

ANNIE HELOISE ABEL

M & A



THE
AMERICAN
INDIAN
UNDER RECONSTRUCTION

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The American Indian Under Reconstruction

The Slaveholding Indians Series

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PREFACE

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The present is the concluding volume of the Slaveholding Indians series. Its title may be thought somewhat misleading since the time limits of the period covered by no means coincide with those commonly understood as signifying the Reconstruction Period of United States History. In that history, the word, *reconstruction*, which ought, etymologically, to imply the process of re-building and restoring, has attained, most unfortunately, a meaning all its own, a meaning now technical, nothing more nor less, in fact, than political re-adjustment. It is in the light of that meaning, definite and technical, that the limits of this book have been determined.

The treaties made with the great southern tribes in 1866 were reconstruction treaties pure and simple and this volume, therefore, finds its conclusion in their negotiation. They marked the establishment of a new relationship with the United States government; but their serious and far-reaching effects would constitute too long and too painful a story for narration here. Its chapters would include an account of tribal dissensions without number or cessation, of the pitiful racial deterioration of the Creeks due to unchecked mixture with the negroes, of the influx of a white population outnumbering and over-reaching the red, and, finally, of great tragedies that had for their theme the compulsory removal of such tribes as the inoffensive Nez Perces, the aggressive Poncas, and the noble Cheyennes.

In recent years, an increasing interest has been aroused in the course of the westward movement so-called and, little by little, the full significance of American expansion is being appreciated. In less than a century of time, the United States has extended itself over the vast reaches of this

continent from the Atlantic to the Pacific and its territorial growth has necessarily involved the displacement of the aborigines. Its treatment of them is bound to concern very greatly the historian of the future, whose mental grasp will be immeasurably greater than is that of the men, who now write and teach American history in the old conventional way with a halo around New England and the garb of aristocracy enveloping Virginia. It is in American History rightly proportioned that the present study will have its place.

ANNIE HELOISE ABEL

Washington, D.C., March, 1920

I. OVERTURES OF PEACE AND RECONCILIATION

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The failure of the United States government to afford to the southern Indians the protection solemnly guaranteed by treaty stipulations had been the great cause of their entering into an alliance with the Confederacy and it was also the primary cause of their persisting in their adherence to its fortunes. From first to last military conditions and events determined political and it is certainly no exaggeration to say that had a time ever come after the opening twelvemonth of war when the Federals could have shown themselves in unquestioned possession of the Indian country the treaties with the South would, one and all, have been immediately abrogated even by such initial and arch offenders as the Choctaws and Chickasaws who, alone of all the slaveholding tribes, had attached themselves, originally and in a national way, to the Secessionists because of a frankly avowed sympathy with the "peculiar institution." Success wins support everywhere, at all times and under all circumstances. Occasionally a very little of it is necessary, the glamor of the mere name being all-sufficient. It had taken next to nothing to call back the Cherokees to their allegiance to the North, the embodiment of the power with which all their other treaties had been made, and, just as the Confederate victory of Wilson's Creek, or Oak Hills, had terminated the neutrality that they had hoped, Kentuckylike, to maintain, so the penetration of their country by a Union force in the summer of sixty-two saw the last of their inclusion as a tribe within the southern league.

During 1863 the example set by the Cherokees was frequently followed, never by tribes, it is true, but by groups

of Indians only, large or small. Individuals, families, clans could pass with impunity within the Federal territory whenever such passing appeared to promise a fair degree of personal security. It was contrariwise with nations, the Unionist fortunes of war being as yet too fluctuating for nations to care to take additional risks. None the less the time seemed reasonably opportune for friendly advances to be made to repentant tribes and so thought several of the generals in the field, among them Schofield and McNeil. In November, the former emphatically asserted that terms of peace might with propriety now be offered and the latter, having already reached the same conclusion, proposed the appointment of a special agent, clothed with plenary power to treat. For reasons difficult to enumerate at this juncture no really serious attention was given to the matter by Washington officials until a new year had dawned. Confessedly, the main reason was, the continued inability of the Federals to prove military occupancy of the Indian country. Without military occupancy it was worse than useless to make promises of protection. So firmly convinced of this was Commissioner Dole that, in January, he quite scouted the idea of its being feasible to do much towards reorganization before something more than forts and posts was in Federal possession.

