney Johnston about the situation in the trans-Mississippi, warning him that defeat would undo all Indian treaties, encourage Price's army to desert, and throw the entire frontier into chaos. That brought an alarmed Jefferson Davis into the fray, and he began to consider possible commanders. With his first choice, however, Davis demonstrated that he did not understand the type of leader that was needed for the region. Undoubtedly both Price and McCulloch expected a well-known, respected, battle-tested, experienced commander as their superior, since both were quite well-known and had seen combat. Instead, Davis proposed promoting Colonel Henry Heth, a youthful soldier and definitely a junior officer to both McCulloch

[37] Robert G. Hartje, "A Confederate Dilemma Across the Mississippi," *Arkansas Historical Quarterly* 17 (Summer 1958): 123-124; Cutrer, *Ben McCulloch*, 266-270, 273-277; Abel, *American Indian*, 279-280; Brown, *A Life*, 383-384; Fouts, *Life and Times*, 81-82; Bulloch, "Confederate Services," 75.

and Price. The uproar that followed proved that Missouri, Texas, and Indian Territory would not rally around such an officer, whose only recommendation seemed to be Davis' approval of him and his status as a graduate of West Point. Davis' next choice for the command was the one already proposed, Braxton Bragg, but Bragg refused the assignment, preferring to command a corps in the army Albert Sidney Johnston was putting together to confront Ulysses S. Grant in Tennessee. An exasperated Davis now had to come up with a third suggested commander. This time he found the man for the job: Major General Earl Van Dorn.[38]

Earl Van Dorn was possibly the only man who could come into the McCulloch-Price disagreement and command instant respect. A West Point graduate, longtime Indian fighter, past commander of the Department of Texas, and ranking major-general of the Confederacy, Van Dorn epitomized everything both sides had wanted in a commander: experience, reputation, and aggression. Just as important to Davis was the fact that Van Dorn was from Mississippi and thus had no inclination towards one side or the other. He was also less than honorable in his dealings with women, not because of his interest in them, but because of his interest in already married women. Though his appointment was viewed with mixed feelings in the Confederate ranks, at least one newspaper heartily endorsed him. Pike had not liked Van Dorn ever since Van Dorn had led a detachment of the 2nd United States cavalry against a Comanche band under the protection of a flag of truce in 1858. Van Dorn's force killed everyone they could in the attack, and Pike protested Van Dorn's conduct in a letter to Washington, D.C.. Nothing

[38] Steven E. Woodworth, *No Band of Brothers: Problems in the Rebel High Command* (Columbia: University of Missouri Press, 1999): 54-59; Hartje, "A Confederate Dilemma," 125, 128-131, Letter from Judah Benjamin to Braxton Bragg, *O.R.*, I, 6, 788-789; Harvey S. Ford, "Van Dorn and the Pea Ridge Campaign," *Journal of the American Military Institute* 3 (Winter 1939): 226.

ever came of it, but Pike could not have been pleased that an indiscriminate killer of Indians was now his overall commander.[39]

However Van Dorn was viewed, it soon became obvious that he knew nothing about the existing Confederate treaties with the Five Tribes, or even Pike's military force

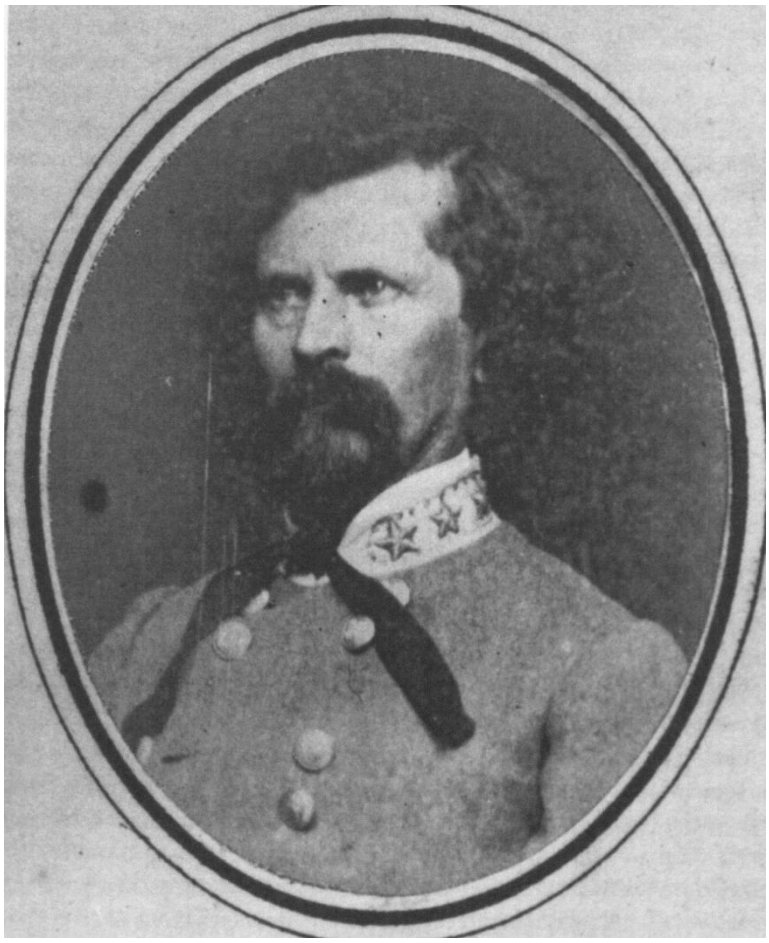

Figure 11. Earl Van Dorn

(Picture from Shea and Hess, *Pea Ridge*, 21).

in general. For weeks he believed that Pike had at least ten thousand men, when in fact Pike had around two thousand. After that mistake was corrected, Van Dorn pressed for

[39] Albert Castel, "Earl Van Dorn-A Personality Profile," *Civil War Times Illustrated* 6 (January 1967): 38-39; Bulloch, *Confederate Services*, 77; Monaghan, *Civil War*, 233; Arnold, *Jeff Davis's Own*, 187-209; Duncan, *Reluctant General*, 200; Ford, "Van Dorn," 222-223.

Pike to join McCulloch and Price in a grand offensive to capture St. Louis. No record exists of Jefferson Davis or Albert Sidney Johnston giving Van Dorn orders to capture that city, but it would certainly have served their purpose for Van Dorn to attempt it. Davis at least, if not Johnston, saw any offensive by Van Dorn as a grand diversion to draw Federal troops away from Johnston, and the capture of St. Louis certainly qualified. Van Dorn happily pursued his plan, whether he had official sanction or not, and ordered Pike to join him with all his soldiers. Pike objected, along with many Indian leaders, since the treaties said specifically that the Indian troops were not to be taken out of Indian Territory. Van Dorn impatiently overruled him and ordered Pike to bring his entire force to join the Confederate coalition of troops gathering under Van Dorn's command, which waited to launch an invasion of Missouri and decide once and for all who would control the trans-Mississippi West.[40]

[40] Robert G. Hartje, *Van Dorn: The Life and Times of a Confederate General* (Vanderbilt: Vanderbilt University Press, 1967): 104-106; Jefferson Davis, *Rise and Fall of the Confederate Government, Vol. II* (New York: D. Appleton and Company, 1881): 51.

CHAPTER FOUR

The End of the Partnership

By late February 1862 Earl Van Dorn was on his way to take charge of the combined divisions of Sterling Price and Benjamin McCulloch, annihilate the Federal army in the area under Brigadier General Samuel R. Curtis, then take St. Louis. Albert Pike, still organizing and equipping his Five Tribes forces in Indian Territory, was under orders to hurry up and join Van Dorn's army as soon as possible. This order from Van Dorn demanding that the Indians move to Arkansas was in direct violation of peace treaties with the Five Tribes, which specifically stated no Indians would ever serve in armies outside of Indian Territory. Pike protested on this basis, but everyone knew the climactic battle that Van Dorn was seeking would not come in Indian Territory, and if the Indians wanted to be a part of a victory they would have to go to Van Dorn.[1]

Pike reluctantly acquiesced to Van Dorn's orders, but he knew the Indians would not go without first being paid. Not only did Pike have to arrange for the money to be paid to Indians in the military, but he also had to arrange for the treaty monies to be given safely to authorized representatives from the tribes, along with other supplies. Getting all of this to the proper tribes meant finding transportation, plus trying to move military forces to Arkansas. It was a hard job to say the least. Pike started organizing on January

[1] Abel, *American Indian*, 280-284; LeRoy H. Fischer and Jerry Gill, "Confederate Indian Forces outside of Indian Territory," *Chronicles of Oklahoma* 46 (September 1968): 249.

