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Red Masters & Their Black Slaves in a White Man's War: The Five Civilized Tribes'

Relationship with the Confederacy in Light of Slavery

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Research Methods
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Abstract

This paper analyzes the alliance between the Cherokee, Chickasaw, and Choctaw slave-owning tribes and the Confederacy during the Civil War. These tribes offer a unique insight into the institution of slavery in one of its most peculiar forms. By studying the relationship between Indian masters and their slaves, the paper concludes that the main impetus for the alliance between the Indians and the Confederacy was slavery based on common culture, diplomatic dealings, and the actions of non-slave-owning tribes. While writing this paper, the researcher used a variety of letters between both Union and Confederate Indian agents, the personal correspondence of Indian chiefs, and records from intertribal meetings. In the final analysis, these Indian tribes did not have political motives and were not forced into an alliance; the issue of slavery seems to have been motivation enough to ally against the Union. Based on this conclusion, the greater significance is that slavery alone may have split the North and the South, regardless of other political and ideological differences.

“Dey call all de slaves ‘Isilusti’. Dat mean ‘Black man,’” Lucinda Davis recalled, speaking of her days as a slave to her Creek master.¹ Born a few years before the Civil War near Fort Gibson in Oklahoma, Lucinda was a slave to a Creek Indian named Tuskayahiniha and his white wife Nancy. She worked as an enslaved sharecropper, working the land and giving her master what she produced. She was an orphan—her parents had either escaped to freedom or bought themselves free, she did not know which—but she still considered herself lucky, however, because she “didn’t have to stay on de master’s place and work like I hear de slaves of the white people and de Cherokee and Choctaw people say dey had to.”² After the Civil War, when many of her fellow slaves left their Indian masters and started a new life, Lucinda stayed with her master because she was too young to understand that she was free. Even after she eventually left her master’s care, she lived the rest of her life in Oklahoma and raised her children, in her own words, “In the old Creek way.”³

Lucinda Davis’s story, while obscure, is not exceptional. History has largely ignored the enslavement of blacks by Indians before and during the Civil War, which some historians have called “one of the longest unwritten chapters in the history of the United States.”⁴ These slave-owning Indians and their allegiances in in the Civil War are particularly interesting because they were the only third-party to officially join the war. Because these Indian tribes were autonomous, with their own governments and laws, they were under no obligation to chose sides or join the war. However, both the Union and

¹ “Lucinda Davis: Tulsa, Oklahoma.” *American Slave Narratives: An Online Anthology*. University of Virginia.<http://xroads.virginia.edu/~hyper/wpa/davis1.html>

² Ibid.

³ Ibid.

⁴ Stephan Palmié, ed., *Slave Cultures and the Cultures of Slavery*, (Knoxville, TN: University of Tennessee Press, 1997), 145.

Confederacy considered them to be valuable allies and were pursued by both the Union and the Confederacy immediately prior to and at the beginning of the war. These slave-owning Indians were not the only Indians who chose a side in the Civil War; while some tribes remained neutral throughout the entire war, most chose sides. However, the slave-owning tribes are particularly important because their alliance reveals the influence of slavery on alliances made during the war. While some historians have credited the slave-owning Indians' treaty with the Confederacy to geography, political pressure, or incentives, the aim of this paper is to prove that the slave-owning Indians' real motivation was to protect the institution of slavery within their tribes. Their shared culture, their diplomatic relations with the Confederacy as well as the contrasting loyalties of non-slave-owning Indians show that slavery was the bond that tied these slaveholding Indian tribes, particularly the Choctaw, Chickasaw, and Cherokee, to the Confederacy.

Problems and Limitations

Undoubtedly, this paper would benefit from more primary sources from the slave-owning Indians themselves. Most of the primary documents are taken from government documents written by agents of the Bureau of Indians Affairs or from letters written to or from chiefs and leaders in the Cherokee, Choctaw, or Chickasaw tribes; Chief Ross in particular was a prolific writer and there is a lot to say about his involvement in the Civil War. However, there is little recorded about the average Indian who owned slaves, and few of their letters has been preserved. Therefore, the often-biased observations of government agents and the letters of a select few individuals have had to be relied upon to determine the general attitude of slave-owning Indians. Also, most of the primary documents that

have been preserved concern the Cherokee nation, so that tribe tends to monopolize the research since I did not have the time to find as many documents about the Choctaw and Chickasaw tribes.