While taking this stand, as caution dictated it was only right he should, Dole was willing to admit that the facts as alleged by Schofield and McNeil were correct and that Union sentiment among the Indians was very perceptibly on the increase. So excellent an opportunity, however, for recalling to the minds of congressmen and cabinet officials the remissness of the War Department and of the army from the very outset of the war was not to be lost. It was a case, if there ever was one, where reiteration, bold and constant, did no harm. The time was approaching and would soon be here when the United States government and all in authority under it would do well to remember where the blame for

Indian defection really lay. Shirkers of responsibility have proverbially short memories.

Yes, Unionist sentiment among the Indians was on the increase and it was on the increase because the spectre of eventual Confederate failure was looming up ever larger and larger in the distance. The Choctaws, staunchest of allies once, were now wavering in their devotion to the South but not many of them were as yet fully ready to unite with Abolitionists and *Black Republicans*. Their *interests* were still, as Commissioner Scott had defined them, *all southern*. Their laws were largely derived from the statutes of Mississippi, whence most of them had come. They were a wealthy people, and largely of the planter class. Race prejudice was strong among them as was also repugnance to any race mixture that entailed their own assimilation with inferior blood. In this characteristic they resembled the haughty Anglo-Saxon and differed radically from the Gallic Frenchman and, strange to relate, from their own kith and kin, the Creeks, who mingled Indian blood with African freely. All but about three hundred of the Choctaws had gone over to the Secessionists and the tribe had numbered approximately eighteen thousand before the war.

The first stage in the Choctaw re-tracing of steps would seem to have been marked by the desire for inactivity, the convenient pose of a neutral, and the second, by a plan to organize an independent Indian confederacy. The principle of self-determination, not christened yet, was dominant throughout the South. It lay back of all secessionist action and ought logically, reasoned the Choctaws, to work as well for red men as for white. Its *reductio ad absurdum* as the principle of anarchy *par excellence* naturally never suggested itself to anyone. Possibly, all cogitation was time-serving in character. The discouraged and disgusted Indians dallied with ideas of independent sovereignty because it was altogether too early yet for leading Choctaws, prominent half-breeds mostly, to join forces with the

detested North. Besides, the Indian was loath to abandon his erstwhile friend; for the Indian is fundamentally loyal. He keeps faith so long as and often longer than faith is kept with him. Let the Confederates give some evidence of disinterestedness of motive, of genuine concern for Indian welfare and all might yet be well. Their martial prowess was undoubted, their star of fortune seemed occasionally still in the ascendant; but rally their forces they must. There could be no surer way to a restoration of confidence.

The general Indian council that had been regularly meeting at Armstrong Academy was the political body before which to propound the independent confederacy project and it was while that body was holding a session in February of 1864 with the object of assisting the Confederates in the rallying of forces that certain Choctaws, who had irretrievably lost confidence in the South and despaired of any course being practicable that did not presuppose the resumption of old-time relations with the United States, attempted to organize an opposition element and to secure an expression of opinion favorable to the immediate repudiation of the Confederate alliance. Calling themselves the Choctaw Nation, *de facto* and *de jure*, they met in mass-meeting at Doaksville; but dispersed again on realizing that they were there too near the enemy forces. They re-convened betimes at "Skullyville, twenty miles from Fort Smith," where the Federals were now holding sway. Not far from Skullyville was New Hope Academy, a female seminary, which, in the late fifties, had been successfully conducted under the auspices of the Methodist Episcopal Church South. It now presented itself as a convenient and safe meeting-place and at New Hope, on March fourteenth, a convention of disgruntled Choctaws took drastic action indicative of their weariness of the war and of all that it involved. The following resolutions " were unanimously adopted:

Whereas, In entering upon the reconstruction of our Government in this Nation, we believe that the government of the United States has been an infinite blessing to all parts of this country, and especially to our own Nation, and,

Whereas, Certain portions of the United States have set up their individual rights in opposition to the Federal Government, *Be it resolved*,

First, That we the citizens of the Choctaw Nation, as well as of the United States, knowing that the Government of the United States must be maintained supreme over the so-called rights of any portion of this country, do, on the part of the Choctaw Nation, utterly disclaim any pretensions to any so-called rights which may be subversive of the rights of the Federal Government, and hold that our primary allegiance is due to the Government of the United States.