28 but did not arrive at army headquarters with all his forces until March 6, too late to take part in planning the upcoming battle.[1]

It is difficult to tell how many Five Tribes Indians Pike took with him to Pea Ridge. The main regimental structures were in a fair state of organization, but with many battalions attached at various times to Pike's command it is very difficult to obtain a definitive number as to how many Indians Pike had to go to war with. The usual estimate is 2,000 Indians accompanied Pike to Pea Ridge, but this does not count the soldiers he left behind, which could have been another 1,500 or so. By estimating regimental and battalion strength using average troop numbers, Pike had 5,385 soldiers throughout 1861-1862. This number is almost certainly too high, as it counts again battalions that were enlarged to regiments later, among other averages designed to give some idea of how many Indians were in the Confederate army during that time.[2]

By now Pike's forces were organized, though not even passably well equipped. Despite the difficulties of transportation and supply, Pike and McCulloch before him had gotten some munitions to the Indians, and Pike could take the following regimental units with him to the climactic battle of Pea Ridge:

1st Choctaw and Chickasaw Mounted Rifles regiment, commanded by Colonel Douglas Cooper

1st Cherokee Mounted Rifles regiment, commanded by Colonel John Drew

1st Creek Mounted Volunteers regiment, commanded by Colonel Daniel McIntosh

2nd Cherokee Mounted Rifles regiment, commanded by Colonel Stand Watie

[1] Miranda Nicole Kelley, "The 'Natural Affections, Education, Institutions, and Interests' of the People Bound them to the Destiny of the South: Choctaw and Cherokee Involvement in the Civil War" (M.A. thesis, James Madison University, 2005): 59; Brown, *A Life*, 386-387; Abel, *American Indian*, 26-29.

[2] Oates, *Confederate Cavalry*, 180-181; Kerby, *Kirby Smith's Confederacy*, 39-40.

These units would serve in some form or fashion until the end of the war, and the first two in particular would become the best and most efficient Indian units to serve the Confederacy.[3]

Pea Ridge Campaign

With Pike's units on the way, Van Dorn laid his plans. His primary objective was to keep Curtis' army from sending troops to Grant, but his secondary objectives were to capture St. Louis and destroy Curtis' army. To do all this, he had an army of about 22,000 soldiers: Price's 8,000 soldiers, McCulloch's 11,700 Arkansas and Texas men, and Pike's 2,000 Indians. Opposing him was Curtis' army of 10,250 soldiers to the north, at Springfield by February 13, which was hastily given up by Price's retreating division. In any future battle, Van Dorn could count on a rare Confederate advantage: superior numbers. Yet numbers do not win a battle. Moreover, Van Dorn had to unify his army before any of Van Dorn's grandiose ideas could be carried out. Price was close by, while Van Dorn and McCulloch were farther to the south, in Pocahontas, Arkansas, but Pike still straggled behind, not arriving at the main Confederate force at Camp Stephens until March 7. [4]

Meanwhile, Curtis had not been idle. Moving his army steadily forward and encountering little opposition, he scattered his army along several roads, all moving south, trying to find where his most recent opponent, Price and his division, had gone.

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[3] Records of what Indian units Pike had at which time vary wildly. The first four units listed were verifiably at Pea Ridge, but it is known that other detached companies were with Pike, though it is impossible to tell which ones they were. A complete list of all Five Tribes units to serve in the Civil War can be found in Moore, "Five Great Indian Nations," 329-330. Dale, "Cherokees in Confederacy," 168; Fischer and Gill, "Confederate Indian Forces," 254; William L. Shea and Earl J. Hess, *Pea Ridge: Civil War Campaign in the West* (Chapel Hill: University of North Carolina Press, 1992): 23-24; Abel, *American Indian*, 25; Monaghan, *Civil War*, 234-235.

[4] Shea and Hess, *Pea Ridge*, 14, 23; Cutrer, *Ben McCulloch*, 286; Edwin C. Bearss, "The Battle of Pea Ridge," *Arkansas Historical Quarterly* 20 (Spring 1961): 81-83.

Van Dorn was doing his best to oblige, driving his men forward at a killing pace with little food and ammunition available. Upon discovering Price's advance cavalry, which had withdrawn along with Price's division to the south, only to meet the rest of Van Dorn's army coming up, Curtis began hurriedly concentrating his army. By the time Van Dorn's full force had come up to Camp Stephens on March 6, Curtis had most of his army on hand and ready for Van Dorn's next move.[5]

Van Dorn did not wait long. Tired of waiting for Pike, he summoned divisional commanders McCulloch and Price for a night conference on March 6. McCulloch suggested that the Confederates send a limited force to march northeast along the Bentonville Detour, then south along the main Telegraph Road, to outflank Curtis' line on the right and force him from his strong position along Little Sugar Creek. A trip of about thirteen miles along good roads, this could be done fairly quickly, and if the main Confederate army advanced along the Little Sugar Creek Road toward Curtis at the same time, Curtis would be faced with attacks on two fronts, and would be put at a disadvantage. Van Dorn agreed so heartily that he proposed moving the men starting that night, and taking the whole army instead of just a light strike team. Both divisional commanders were astonished at the thought. It meant that not only would Van Dorn's army be in the Federal rear, but Curtis' army would also be in the Confederate rear. A night march would also be unduly hard on the army, which was already straggling badly, hungry, and cold. Every military instinct McCulloch told him this would not be a good idea. But Van Dorn was in charge, and he ordered an immediate march around the Federal right flank. Pike and his Indians would go with McCulloch, though Pike was not informed of this until 9:30 PM on March 6.[6]

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[5] Shea and Hess, *Pea Ridge*, 62-63, 78-79.

[6] *Ibid*., 80-82; Josephy, *War on the Frontier*, 141.