The second limitation is that many of the sources used in this research rely upon the same single author, Annie Abel. Annie is the earliest secondary author in this research who wrote about slave-owning Indians. Her first book was published in 1915 though, according to her introduction, her research started much earlier. It has been of concern that so many sources used here have relied on the same source for much of their information. However, after reading Annie Abel's series of books, I felt less concerned. For almost all of the primary sources that she uses, she records the document in its entirety as well as where she found it. Her footnotes are extensive, and all of them are primary sources. While I hesitate to rely so much on one author, Abel does a good job of presenting both her research and conclusions in a convincing way. However, this reliance on a single author is admittedly a limitation of both my sources and the paper itself.

Lastly, the biggest limitation of both life and this paper is time. Many valuable sources exist in archives that cannot be accessed online and, therefore, require travel. As the timeline for this paper only spanned a few months, there was no time to travel to these places, and, therefore, the sources used are the ones that could be acquired through interlibrary loan or the Internet. While these sources proved to be excellent and contributed much to the overall research, there is still much to be learned from the primary sources currently unavailable to a wider audience.

Historiography

The topic of slave-owning Indians in the Civil War is not one that has been written about extensively. Even the books and journals that do mention it relegate the topic to a mere chapter or less. There are few researchers who have devoted much time or research to this topic, possibly because only a few tribes owned slaves, and of these tribes, only a small percentage of its members actually fought in the Civil War. Those authors who do mention it are usually interested in either the cultural effects of slavery in a minority group or the contribution of the slave-owning Indians to the war. As far as this researcher is aware, no one has focused solely on the reasons why slave-owning Indians joined the war and the possible significance this may hold.

The first author to write about these Indians was the British woman previously mentioned named Annie Abel who presents her research in an extensive three-volume series published in 1915, 1919, and 1925, respectively. Out of all the secondary authors this researcher consulted, Abel writes the most comprehensively about the decision to join the Civil War, particularly in her volume *Slaveholding Indians* within the chapters entitled “The Indian as a Slaveholder and Secessionist” and “The Indian Nations in Alliance with the Confederacy”. However, she believes that the Indians joined the war because of political incentives and geographical pressures and not because of the common bond of culture and slavery. She bases this conclusion largely on Chief Ross’s personal letters and the letters of Confederate Indian agents. However, she fails to compare the actions of the slave-owning Indians tribes with tribes who did not own slaves. She focuses completely on the slave-owning Indians, and, therefore, misses a crucial part of the issue; the only tribes who

signed alliances with the Confederacy where those who owned slaves, regardless of the geographical location or the incentives offered.

Another author who was particularly useful was Lawrence Hauptman's *Between Two Fires* (1995). Hauptman gives better information than Abel concerning the differences between slave-owning tribes and the others. He gives insight into the motivations of the Catawba, Chippewa, Delaware, Menominee, Miami, Osage, Ottawa, Potawatomi, Quapaw, Shawnee, and Winnebago tribes and why they did or did not chose to join the war. Most of these tribes joined the war on the side of the Union, and Hauptman's research is crucial to my comparison between tribes. However, he spends little time talking about the slave-owning tribes, and when he does mention these tribes, he too concludes they were most likely victims of their circumstances and geography rather than autonomous nations.

Lastly, Barbara Krauthamer's book *Black Slaves, Indian Masters* (2013) gives insight about the culture of slavery within the Indian nations and how that culture affected the Cherokee, Chickasaw, and Choctaw nations internally. Krauthamer's book is crucial understanding the social and political consequences of slavery within the slave-owning tribes. However, Krauthamer fails to look beyond the inner workings of the tribes to their relationship with the Union and the Confederacy. Also, Krauthamer does not discuss the tribes' decision to join the War. While the book gave great insight into the social, political, and economic aspects of Indian-owned slaves, it failed to truly address this researcher's ultimate research question.

The Nature of Southern Tribes and Their Slaves

To understand why autonomous Indian nations would join a war that did not directly involve them, one must first understand the shared culture between the slave-owning Indians and Southerners, which began long before the Civil War. Geography, intermarriage, and even shared enemies, such as the violent Indian tribes in the west, created a shared culture and interdependence. However, one of the most important bonds that tied the Indians and Southerners together was the institution of slavery.