Second, Resolved, That we, Citizens of the Choctaw Nation, desire the authority of the United States to be vindicated, and the people brought back to their allegiance.

Third, Resolved, That the following named citizens be appointed a committee to select proper men for Provisional Governor of the Nation, Sec. of State, *pro tern.*, subject to the future vote of the people of the Nation, and a Delegate to represent our Nation at Washington,

(Committee) Jeremiah H. Ward

J. G. Ainsworth

John Hanaway

William P. Merryman

J. H. Jacobs

Fourth, Resolved, That the thanks of the Convention be and hereby are tendered to Lt. Lindsay and the escort under his command.

WM. F. STEPHENS, Pres't of Convention
THOMAS EDWARDS, Sect.

The nominating committee retired and later offered the name of Thomas Edwards for governor, of George W. Boyd for secretary of state, *pro tern.*, and of Edward P. Perkins for delegate. Its report was accepted and the nominations confirmed by the convention. Whereupon, the men selected began without further ado to exercise the functions of their respective offices. Ten days subsequently Governor Edwards issued a proclamation outlining the new policy.

PROCLAMATION

To the Choctaws, and the Citizens of the Choctaw Nation:

At a Convention held at New Hope, C.N., on March the 14th, 1864, by the loyal citizens of your Nation, a preamble of Resolutions were adopted to secure to you the rights and suffrages which you are entitled to from the Government of the United States.

The last Treaty between the United States and your Nation, which was ratified in 1855, guaranteed to you on the part of the United States Government "protection from domestic strife and hostile aggression," (Treaty 1855, Article xiv) is the only agreement in that treaty wherein the United States has failed to fulfill for the time being her part of the compact; and though three years have elapsed since the "stars and stripes" was struck down in the Garrison, erected for your defence, by a rebellious and misguided people, that flag again waves in triumph over your fortress, and the Government which it represents is HERE in full force and power to keep her word and offer you its protection.

The Government of the United States is well aware of the sophistry and eloquence brought to bear upon the minds of your people, by such men as Douglass H. Cooper and Albert Pike to delude you into a treaty with the rebellious confederacy, of which they were the agents; and can excuse you to a certain extent for an alliance formed when despotism and treason were in your midst. But now that the

Government holds indisputable possession of near four-fifths of your country, it calls upon you to return with truthful allegiance to your natural protector.

The same rights offered to the rebellious subjects of the States by the late Proclamation of the President is guaranteed to you. Three years of strife, misery and want, should at least convince you that the unnatural alliance which you have formed with the enemies of the United States has been one of the heaviest calamities that ever befel your Nation. They made you brilliant promises, but never fulfilled them. What is your condition to-day? The enemy after having swept ruin through your entire land, brought starvation to your very doors, and spread a scene of utter degradation and suffering in your families; have been lying for months on the extreme southern border of your Nation, listening to the first roar of Federal artillery, to flee away and leave you alone. A delegate has been appointed by the Convention to represent your Nation at Washington. Every effort is being made to secure for you your ancient privileges and customs. Citizens of the Choctaw Nation, it now devolves upon you to do your part. You were once possessed of the most beautiful country between the Arkansas and Red River. - It can again be yours. Not only your present generation, but your posterity demands that you make a quick and speedy return to that Government which has protected you for over half a century, and secure in the future for yourselves and children what you have lost in the past three years for associating with one of the most accursed foes that ever polluted your country.

Citizens, not only your fertile valleys and beautiful hills invite you to the homes which you have deserted, but the Government from which you must ever after look to for succor, bids you come. I take this method, in this, my first proclamation, to say to all of you who are desirous of possessing the homes which you have abandoned, and re-

uniting your allegiance to the Government, that has ever been your friend, now is your time. You have nothing to fear and the former blessing which you have derived through a friendly intercourse with the United States Government, will again be renewed.