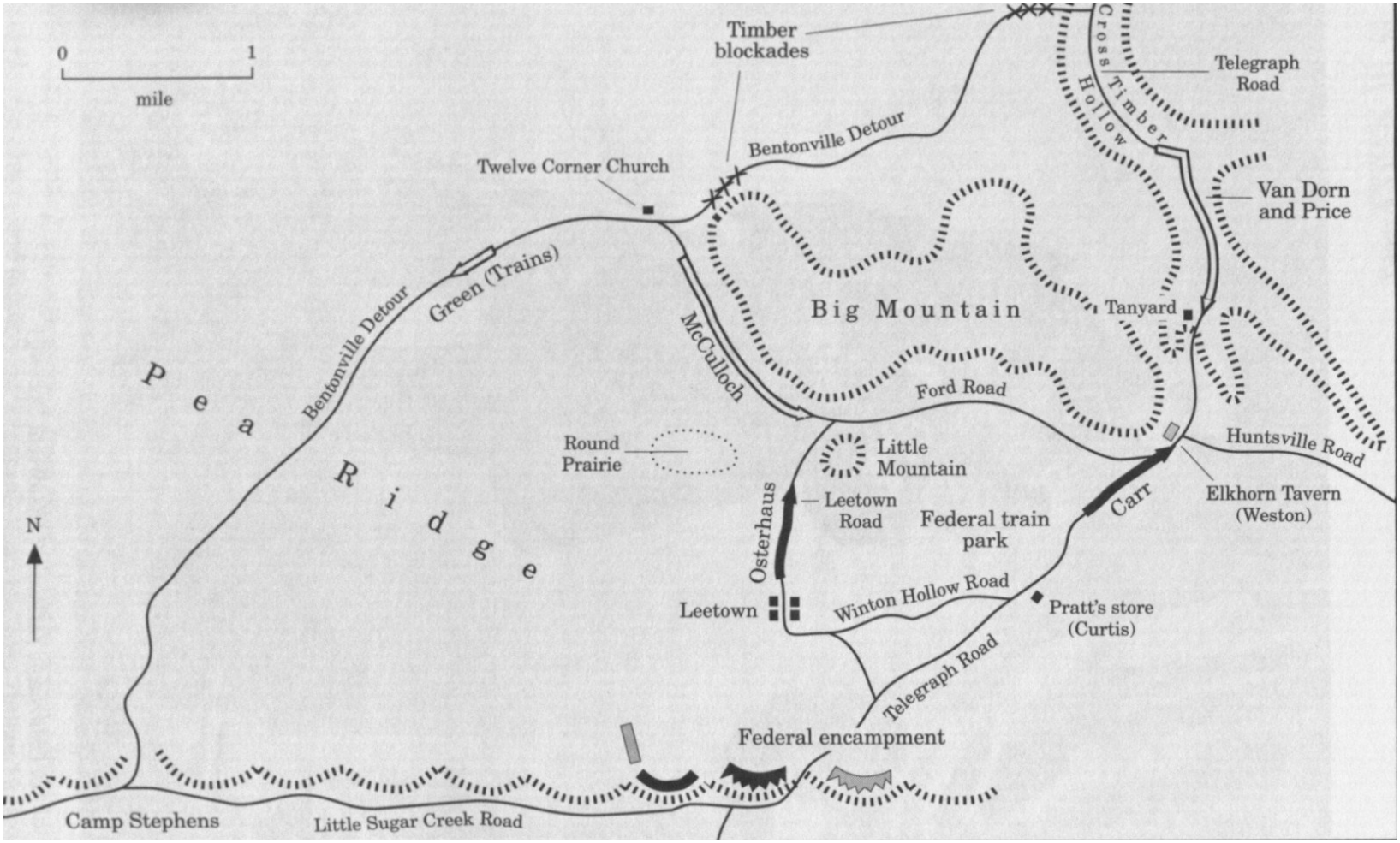

Figure 12. Moving troops at Midday, March 7

(Map from Shea and Hess, *Pea Ridge*, 92).

The flanking march quickly turned into a disaster. Somehow the artillery and infantry turned onto the road ahead of the cavalry, so the column was deprived of scouts. A quick-thinking Union commander, Colonel Grenville Dodge, suggested that the Bentonville Detour road should be blocked so that any flank march the Confederates might be contemplating would not be possible. He received permission from Curtis to do something about it, so Dodge collected some men and felled trees in two positions along the road during the night of March 6-7. These newly cut trees further delayed Van Dorn's march, and the lightning strike he had envisioned turned into a crawl. By the morning of March 7, when he had hoped to be on the road, he had just one cavalry unit there, while the rest of his army was strung out from his starting point all the way to the Telegraph Road. This failure of his hastily-laid plans forced Van Dorn to send new orders to his divisional commanders. Van Dorn with Price's force would continue to the Telegraph Road and move south along it, while McCulloch's men would turn off onto Ford Road and follow it for a couple of miles, and come out onto the Telegraph Road. This would save McCulloch's soldiers for the battle by cutting their distance to march in half, and the army could reunite for the final push to Curtis' position quicker. It also further confused the Confederate advance, as many of McCulloch's men had already marched past the turnoff and had to turn around and go back. With the arrival of Pike's Indians, and temporary confusion about where they were supposed to go, McCulloch did not get his column moving down the Ford Road until the early hours of March 7. [3]

While Van Dorn's men marched through the night and the early morning, Curtis received scattered reports of enemy forces moving to his rear. It did not concern him until reports began pouring in of a large enemy unit marching along the Bentonville Detour. He correctly assumed that the Confederate army was trying to get him out of his

[3] Shea and Hess, *Pea Ridge,* 82-87.

current position, but he did not yet realize how large this force was. At a council of war later that morning, Curtis ordered his divisional commander Peter Osterhaus to assemble a division and march towards the Bentonville Detour along first the Leetown Road, then Ford Road to find out what the Confederates were up to. Curtis then ordered another reconnaissance to the north by Dodge's brigade along Telegraph Road. The rest of his army would stay in their camps along Little Sugar Creek until he knew more about the situation.[4]

McCulloch's Division

The first to find McCulloch's command was Osterhaus' division. After clearing Leetown, Osterhaus marched north and spotted McCulloch's entire division turning east on the Ford Road, coming up on their planned rendezvous with Price and Van Dorn. He paused only long enough to arrange his advance units then began shelling the head of McCulloch's line of march. McCulloch, meanwhile, was intent on getting his dwindling force reunited with Price. His soldiers had marched all night, and by now his command was reduced to 7,000 from 8,700 due to straggling. Not even the arrival of Pike's Indians and their attachment to his command helped stop the flow of men simply too tired to continue.[5]

Upon Osterhaus' sudden challenge in his right rear, however, McCulloch's men forgot their lack of food and rest. The Union artillery got off six rounds at the Confederate lines before McCulloch had his advance cavalry in position, but once they were in battle formation and McCulloch gave the order to charge, the Union artillery and supporting cavalry coming up on the left were swept away by the charge. Pike's Indians

[4] *Ibid*., 89-93.

[5] *Ibid*., 95-96.

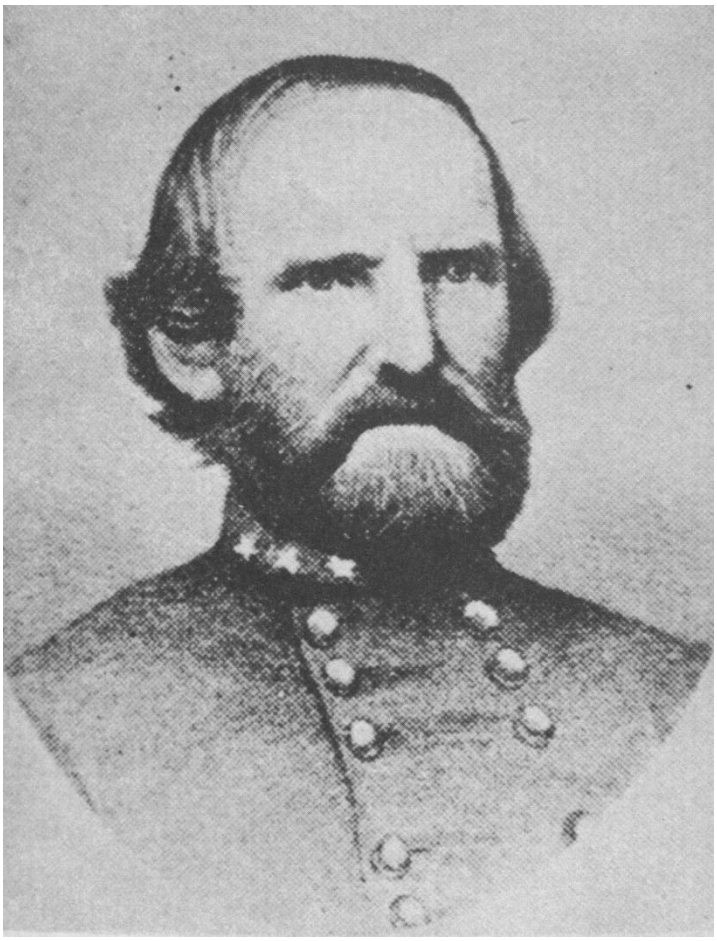

Figure 13. Major General Benjamin McCulloch

(Picture from Harold B. Simpson, *Texas in the Civil War 1861-1865* (Hillsboro, Tex.: Hill Junior College Press, 1956): plate 20).

took on the unprepared cavalry, while practically all of McCulloch's cavalry force undertook a hell-for-leather mounted charge on the Union cannons. Osterhaus' badly outnumbered line collapsed, and his demoralized soldiers streamed away in retreat, quickly bumping into the oncoming infantry part of Osterhaus' force, which quickly arranged a line of battle in a field conveniently south of McCulloch's scene of victory, which was quickly turning into a premature victory party.[6]

[6] *Ibid*., 97-101.