Evolution of Race-Based Slavery

Native Americans did not adopt the concept of slavery from white southerners. Previously, Native Americans had enslaved enemies who were captured in battle, and these slaves were usually either killed or were treated as physical replacements for lost loved ones and, therefore, could potentially become like another family member.⁵ Another difference between the Indians' initial slave culture and the racial slavery associated with the South was that Indians did not value slaves for the labor they could provide; slaves were desirable because they were proof of the warrior's prowess in battle, which would bring them prestige and honor.⁶ Because the slavery was not racially based, the enslavement was not hereditary and would not include the slave's children. Sometimes the enslavement did not even last for the slave's entire lifetime; captives would occasionally be released or granted their freedom. Thus, while the Indians did own slaves before they

⁵ Theda Perdue, *Slavery and the Evolution of Cherokee Society 1540-1866*, (Knoxville, TN: The University of Tennessee Press, 1979), 8.

⁶ Palmié, *Slave Cultures and the Cultures of Slavery*, 145.

began to associate with white southerners, this slavery was quite different in practice and appearance.

However, the practice of slavery among Indians changed as the Europeans became increasingly numerous and traveled further south and west. Indians first became familiar with black slavery when tribes found it profitable to find escaped black slaves and to bring them back to their masters.⁷ While initially Indians were only engaged in the slave trade as bounty hunters, they soon found another use for this new kind of slavery. As more white settlers moved to the south and built plantations and farms, Indians were forced to abandon their nomadic ways and communal lands to make way for the white settlers. The Indian Removal Act of 1830 only exacerbated the problem; as Indians were forced by the U.S government to move westward from the areas of Tennessee, Mississippi, and Alabama to the western territory of Kansas and Oklahoma, their slaves were forced to move with them.⁸ As they became confined to smaller, poorer plots of land, slaves became useful laborers to help the Indians cultivate the less fertile land, which required more labor.⁹ However, the practice of slavery gradually turned from a matter of survival to an institution based on race and prejudice: "What was at first only convenient, as his [Indians] wants increased, became absolutely necessary..."¹⁰

While race-based slavery started as a means to survival, the Native American tribes quickly adopted practices that demonstrated an increasing economic, political, and cultural

⁷ Perdue, *Slavery and the Evolution of Cherokee Society 1540-186*, 38.

⁸ Palmié, *Slave Cultures and the Cultures of Slavery*, 166.

⁹ Michael F. Doran, "Negro Slaves of the Five Civilized Tribes," *Annals of the Association of American Geographers* 68, no. 3 (01 September 1978), 340.

¹⁰ Alexander Hewatt, *A Historical Account of the Rise and Progress of the Colonies of South Carolina and Georgia, 1779*. 2 vols. (London, England: 1779) quoted in Purdue, *Slavery and the Evolution of Cherokee Society 1540-1866*, 22.

hegemony with the southern whites.¹¹ Slavery was particularly prevalent among the southern Native American Nations, the Choctaw, Chickasaw, Cherokee, Creek, and Seminole, who were nicknamed the “Five Civilized Tribes,” partially for their written alphabet and advanced system of laws but also for their slave-owning practices.¹² It is true that a much larger percentage of Southerners than Indians owned slaves (see tables 1 & 2).¹³ However, when comparing the percentage of Indians in the Indian Territory who owned a large number of slaves to slave-owners in a state such as Tennessee, the numbers are much closer. In the Indian Territory, 1.4% of Indians owned fifty or more slaves while 3.1% of slave-owners in Tennessee owned the same number.¹⁴ Another consideration is that slave-owners in the Indian Territory overwhelmingly acted as the political leadership and economic actors within the tribes. Despite the fact that there were fewer slave-owners in the tribes, slavery greatly affected the way the South viewed these tribes; the overall adaption of Southern culture, and the growth of slavery in particular, was proclaimed an “indicator of progress” by the Indian Tribes.¹⁵ These similarities contributed to their survival because the tribes who were most similar to southern antebellum culture were also the least likely to be resented and persecuted by the whites.¹⁶

¹¹ Barbara Krauthamer, *Black Slaves, Indian Masters*, (Chapel Hill, NC: The University of North Carolina Press, 2013), 18-19.

¹² Palmié, *Slave Cultures and the Cultures of Slavery*, 165.

¹³ Exact numbers of the Five Civilized Tribes and their slaves is difficult to gather, as the government did not take a census of the Indians until 1890. However in 1860, through a bureaucratic error, while recording the number of slaves owned by whites, the number of slaves owned by Indians were counted as well. Therefore, for the year of 1860 only, data concerning Indians and their slaves exist.

¹⁴ Michael F. Doran, “Negro Slaves of the Five Civilized Tribes,” *Annals of the Association of American Geographers* 68, no. 3 (01 September 1978): 348.

¹⁵ *Ibid.*, 335.