THOMAS EDWARDS, Provisional Governor Choctaw Nation
FORT SMITH, ARK., March 24, 1864

The governor's proclamation merits no word of praise. Its spirit is the spirit of the self-seeking, of the abjectly craven, and calls, not for commendation, but for execration. By virtue of its issue, Edwards and his associates put themselves into the position of rats that leave the sinking ship. General Thayer presumably sympathised with them and condoned their act since he appears, in the following December, to have honored the governor's requisition for transportation needed for the refugees, who were about to be removed to Fort Gibson; but not so Colonel Phillips. It was not that the doughty Scotchman was averse to what, from his Republican point of view, might be regarded as the political regeneration of the Indians. None had worked harder to reclaim them than had Phillips. He had personally distributed among the rebellious tribes copies of President Lincoln's amnesty proclamation, notwithstanding that he seriously doubted its strict applicability to the Indian country. Pioneer and hardy frontiersman though he was, the ex-newspaper correspondent was usually found to be magnanimous where Indians were concerned. Maugre that, he hesitated not to disparage the work of the New Hope convention, contemptuously disposed of Delegate Perkins, protested against the acceptance of his credentials, and ridiculed the authority from which they emanated. In his opinion, the Choctaw Nation was yet *de facto* rebel and deserving of severest chastisement. The minority at New

Hope had no official status and were nothing but politic opportunists.

Anticipated chastisement was the open sesame, the cue to all that had transpired. Because of the prompt and wholesale character of their defection, the Choctaw had been a tribe especially singled out for condign punishment. It was its funds more particularly that had been those diverted to other uses by act of the United States congress. Recognized as a powerful foe and by many denounced as a treacherous enemy, the Choctaws had virtually none to state their case except traducers. Few there were among western politicians and army men that had the slightest inclination to deal mercifully with them and Colonel Phillips was not of that few. His animosity expressed itself in no uncertain terms in connection with his denunciation of the New Hope convention; but, perhaps, that was accountable to a sort of irritation caused by the fact that, as he himself reported, the Choctaw was the only Indian nation yet refractory. For the Creek, the Seminole, and the Chickasaw, the war was to all intents and purposes over. Governor Colbert of the tribe last-named was in Texas. He had fled there "on learning of the defeat at Camp Kansas." Into Texas, by the way, there was now going on "a general stampede." "That a handful of men about Scullyville would like to be the 'Choctaw Nation' " was very "probable and that a portion" who had "not fled from the northern section might be willing to accept an assurance of Choctaw nationality, and pay for acting as militia to expel all invaders" was "also probable;" but, all the same a much larger element, meeting in council above Fort Towson, had not even, so far as Phillips could learn, "made up their minds to accept peace."

All plans for the chastisement of recalcitrant Indians took one direction, the direction pointed out by economic necessity, by political expediency, call it what one will, *land confiscation*. This was the direction most natural and most

thoroughly in accord with historical development; but, none the less, it had some special causes. Kansas wanted to divest herself of her Indian encumbrance, from the viewpoint of her politicians the reservation system having most signally failed. Never in all history, so it would appear, has the insatiable land-hunger of the white man been better illustrated than in the case of the beginnings of the sunflower state. The practical effect of the Kansas-Nebraska Act had been to lift an entail, a huge acreage had been alienated that before had been sacred to Indian claims; white men had swarmed upon the ceded lands; and the Indians had retired, perforce, to diminished reserves. A few short years had passed and now those selfsame diminished reserves were similarly wanted for the white man's use; but the question was, *Where next was the Indian to go?* South of the thirtyseventh parallel the southern tribes were in possession and they were in possession of a glorious expanse as hermetically sealed to other Indians as it had proved to be to southern projectors, railway and other, before the war. Originally conferred by the United States government upon the Five Great Tribes as a sort of indemnity for the outrageous treatment accorded them east of the Mississippi, it had been conveyed by patent in fee simple and was now held under the most solemn of Federal guarantees. It was to be so held exclusively and inviolably forever.