Upon stampeding the Union advance line, McCulloch's tired but elated men apparently did not press their advantage. For many soldiers, this had been their first action, and the grand cavalry charge seemed to confirm their ideas of the gallantry of mounted warfare. They excitedly milled around their captured artillery pieces, laughed at their earlier nervousness with their comrades, and watched Pike's Indians, who apparently started a victory celebration, believing that they had won the battle. They were quickly dispelled of this notion by howitzer fire from Osterhaus' second line. Both sides brought up their infantry during the lull in the fighting, and Osterhaus deployed first. Upon unexpected canister landing around the captured cannon, Pike's Indians abandoned their victory celebration and looked for cover. Nothing Pike could say would move them to resume fighting.[7]

McCulloch meanwhile was methodically deploying his infantry and cavalry in a straight line to attempt another head-on charge against the Union forces. As a former Texas Ranger, he knew the value of reconnaissance, so he rode out a little through the woods on the Confederate right to observe where the Union line was. The Union 36th Illinois, posted on the extreme left of the Federal line, saw a lone rider and fired at him from seventy yards away. McCulloch was killed instantly, and any chance of routing the Northern line again died with him.[8]

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[7] Though all accounts of this battle credit McCulloch's regular cavalry with capturing the guns, Fischer and Gill attribute the gun capture to Pike's Indian forces. Many attacking forces during the American Civil War easily got confused, and that could have happened here, with many on both sides taking part in their first large battle. Yet this does not take into account what had become the traditional way of Indian fighting, which emphatically did not include charging across an open field with no cover. It is most likely some Indians joined in the attack, but others had already taken refuge in the woods from Northern artillery fire, something that happened a lot as the day wore on. At least some of Pike's force did join the celebration afterwards. *Ibid*., 102, Brown, *A Life*, 390; Fischer and Gill, "Confederate Indian Forces," 255-256; Kelley, "The 'Natural Affections," 59-60; Walter Lee Brown, "Pea Ridge: Gettysburg of the West," *Arkansas Historical Quarterly* 15 (Spring 1956): 13-14.

[8] Shea and Hess, *Pea Ridge,* 110-111; Cutrer, *Ben McCulloch*, 302-304.

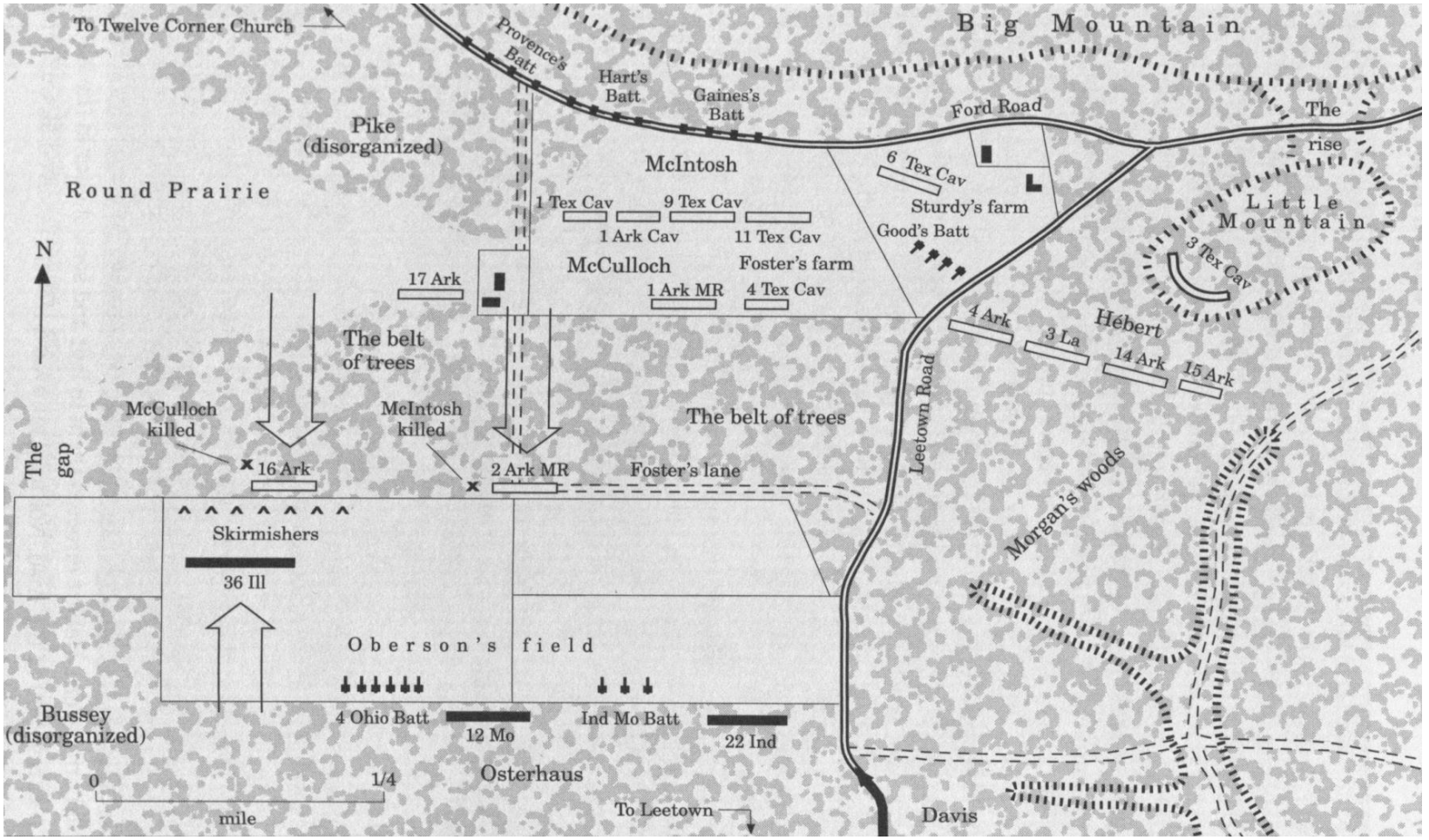

Figure 14. McCulloch's Division Deployment at His Death

(Map from Shea and Hess, *Pea Ridge*, 108).

Command immediately passed to Brigadier General James McIntosh, commander of McCulloch's cavalry. He knew of McCulloch's plan for an advance all along the line and ordered a charge. Problems developed when he personally led a piecemeal attack against the Federal line with his old regiment, the 2nd Arkansas Mounted Rifles, and was killed. The Confederates were now faced with a command crisis of the worst kind: commanders were dying so quickly that no one really knew who was in charge. The senior commander was now the commander of McCulloch's infantry, Colonel Louis Hébert. Since the infantry had been deployed in the dense woods on the Confederate left by McCulloch, Hébert was not immediately available for the staff officers frantically trying to find him. This was one of the few glaring tactical mistakes McCulloch made in the battle, he tried to extend his line with the infantry in the woods, but only succeeded in putting the slow-moving infantry in a place that they could not return from quickly if needed. Hébert's initial charge quickly grew confused, but his soldiers kept going, driving the Union soldiers ahead of them against fresh reinforcements dispatched by Curtis. Hampered by a lack of support from the idle Confederate cavalry awaiting orders, Hébert's hard pressed infantry were outflanked and routed. Hébert himself was captured in the confused fighting in the woods, eliminating yet another Confederate divisional commander, though Hébert never knew he was the ranking officer.[9]