¹⁶ Palmié, *Slave Cultures and the Cultures of Slavery*, 165.

Table 1. Prevalence of Slavery in the Choctaw, Chickasaw, and Cherokee Tribes¹⁷

	Indian Population	Number of Slaves	Number of Slave Owners	Percentage of Slave-Owning Indians
Choctaw Nation	13,666	2,349	344	2.5
Chickasaw Nation	4,260	975	112	2.6
Cherokee Nation	13,821	2,511	330	2.4

Table 2. Prevalence of Slavery in Three Sample Southern States¹⁸

	Total Population	Total Number of Slaves	Number of Slave Owners	Percentage of Slave Owners
Alabama	964,201	435,080	33,730	35
Texas	604,215	182,566	21,878	28
Tennessee	1,109,801	275,719	36,844	25

Evolution of Shared Culture

As slavery became more prevalent, Native Americans embraced much of the South's racist ideology as well.¹⁹ Many Native American tribes began passing slave codes, which dictated what slaves could or could not do. These new slave codes outlawed intermarriage as well as any kind of sexual relations between Indians and slaves.²⁰ Owning property was also forbidden as well as buying liquor. As one might expect from slave-owners, abolition was also unpopular. The Choctaw Nation outlawed missionaries with abolitionist sentiments from living in the tribe's territory as well as the act of teaching of

¹⁷ Doran, "Negro Slaves of the Five Civilized Tribes," 337.

¹⁸ "1860 Census," *The Civil War Home Page*, http://www.civilwar.net/pages/1860_census.html

¹⁹ Krauthamer, *Black Slaves, Indian Masters*, 17.

²⁰ Perdue, *Slavery and the Evolution of Cherokee Society 1540-186*, 56.

slaves to read or write.²¹ Over time the Indians' treatment of slaves, while in the beginning kinder than that of the white southerners, also grew harsher.²² One missionary wrote about an encounter between a Creek master and his Indian slave: "My poor family...as they were assembled for worship in their usual way in my absence, with a few coloured people, a band of savage monsters rushed in upon them, seized the poor black people, bound them with cords & belts and such other things...they were then led out one by one to a post in the yard and beaten unmercifully."²³

Another result of slavery was a similar economic hegemony with the whites as Indians became divided into similar class structures as the South. When the Indians who owned slaves became wealthier, the tribes experienced the rise of a plantation upper class in contrast to other poorer Indians in the tribes. Of the Cherokees who owned slaves, 78% were mixed race; slave-owning Indians almost always had some white ancestry while those who were purely Native American were poorer and usually did not own slaves.²⁴ Owning slaves was a large economic advantage for the Indians. The typical slave-owning Indian was able to cultivate seventy-five acres of crops while non slave-owning Indians only farmed eleven acres.²⁵ These Indians usually grew cotton or corn, which they then sold for a profit.²⁶ Even in lifestyle, slave-owning Indians did not differ from white plantation owners. For example, Cherokee tribesman John Ridge owned twenty-one slaves and lived in a two-story brick home with glass windows and a chimney. His plantation included other

²¹ Thomas M. Bailey, *Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism*, (Port Washington, NY: National University Publications, 1972), 23.

²² Palmié, *Slave Cultures and the Cultures of Slavery*, 164.

²³ Reverend Lee Compere, May 18, 1828, quoted in William G. McLoughlin, "Red Indians, and White Racism: America's Slaveholding Indians," *American Quarterly* 26, no. 4 (1974): 376.

²⁴ Palmié, *Slave Cultures and the Cultures of Slavery*, 166.

²⁵ Perdue, *Slavery and the Evolution of Cherokee Society 1540-186*, 60.

²⁶ Doran, "Negro Slaves of the Five Civilized Tribes," 340.

buildings such as a mill and slave cabins.²⁷ Typically slave cabins were nothing more than a log pen with little care spent making it comfortable or even weather resistant.²⁸ Overall, Indian farms and plantations varied little from many of the stereotypical homes found in the antebellum South. In lifestyle and sometimes even physical appearance, many of the slave-owning Indians were indistinguishable from white southerners.

The consequences of these separate classes were that the wealth and influential Indians in the tribes were those who owned slaves. This was favorable to the Confederacy since the leaders of these tribes both owned slaves and were mixed-race; therefore, they were more likely to have loyalty to the South. These slave-owners were the most likely, once the war started, to be the ones deciding whether or not to join the Confederacy. One well-known example is Stand Watie, a Cherokee who was a quarter white, who later became a brigadier general for the Confederacy.²⁹

²⁷ Perdue, *Slavery and the Evolution of Cherokee Society 1540-186*, 59.