Prior to the formation of the Indian alliance with the Confederacy, that Federal guarantee of exclusive and inviolable possession had been an insuperable obstacle to outside aggression but now all might be changed if only the United States government could be convinced that the great slaveholding tribes had legally forfeited their rights in the premises. In and out of Congress middle-western politicians harped upon the theme but were suspiciously silent on the concomitant theme of Federal responsibility in the matter of rendering to the Indians the protection against domestic and

foreign foes, pledged by treaties. Strange as it may seem they never undertook to consider the question of Indian culpability in the light of that rather interesting and additional fact.

It was a fact, indisputable, however, and one that Commissioner Dole liked to insist upon, although even he finally succumbed to the arguments in favor of forcing the southern tribes to receive other Indians within their choice domain. Dole's change of front came subsequent to his visit to Kansas in 1863. On the occasion of that visit it was doubtless borne in upon him that Kansas was determined to accomplish her purpose, willy-nilly, and would never rest until she had forced the northern tribes across the interdicted line. Their aversion to removal was somewhat of an impediment; but that she might overcome by persecution. Persecute them she accordingly did and chiefly in the old familiar southern way, by the taxing of their lands, notwithstanding that it was a procedure contrary to the terms of her own organic law.

In his annual report for that year of his western visit, the Commissioner of Indian Affairs advised a concentration of the Indians since they seemed not to flourish on small reserves. For the man who had always heretofore apologised for the conduct of the Indians this was a sort of opening wedge to a complete change of view. By April of 1864 the change had come and Dole had then the conscience to say that he was "unwilling to renew the treaties with those people (the rebellious tribes) especially the Choctaws and Chickasaws without first securing to the Government a portion of their country for the settlement of other Indian tribes which we are compelled to remove from the States and Territory north of them." The confession was made to Phillips, a Kansas settler, a Kansas politician, if you please, who, in his letter of March 22, had invited it. Upon Schofield's ideas of identical tenor and better-reasoned basis, made some months earlier and referred to him, Dole

had not seen fit to so much as lightly comment and he had repeatedly discouraged congressional action looking to the same end.

The mistrust of the Choctaws manifested by Colonel Phillips was fully warranted. The papers, inclusive of President Lincoln's amnesty proclamation, which he had caused to be distributed among the southern tribes, had had their effect and were the direct occasion for the calling of a general council to meet at Tishomingo, March 16 and therefore almost simultaneously with the convention at New Hope. "Seven delegates," reported Superintendent Coffin, "from each of the following rebel tribes," Choctaw, Creek, Seminole, Cherokee, Caddo, and Osage, were summoned. Presumably all attended. Full and fierce discussion of all points involved was inevitable for the times were critical. Some of the delegates argued for immediate submission, some for continued loyalty to the South. Finally, the influence of Generals Maxey and Cooper, exerted from the outside, prevailed for the Confederacy and the ultimate resolution was, to make one more stand on Red River. Beyond that the council refused positively to commit its constituents; for the sight of the distressful body of refugees stretching all across the country was enough to shake the fortitude of the strongest. Near the eastern boundary line, under the shelter of the garrison at Fort Smith, were those Choctaws, mostly refugees, who had gathered at the New Hope convention, now dissolved; but other refugees, fearfully impoverished, were "clustered in great numbers from Washita River up Red River and on Washita below Fort Washita." Even the Indians of the least depleted resources and of the most pronounced secessionist persuasion were discouraged. Many were running their slaves, their only remaining tangible wealth, to the Brazos for safety.

The summer of '64 brought no return of good fortune to the Trans-Mississippi Department. Much had been hoped for but little realized and, as a consequence, the distress and

dissatisfaction of the Indians had grown apace. Apparently, they had given up all thought of making their peace with the North. In an excess of recovered zeal for a doomed cause, they had allowed the moment for a possible reconciliation to pass and the Federals had made no new overtures. The Indian alliance was now a desperate case, yet there was no talk of abandoning it. Desperate remedies had to be applied and foremost among them was a reversion to savagery. Irregular warfare of the most deplorable and destructive kind was now the ordinary thing, particularly where the Cherokee champion, Stand Watie, led. For such as he, there could be no surrender. For him, utter despair was out of the question. Ready he was to risk everything, at any moment, in one last throw.