By now, it was the middle of the afternoon, and no one knew who was in command. Albert Pike was now the only general officer left in McCulloch's division, so he was in command now. With the battle irreparably lost, his Indian unit unresponsive to his orders, and no grasp of where all the Confederate troops were, never mind how they were threatened by the Union forces, Pike now had command decisions to make. The exasperated Confederate cavalry, after initial success, had waited the better part of a day

[9] Shea and Hess, *Pea Ridge,* 112.

for orders to do something, anything, all the while receiving shelling from Union batteries. The Confederate infantry was off fighting in the woods somewhere, leaderless, and unable to find their way out of where they had gone. Things could not get much worse for the Confederates when Pike ordered a retreat in the late afternoon. [10]

Apparently things could get worse. Since Pike did not know where all the Confederate units were, and apparently did not know what units were even on the field, he simply summoned all the units he could contact to retreat. Fortunately Pike did know where Van Dorn was and determined to get to him. The regiments that were close by his Indian brigade obeyed, but the ones farther away did not get the message to retreat. That led to the bizarre situation of Pike marching away with all the troops within earshot, while Hébert's unsupported men fought and died trying to save the battle, and other units even farther away waited for orders that never came. Pike led perhaps 2,000 men north to find and join Van Dorn's command, while the soldiers he inadvertently left behind began to organize themselves. With Pike gone, the 3,000 remaining troops left rallied around Colonel Elkanah Greer, who gathered together the remaining Confederates and pointed them in line of march along the route Pike took to find Van Dorn, up the Bentonville Detour. What remained of McCulloch's division reached Van Dorn and Price at Elkhorn Tavern the evening of March 7. [11]

Price's Division

Van Dorn and Price, meanwhile, had reached the Telegraph Road by morning, turned south, and marched quickly down it, trying to catch the Union army in the rear.

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[10] *Ibid*., 110-112, 113-116, 120-121, 133-140.

[11] Brown, *A Life*, 391; Cutrer, *Ben McCulloch*, 305-307; Shea and Hess, *Pea Ridge*, 143-146; Abel, *American Indian*, 30-32.

Curtis had dispatched a single brigade to find out what was going on in the rear of his army. Because they had no idea how large a force they might be facing, the Union brigade assumed a defensive position at Elkhorn Tavern and waited for whoever was ahead to come to them, though some units went on the offensive for a brief time. When the vanguard of Price's division arrived in front of the lone Federal brigade, Van Dorn was surprised. He had not expected to face any resistance until farther south, where his force would crash into the rear of a surprised Northern army, and instead of plunging forward he ordered Price to deploy the entire division to sweep away whatever unit was in front of him. The time this granted Curtis enabled him to rush reinforcements in, with the first of the units arriving at Elkhorn Tavern around 12:30 PM, and more soon followed.[12]

Even with Union reinforcements flowing in, Van Dorn and Price still held a sizable numerical advantage, though they had not pressed an attack in earnest. In fact, Van Dorn's conduct for most of the day is surprising, considering how aggressive a commander he was. He did receive a report from McCulloch telling him everything was fine and that he would join Van Dorn soon, so perhaps Van Dorn thought that McCulloch would come along and outflank the Union line opposite Price. When he did not, Van Dorn did indeed begin an advance, though it took until 4 PM to set up. In the meantime, he learned that McCulloch, McIntosh, and Hébert were all out of action, that no one in McCulloch's division knew who was really in command, and that the division was in danger of falling apart. Instead of leaving immediately to take charge, as any superior officer faced with such a catastrophe should have done, Van Dorn remained to watch his ordered advance. This grand all-or-nothing charge faltered at first, but as Van Dorn's larger army discovered that it could outflank the smaller Union force on the Confederate

[12] Shea and Hess, *Pea Ridge*, 151-169, 170-179.

Figure 15. Sterling Price

(Shea and Hess, *Pea Ridge*, 17).

right, the Federal line began to bend and finally broke. Price, who had taken charge on the Confederate left, had put together a number of charges but had failed to break the Union right as Van Dorn had the Federal left. When the Union units in front of Price learned that they were the only ones there, they had to give ground, with Price slowly following them. It appeared that even though the day was late, it belonged to the Confederates. [13]

[13] *Ibid*., 180, 185-203; Maynard J. Hanson, "The Battle of Pea Ridge, Arkansas, March 6-8, 1862," *Journal of the West* 19 (October 1980): 45.

With the Union line broken, but some units still retiring in good order instead of running away, Curtis arrived and took charge. Reinforcements continued to come in, and with night coming on the Confederates stopped to sort out their men into units, since they had become disorganized during the earlier charge. By 6:30 PM Curtis believed he had enough fresh men on the field to counterattack, and they did so in a rare nighttime bayonet charge, which was stopped cold by the increasingly organized Confederate line. Curtis wisely decided to halt, and except for scattered artillery fire for several hours, the Elkhorn Tavern battle was over for March 7.[14]

During the night of March 7-8, both armies took stock of their situations. The remains of McCulloch's division arrived in pieces throughout the night, with Pike's contingent coming in first, and Colonel Greer's remaining soldiers coming in just before daylight. Unfortunately for Van Dorn's hopes of renewing the fight the next day, he had not brought up his supply wagons, so his men were almost out of ammunition and had no food available. He believed, however, that they were not far away. Perhaps they had become lost. In any case, Van Dorn was sure they would turn up. With only a part of his army in a battle line and all of his army hungry and tired, Van Dorn turned in for the night, confident Curtis would retreat the next day. Van Dorn was setting himself up for a disaster. [15]

The next day, March 8, opened with an artillery duel, using up more ammunition that Van Dorn could ill afford. His army was reunited by an hour after daybreak, which was good, but most of McCulloch's men were too worn out to do much. As a result of the artillery duel, which the Federals won, the Confederate batteries and infantry were forced to move back. About that time, Van Dorn was informed that the long-lost supply

[14] Shea and Hess, *Pea Ridge,* 204-205.

[15] *Ibid*., 210-214; Hartje, *Van Dorn*, 152.