²⁸ Doran, "Negro Slaves of the Five Civilized Tribes," 344.

²⁹ Anne J. Bailey, *Invisible Southerners: Ethnicity in the Civil War*, (Athens, GA: University of Georgia Press, 2006), 32.

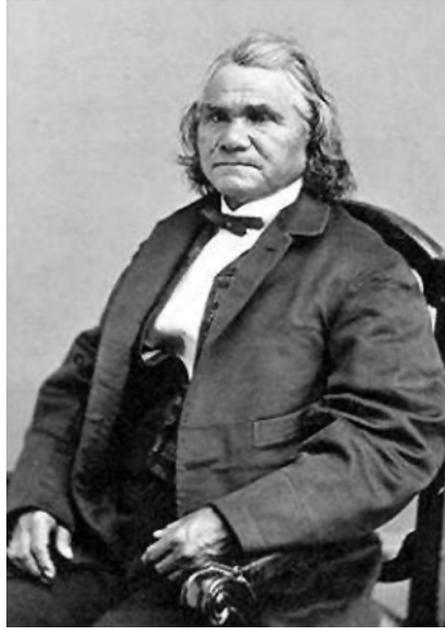


Figure 1. Photograph of Stand Watie.³⁰

He grew up in Georgia and was from a wealthy, plantation-owning family.³¹ His brother was the editor of the *Cherokee Phoenix*, and his entire family was greatly involved in tribal politics. In 1861, Watie started a chapter of a society called The Knights of the Golden Circle in response to the growth in the abolitionist movement in the Indian Territory. Sometimes called the Southern Rights party, this extremist group opposed abolition and allied itself with the South politically.³² The chapter consisted of over 6,000 members, most of whom were slave-owners.³³ This group of Indians became the main faction to push for an alliance with the South.

³⁰ Kathy Weiser, "Stand Watie: Brigadier General of the Civil War," *Legends of America*, accessed December 07, 2016, <http://www.legendsofamerica.com/na-standwatie.html>.

³¹ "Stand Watie," *Cherokee Registry*, http://cherokeeregistry.com/stand_watie.pdf

³² Bailey, *Invisible Southerners: Ethnicity in the Civil War*, 32; John Wilkes Booth was also rumored to be a member of this society, albeit in a different chapter than the one Stand Watie started.

³³ Morris L. Wardell, *A Political History of the Cherokee Nation, 1838-1907*, (Norman, OK: The University of Oklahoma Press, 1938), 123.

In response, the creation of the Knights of the Golden Circle caused a backlash from non-slave-owning Indians in the tribes, especially the Cherokee tribe. The Chickasaw and Choctaw nations experienced less division due to the higher number of slave-owning Indians. Speaking of the Choctaw, one man wrote that even the full blood Indian in that tribe would get a slave or two when there was manual labor to be done.³⁴ However, the Cherokee nation was more divided since there was a larger group of non slave-owning Indians who were outspoken against slavery and an allegiance with the south. One sect of these Indians created their own society, an abolitionist society, which was largely influenced by the missionaries who had come to live and serve the Indians. Many of the missionaries had strongly pushed an abolitionist agenda, and the Indians who did not own slaves were the most receptive audience. These Indians organized the “pin organization,” named because of the pins that members would wear on their clothing as a sign of allegiance with the organization. These Pin Indians also concerned themselves with other issues, such as the political influence of half-breeds as well as the lost tribal rituals. One Confederate agent to the Indians believed the organization was “...for the purpose of abolitionizing Cherokees and putting out of the way all who sympathized with the Southern State.”³⁵

The intertribal conflict between the Cherokees, as well as those in other tribes, was the direct result of the growth and prevalence of slavery. Even before the Civil War began, slavery created division between slave-owners and the full-blooded Indians. Despite the resistance of many of the full-blooded Indians, the momentum of war would soon pull the

³⁴ Doran, “Negro Slaves of the Five Civilized Tribes,” 338.

³⁵ Albert Pike to the Commissioner of Indian Affairs, February 17, 1866, *Report of the Commissioner of Indian Affairs*, Bureau of Indian Affairs.

tribes into a conflict that did not directly involve them. The South, recognizing its natural allies in the slave-owning Indians, began to use diplomacy to make alliances in the Indian Territory, and the most important bargaining chip they used was slavery.