Another possible remedy, involving, perhaps, the essentials of the first, was an alliance with tribes that in happier days the highly-civilized southern would have scorned. This was something more than the Indian confederacy that the Choctaws had earlier projected. To consider its possibilities a general council was arranged for and invitations extended to all of their own group, to the indigenous and emigrant tribes of Kansas, and to the wild tribes of the plains. At the moment not much success attended the movement, owing to the promptness with which Superintendent Coffin and others organized a counter one. They assembled representatives of all the tribes they could reach in a "Grand Council" at the Sac and Fox Agency between the fifth and ninth of October and secured from them an expression of unswerving loyalty to the government of the United States. Meanwhile the southern tribes, desperately in earnest, so continued and redoubled their own efforts that constant vigilance was necessary in order to circumvent them.

Towards the close of the year, the best plan of all for defeating the purpose of the secessionists was devised by the Cherokees. Had it been put into operation, it might, not

only have counteracted what Coffin called "the infamous machinations of the rebel hordes in the southwest," but likewise have prevented the depredations on the Colorado line that, unchecked, grew to such astounding proportions in the decade after the war had closed. It might, moreover, have recalled, though tardily, the secessionists to their allegiance and ended the tribal estrangements that were to result so disastrously in the adjustments at the peace council. The plan was outlined in a memorandum, addressed to President Lincoln by Lewis Downing, Acting Principal Chief of the Cherokees. It bore date, December 20, 1864. It is here given: -

We, the undersigned for ourselves and as the representatives of the Cherokee People, feeling an intense interest in maintaining perpetual harmony and good will among the various tribes of Indians mutually, as well as between these and the people and government of the United States, beg leave, very respectfully, to lay before your Excellency a few facts and suggestions relating to this important subject.

We deem it a matter of vast moment to the Cherokees, Creeks and Seminoles, and to the State of Kansas and to Nebraska, as well as to the Whole Union, that the perfect friendship of the wild tribes be secured and maintained, while our friendship is of paramount importance to the said tribes; and it is with the deepest regret that we hear of and observe acts of hostility on the part of any Indians. It is our firm conviction that southern rebels are, and have been, instigating the wild tribes to take part in the present rebellion against the Federal Government. The depredations recently committed by portions of some of these tribes on emigrants crossing the western plains, we are forced to regard as the result of such instigations on the part of the rebels.

There are also indications that these tribes are forming into predatory bands and are engaged in stealing stock in connection with wicked white men who are first loyal and then rebel as best suits their purposes of stealing and robbery.

As the war progresses and the rebel armies are broken into fragments, the rebels will doubtless scatter among these tribes and will make every effort to *organize them into banditti* - . Then, when the strength of the rebellion is broken and peace is formally declared and we are off our guard, they will fall upon defenseless neighborhoods of loyal Indians, or whites, and plunder and kill unrestrained.

The highways to the Pacific States and to the gold regions of the West, they will infest, to harass emigrants and merchants and endanger their property and lives. To keep down such depredations by force of arms will require many men and a vast expense.

In our opinion no pains should be spared to gain the friendship of these people by peaceful means and thus secure their help against the rebels and in favor of the public peace.

In the year 18, a general convention of Indian Tribes was held at Tahlequah in the Cherokee Nation which convened at the call of the Cherokee National Council. Representatives from the Cherokees, Creeks, Seminoles, Chickasaws, Delawares, Shawnees, Osages, Senecas, and twelve other nations attended this convention and participated in its deliberations. It was a harmonious, pleasant and profitable meeting of Red men of the West. Friendship and good will were established and a league was entered into by which the most friendly relations were maintained among the various tribes for many years. Arrangements were made for the punishment of crimes committed by the citizens of any nation on those of any other.

Many years have passed away since the said convention of tribes. Men who were then young now occupy prominent