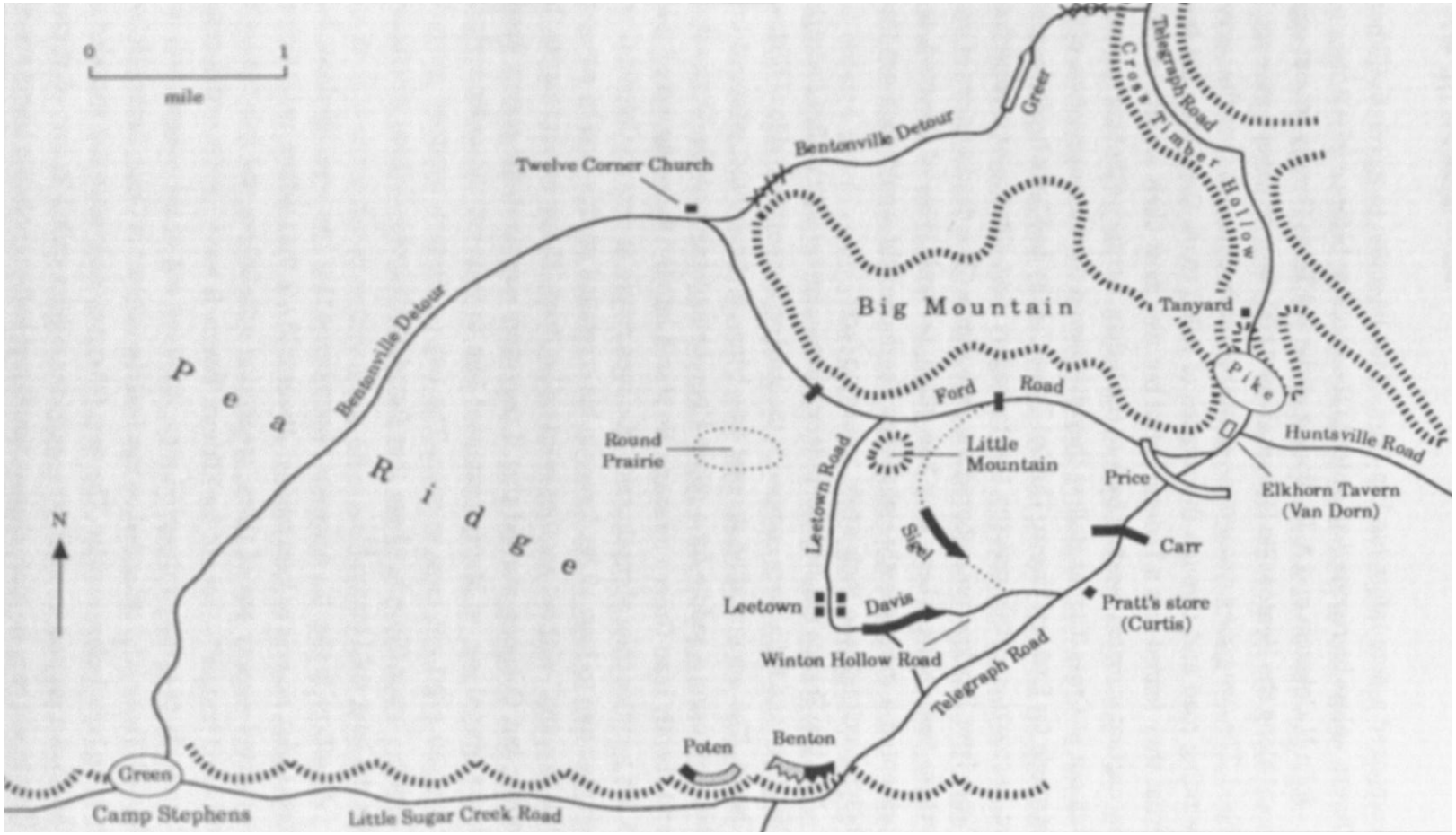

Figure 16. Armies During Night of March 7-8

(Map from Shea and Hess, *Pea Ridge*, 212).

wagons were at Camp Stephens, the place from which they had started the flank march early the day before, and that they could not arrive for at least five or six hours. A staggered Van Dorn, who had asked the impossible from his men so many times, finally realized that he had to retreat. Not even his men could fight if they ran out of ammunition, which would occur far before any supply wagons could get to them. He immediately began planning an elaborate retreat, since it would be done in the face of enemies deployed for battle. [16]

Curtis, meanwhile, sensed that the time had come for a charge and formed up all of his force at hand for a determined assault. Once he finished shelling the Confederate position, he sent in his infantry, but hardly any Confederate soldiers remained to fight. Only some artillery units were still around, and these were only there because they had not been notified that the rest of their army was retreating. Most got away, but several were badly shot up. Pike, who seemed to have a talent for not getting orders, also had not been notified, and was wandering the battlefield looking for Van Dorn. He found the batteries before they retreated, but he left soon after to rejoin his Indian troops and get them to join the general retreat. In his absence, Cooper's and McIntosh's regiments and soldiers of other Indian units guarded the Confederate supply train as it began to pull out, joining the Confederate retreat. Despite Curtis' aggressive probing for the Confederate army on the immediate battlefield, the Confederate army got away and straggled into the tiny town of Van Winkle's Mill that night, where they found a modest supply of food and got some much needed rest. The Pea Ridge Campaign was over. Van Dorn had failed, McCulloch was dead, Pike's Indians had been taken from the region they were bound by treaty not to leave, and all for nothing. The Confederacy would never again seriously threaten the Union presence in Arkansas and Missouri with an army comparable in size,

[16] Shea and Hess, *Pea Ridge*, 225-226, 231-236, 239-240; Fischer and Gill, "Confederate Indian Forces," 258; Hanson, "The Battle of Pea Ridge," 45.

leadership, and morale to this one. Not only did they lose Arkansas and Missouri, the Confederacy soon lost their sway over much of Indian Territory as well.[17]

Aftermath and Accusations

It was not long before journalist' overly embellished accounts and furious Confederates looking for a scapegoat began to appear. Despite only two Northern journalists being on the field to write reports of the battle, the newspapers were flooded with accounts of the battle, with varying degrees of accuracy. Inevitably the newspapers emphasized the participation of Pike's Indians, who were portrayed as indulging in an orgy of drinking alcohol, killing wounded Union soldiers, scalping others, and finally turning on their Confederate allies. Perhaps this was to be expected from whites who had been taught all their lives that Indians were pure evil, but even with the odds heavily against him, Albert Pike defended his Five Tribes soldiers. [18]

Pike first heard about the alleged scalping of one man on March 15, more than a week after the March 7 Battle of Pea Ridge. His reaction was a proclamation that hardly assured the growing number of people that heard about it that such an incident would not happen again. Pike expressly forbade scalping, but he just as specifically forbade the practice only against those who did not practice it, effectively sanctioning scalping

[17] Albert Castel argues that it was not the Battle of Pea Ridge that doomed Confederate efforts in Indian Territory, Arkansas, and Missouri, it was that Earl Van Dorn transferred his entire army, or what was left of it, to operate east of the Mississippi after the battle. While a good theory at first glance, especially since Van Dorn took most of the little equipment that had been stockpiled in the Trans-Mississippi, it does not account for the fact that had Van Dorn won at Pea Ridge, he would not have transferred his army east, it would have been on the march to St. Louis. Even so, Van Dorn's army after the battle did not amount to much anyway, it was only a skeleton of the force he had led to Pea Ridge. Albert Castel, "A New View of the Battle of Pea Ridge," *Missouri Historical Review* 62 (January 1968): 151; Shea and Hess, *Pea Ridge,* 243-260; Brown, *A Life,* 392-393; Roy A. Clifford, "The Indian Regiments in the Battle of Pea Ridge," *Chronicles of Oklahoma* 25 (Winter 1947-1948): 318; Woodworth, *No Band of Brothers*, 59; Ford, "Van Dorn," 235-236; Kenny A. Franks, "The Confederate States and the Five Civilized Tribes: A Breakdown of Relations," *Journal of the West* 12 (July 1973): 441.

[18] David Bosse, "'The Enemy Were Falling Like Autumn Leaves:' Fraudulent Newspaper Reports of the Battle of Pea Ridge," *Arkansas Historical Quarterly* 54 (Autumn 1995): 368.

against Indian forces should the Union use them in the future. By the time Pike forwarded a copy of his proclamation to Union commander Samuel Curtis, the Federal newspapers had picked up the story, expanded it from one to eighteen men scalped, and were condemning Pike as not only a turncoat Confederate, but also an untrustworthy leader of Indians who were not fit to fight a civilized war.[19]

It did not help Pike that purported "eyewitness" accounts from Union soldiers to loved ones at home verified the newspaper accounts. That Indians participated in the battle is certain, but despite no verification of scalping, Federal soldiers wrote home about the atrocities the Confederate Indians committed. One Illinois soldier wrote "We know when we fight them that we have to fight on a different principle than we would white men…as if we were fighting wildcats." Another soldier stated bluntly "There will be no quarter shown them after this." Despite the view by some at the time that these Indians were "civilized," plainly others saw no difference between Indians, and wanted to destroy them all, despite no verification on the scalping charge.[20]

By the end of March, the number of soldiers scalped had grown from one all the way to one hundred and twenty, and the Five Tribes members who were in the battle were referred to as "red devils" and "dusky demons," with Pike mentioned as a "renegade son of Connecticut." After the battle, Union commander Samuel Curtis answered Pike's proclamation by saying that "it was impossible to expect Indians to practice civilized warfare." That really set Pike raging, and he wrote back that he could prove the North was arming other tribes to fight against the Five Tribes, deliberately turning Indians against each other. He would doubtless have been even angrier if he had known what the Northern newspapers were saying about him and his soldiers. A newspaper of his own

[19] Walter L. Brown, "Albert Pike and the Pea Ridge Atrocities," *Arkansas Historical Quarterly* 38 (Winter 1979): 345-347; Abel, *American Indian*, 32.

[20] Quoted in Bailey, *Invisible Southerners*, 38.

birthplace denounced his soldiers as "Mr. Pike's copper colored allies, with their scalping-knives, in all their original merciless ferocity," and condemned Pike saying, "It is not to be presumed that a more venomous reptile than Albert Pike ever crawled upon the face of the earth." Attacking Pike had become a common journalistic pastime in the North, and journalists tried to outdo each other in grotesque examples of what they considered to be unreformed Indian savagery. The *New York Tribune* described him as "The Albert Pike who led the Aboriginal Corps of Tomohawkers and Scalpers at Pea Ridge who…upon the recent occasion…got himself up in good style…war-paint, nose-ring, and all." Despite the absence of evidence, other than hearsay, Albert Pike was regarded with horror by many people for the rest of his life, when all he wanted was to add Indian soldiers to the Confederate army's ranks. [21]

For the rest of his time with the army, Albert Pike was a deskbound general, trying to protect Indian Territory on behalf of the Confederacy. He had two regiments of Texas cavalry, one battery of Arkansas artillery, and the Indian regiments he had organized. Trying to regroup after the disastrous battle of Pea Ridge, he reported that Van Dorn had appropriated money, artillery, gunpowder, artillery ammunition, and small arms that had all been shipped by Pike to his own department, destined for equipping the Indian regiments. Thus Pike had to do again all the work he had begun earlier, that of raising supplies for the men he already had. Since Van Dorn had taken a large portion of his army east to help P.G.T. Beauregard's army in Tennessee, Pike was the acting

[21] The Five Tribes' supposed scalping of dead Union soldiers even held the attention of the ever-roving Congressional Joint Committee on the Conduct of the War for a time, though nothing ever came of the flimsy "evidence" supplied by Curtis. Quoted in Brown, *A Life*, 395-399; Clifford, "Indian Regiments," 320-321; Fischer and Gill, "Confederate Indian Forces," 258-259; Junius Browne, *Four Years in Secessia: Adventures Within and Beyond the Union Lines, Embracing a Great Variety of Facts, Incidents, and Romance of the War* (Hartford, Conn.: O.D. Chase and Company, 1865): 109-112; Brown, "Albert Pike and Pea Ridge Atrocities," 349-354; Tom L. Franzmann, "'Peculiarly Situated Between Rebellion and Loyalty:' Civilized Tribes, Savagery, and the American Civil War," *Chronicles of Oklahoma* 76 (June 1998): 142.

commander of the area until General Thomas Hindman was sent to take charge of the region in Van Dorn's stead. Hindman's first act was to order Pike to send all his non-Indian soldiers to Little Rock, Arkansas, at once. That got Pike's and Hindman's relationship off to a bad start, and they quarreled for the rest of Pike's time in the army, which was not long. [22]

Albert Pike clearly saw by June 1862 that the Confederacy, despite its promises to the Five Tribes, would not fulfill them. In the middle of his many fights with Hindman, he also begged for help and understanding. In what Pike saw as his paternal responsibility to the Five Tribes, he wrote to Hindman, "We are confessing our weakness to palpably to these Indians. They never should have been asked to go out of their own country to fight our battles. They are a little people, and we promised to protect *them*. I promised we would do it; *Congress* promised it; the *President* promised it." His pleas were disregarded, and he was relieved of all operational command by Hindman on July 28, 1862. [23]

That should have ended the matter, but because Pike was so stubborn and so convinced that Hindman was entirely wrong in everything he demanded of Pike, the matter was not dropped. Pike produced a printed farewell address to his former Five Tribes soldiers, in which he blamed Van Dorn and Hindman for all the organizational and

[22] Hindman also accused Pike of embezzling $125,000 from Indian account funds, which did not help either of the two to get along. Thomas W. Kremm and Diane Neal, "Crisis of Command: The Hindman/Pike Controversy Over the Defense of the Trans-Mississippi District," *Chronicles of Oklahoma* 70 (Spring 1992): 30-35; Kerby, *Kirby Smith's Confederacy*, 41; Brown, *A Life*, 401-404; Bobby L. Roberts, "General T.C. Hindman and the Trans-Mississippi District," *Arkansas Historical Quarterly* 32 (December 1973): 306-307.

[23] Quoted in *Ibid*., 405-408. Though Pike had been ambitious, even forward, in his communications to obtain command of a Confederate diplomatic and military mission to the Five Tribes, in later years he bitterly regretted his meddling. He wrote "I only consented to take the damned command because I had made the treaties, felt personally responsible for the security of the country here, and knew it was supposed I could manage better with the Indians than anyone else." Quoted in Duncan, *Reluctant General*, 185.

military troubles, but that the Indians should remain loyal to the Confederacy while their problems were worked out. Pike then pled his case before the first commander of the newly organized Trans-Mississippi Department, Lieutenant General Theophilus Holmes, but did not receive a hearing he liked. In fact, Holmes reported in a letter to Jefferson Davis that Pike had "ruined us in the Indian Country, and I fear it will be long before we can reestablish the confidence he has destroyed." Upon returning to command, because Pike had not heard back whether or not his resignation had been accepted at the War Department, Holmes ordered his arrest, though Pike was freed shortly after Holmes heard that Pike's resignation was accepted. After that, Albert Pike's involvement with Confederate Indian Territory was over, though he continued to remind Holmes of his injustice to him as late as April 1863.[24]

The people who took over Indian affairs from Pike quickly found out just how challenging the work was. By now, at least some within the Confederacy also believed using Indians as soldiers was a waste of time, energy, and increasingly scarce arms and ammunition. Hindman's commissary, general quartermaster, and ordnance officer, who was assigned to be a liaison between Hindman's army and the separate Indian commands, definitely believed arming Confederate Indians was a waste of time. He wrote to Hindman "This dog-on Indian business is enough to break up any government in the world. I wish that we only had the guns, ammunition, and camp equipage they are keeping idle…[while these] are uselessly had and destroyed by these no-account Indian commands. Stand Watie's is the only one worth a cent, and they are mostly white men." Perhaps he was still getting used to dealing with supplying the Indian soldiers, but he had

[24] *Ibid*., 409-416; Albert Pike, *To the Chiefs and People of the Cherokees, Creeks, Seminoles, Chickasaws, and Choctaws*, [Fort McCulloch, Cherokee Nation], July 31, 1862; Quoted in Christ and Dix, editors, *The Papers*, 7, 361; Albert Pike, *Letter to Major General Holmes*, December 30, 1862; Albert Pike, *Letter to Lieutenant General Theophilus H. Holmes*, April 20, 1863; Kremm and Neal, "Crisis of Command," 36, 38-39, 41-42.

decided opinions on them, perhaps reflected by his superior, Thomas Hindman. If Hindman shared these sentiments, it is no wonder that Pike so disliked him.[25]

Immediately after Pike's removal, Confederate President Jefferson Davis then proceeded to clean house in the 1863 Trans-Mississippi Department. Pike was already out of the way, but Hindman was relieved and ordered east of the Mississippi, and Holmes was relieved and reassigned within the department. Lieutenant General Edmund Kirby Smith was assigned as commander of the department, and Pike made no further public moves to help the Five Tribes, having done all he could by helping add to the evidence used to fire Hindman and Holmes. The partnership of McCulloch and Pike was over forever, with one dead and the other out of the army. The removal of both of these men, who had worked so hard to help the Confederacy in the trans-Mississippi, was disastrous for the Confederacy in keeping the undisputed allegiance of the Five Tribes for the rest of the war. [26]

Conclusion

Ben McCulloch and Albert Pike were indispensable in their roles to sign and transform Indians sympathetic to the South into soldiers, and use them against the United States. Very few other people had the necessary experience, contacts, and leverage necessary to train, equip, publicize, and command such a force, in a time when most Americans were not well-disposed towards Indians.

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[25] Perhaps because of the confused state of affairs and fading hopes for the Confederate Indians to make a difference in the war by this time, drinking began to cause noticeable problems among the Confederate command. In just one year,1862, D.H. Cooper, colonel of the Choctaw and Chickasaw Mounted Rifles, and General J.S. Rains, commander of the District of Arkansas, were both arrested by Hindman for drunkenness. Wardell, *Political History*, 146; Letter from N. B. Pearce to T.C. Hindman, July 5, 1862, *O.R.* I, 13, 963-965.

[26] Harry N. Scheiber, "The Pay of Troops and Confederate Morale in the Trans-Mississippi West," *Arkansas Historical Quarterly* 18 (Winter 1959): 351; Duncan, *Reluctant General*, 252.

Jefferson Davis' choice of McCulloch as commander of the Indian forces was an inspired pick. As a Texan, McCulloch could quiet Texas' frenzy of anti-Indian hatred. He was a frontiersman, the same as many Texans, and they could trust him to guard them not just from Yankees, but from fickle Confederate Indians.

With Pike's prior experiences as legal counsel to some of the Five Tribes, he was trusted and respected as few other Americans would have been. He genuinely wanted what was best for the Indians, and would not put up with others who did not feel the same way about Indians as he did. To his great annoyance, somehow these people always had authority over him, diverting much of what he had stockpiled for the Indians to other uses.

Neither of these men were supported in their respective quarrels with others by the War Department or Jefferson Davis. With the capital in the east, the best of everything available was provided to the armies east of the Mississippi, with almost nothing left over for the Trans-Mississippi. Instead of solving problems, Davis appointed a commander for the region that did not give the kind of inspired leadership that was sorely needed. Despite Pike's repeated pleas to Davis for his war materials promised to the Indians, the Confederate government offered little except advice. Perhaps Davis did not have much to send Pike, or help to give McCulloch, but he could have done much more to help the Confederates in the Trans-Mississippi, an area that could have transformed the war to the South's favor if given the proper support.

While the Five Tribes were ultimately hurt more than helped by siding with the Confederacy, they stood to gain much if the Confederate could have made good on its promises to them. The many benefits the Confederacy was willing to give the Indians if they would side and fight with them shows how desperately the South was searching for allies, but also shows their ambitions in the West. Together with launching a serious

invasion of Arizona and New Mexico, these efforts by the South to secure the west are impressive for a country that was not on stable financial, political, or military footing at the start of the war. It showed a region that had made a country, a nationalistic spirit, and was in the process of making an empire, with McCulloch and Pike in the vanguard of the effort. In a time that was marked by many needs, the Confederacy sent two of its most skilled emissaries to a region and people receptive to Southern nationalism. The Five Tribes saw the Confederacy as a rising power who was willing to deal with them as truly independent nations, and who could guarantee their people a new era of peace and security. With the collapse of the Five Tribes-Confederate partnership, the Five Tribes lost their best chance to obtain status as a favored brother of Americans in North America, rather than as a conquered dominion, subject to humiliating string of abuses they were powerless to prevent.

APPENDICES

APPENDIX A

Timeline of Events

1861

February 1- Texas legislature votes to secede

February 21- Confederate Congress passes resolution opening negotiations with all Western Indians

February 23- Texas commissioners write back to Texas governor

May 13- Ben McCulloch assigned command of the District of Indian Territory, within Department Number 2

May 17- John Ross issues Proclamation of Neutrality for Cherokee Nation

July 10- Creek, Choctaw, and Chickasaw Nations sign treaties with the Confederacy

August 1- Seminole Nation signs treaty with the Confederacy

August 10- Battle of Wilson's Creek

August 20- Cherokee mass meeting, John Ross announces in favor of Confederacy

October 7- Cherokee Nation signs treaty with the Confederacy

November 5- Opothleyahola begins to move to Kansas

1862

January 10- Jefferson Davis begins a search for a head of the Trans-Mississippi District

January 29- Earl Van Dorn assigned to command Trans-Mississippi District Dept. 2

March 4- Earl Van Dorn assumes command of the Army of the West

March 7- Battle of Pea Ridge, death of Ben McCulloch

March 8- Retreat from Pea Ridge

July 28- Pike relieved of command

APPENDIX B

Five Tribes Confederate Military Units, 1861-1862

Regiments (All Cavalry)

1st Chickasaw and Choctaw Mounted Rifles- Colonel Douglas Cooper (organized 1861)

1st Cherokee Mounted Rifles- Colonel John Drew (organized 1861)

1st Choctaw Mounted Rifles- Colonel Sampson Fulsom (organized 1862)

1st Creek- Colonel Daniel McIntosh (organized 1861)

2nd Cherokee Mounted Rifles- Colonel Stand Watie (organized 1861)

2nd Creek- Colonel Chilly McIntosh (organized 1862)

Other Recorded Units

1st Cherokee Partisan Rangers- Major J. Bryan (organized 1862)

1st Cherokee Cavalry Battalion- Major Benjamin Meyer (unknown)

1st Cherokee Cavalry Squadron- Captain Charles Holt (organized 1862)

1stChickasaw Cavalry Battalion- Lieutenant Colonel Joseph Harris (organized 1862)

1st Creek Cavalry Battalion- Lieutenant Colonel Chilly McIntosh (organized 1861)
*became 2nd Creek Regiment in 1862

1stSeminole Cavalry Battalion- Colonel Major John Jumper (organized 1861)

Chickasaw Sheco's Cavalry Battalion- Lieutenant Colonel Martin Sheco (unknown)

Choctaw Deneale's Cavalry Battalion- Lieutenant Colonel George Deneale (organized 1862)

All data from Abel, *American Indian*, 25; Steward Sifakis, *Compendium of the Confederate Armies: Kentucky, Maryland, Missouri, the Confederate Unite and the Indian Units*(New York: Facts on File, 1995): 193-205; Sherman Lee Pompey, *Muster Lists of the Creek and Other Confederate Indians* (Bakersfield, Calif: Historical and Genealogical Pub, 1900-1989); Oates, *Confederate Cavalry*, 167-169; Philip Katcher, *The Civil War Source Book* (New York: Facts on File, 1992): 226.

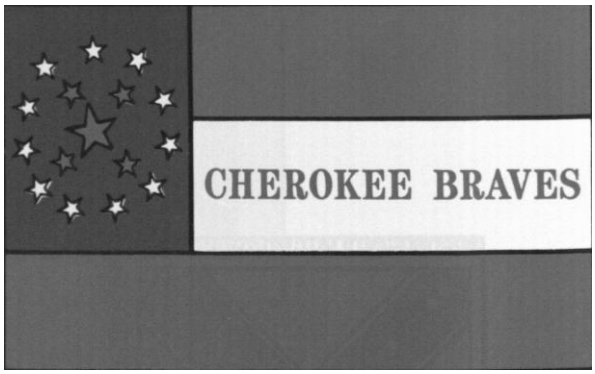
APPENDIX C

Five Tribes Flags Confederate Flags, 1861-1862

Albert Pike's Flag

Original image from "Stand Watie (1806-1871): Cherokee Leader, Confederate Brigadier General," http://www.florida-scv.org/Camp1316/Stand%20Watie%20Confederate%20General%20.pdf, accessed 7 December 7, 2010, modified to fit descriptions of Pike's flag.

Pike's flag described in Devereaux D. Cannon Jr., *Flags of the Confederacy: An Illustrated History* (Memphis, Tenn.: St. Lukes Press and Broadfoot Publishing, 1988): 64.



Cherokee Mounted Rifles Flag

Flag carried by the 1st Cherokee Mounted Rifles, flag captured 3 July 1862.
Image from Cannon Jr., *Flags of the Confederacy*, Figure 63.

Flag claimed as 1st Cherokee Mounted Rifles flag in Philip Katcher, *Flags of the Civil War* (Oxford, United Kingdom: Osprey Publishing, 2000): 44; Cannon, Jr., *Flags of the Confederacy*, 64.

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