Confederate Diplomacy

Despite the cultural similarities between the South and the slave-owning Indian tribes, joining the war was not a decision taken lightly. As an independent nation, theoretically the Indians would not be directly affected by the outcome of the Civil War and were not necessarily under any obligation to choose sides. However, the Indians did experience tremendous pressure to join a one side or the other as both the Union and the Confederacy were eager to have the support of the Native Americans. Both sides believed the Indian Territory was vital for defending territory in the West, particularly the South who needed the Indian Territory to serve as a military buffer between the free state of Missouri and the slave states of Arkansas and Texas. Therefore, the fact that many of the tribes did join the Confederacy was a huge boon for the secessionist states. The diplomacy between the two was significant aspect of the decision and reveals why the Indians chose to join the war.

While both sides urged the Indians to make an alliance, the Confederates were generally better at communicating with the tribes. While both the Union and the Confederacy sent commissioners to the Indians, the Confederates had the advantage of having better knowledge of how to work with the Indians. Southerners had traditionally been commissioners or administrators for the Office of Indian Affairs. These men had lived near Indians and had relationships with many of their leaders, and at the start of the war,

these men went to work for the Confederacy. After succeeding, one of the first tasks of the Confederacy was to create a Bureau of Indian Affairs and send numerous commissioners to Indian Territory at the beginning of the war in early 1861. These commissioners were assigned with the task of “impress[ing] upon the Creek Nation and surrounding Indian tribes....the real design of the North.... the emancipation of their slaves....[which] the Indians nations and tribes well know from the character and conduct of those missionaries who have been in their midst, preaching abolition sentiments under the disguise of the holy religion of Christ and denouncing slaveholders as abandoned by God...”³⁶ The diplomats were instructed in a letter to “explain to them, under these circumstances how their cause has become our cause, and themselves and ourselves stand inseparably associated in respect to national existence and property interests.”³⁷ Once such commissioner, Albert Pike, a native New Englander who lived in Arkansas and offered his services to the Confederacy, traveled to the different tribes to make treaties with the Creeks, Choctaws, Chickasaws, Seminoles, Cherokees, Osages, Senecas, Shawnees, Quapaws, Wichitas, and Comanches.³⁸ Each tribe decided for themselves which side to join, and many of them were quite divided over the decision.

The Chickasaw and Choctaw Nations were the most willing to ally with the Confederacy.³⁹ They were originally from the deep southern states of Alabama and Mississippi and were believed to be the harshest slave-owners as well.⁴⁰ Even before the war started, they began to prepare for a Civil War and an alliance with the Confederacy. In

³⁶ L.P. Walker to David Hubbard, May 14, 1861. *Congressional Serial Set*. Harvard College Library.

³⁷ *Ibid*.

³⁸ Annie Heloise Abel, *The American Indian as a Participant in the Civil War*. (Cleveland, OH: The Arthur H. Clark Company, 1915), 285.

³⁹ Annie Heloise Abel, *The American Indian Under Reconstruction*, (Cleveland, OH: The Arthur H. Clark Company, 1915), 24.

⁴⁰ Palmié, *Slave Cultures and the Cultures of Slavery*, 166.

January 1861, the Chickasaw legislature ratified a bill that formed an intertribal conference of Choctaw, Creek, Cherokee and the Seminoles to make a treaty “in the event of a change in the United States.”⁴¹ Furthermore, in February of that same year, The Choctaw Council published a resolution which expressed regret at the conflict between the North and the South but stated that “we shall be left to follow the natural affections, education, institutions, and interests of our people, which dissoluble bind us in every way to the destiny of our neighbors and the brethren of the Southern states.”⁴² A few months later in May of 1861, the Chickasaw Nation passed a similar resolution in favor of the Confederacy. They maintained their independent nation status but looked to the Confederacy, especially their neighbors Texas and Arkansas, as friends and natural geographical allies. Furthermore, the Chickasaws promised to take control of any federal forts in their territory and called any able-bodied male to take up arms.⁴³ The Chickasaw and Choctaw nations had cast their lot with their fellow slave-owners.

However, not all the tribes were as eager to join the war initially. The Cherokee were still divided over the issue. While Stand Watie and his ilk pushed for an alliance, the non slave-owning tribe members, who made up a much larger part of the Cherokee tribe, wished to remain neutral. However, the Confederate Commissioners put tremendous pressure on the Cherokees. As the largest slaveholding tribe and the tribe considered by many to be the most “civilized,” the Cherokee tribe was an important alliance, and one that the Confederacy great desired. Confederate commissioners sent letters to the Cherokee

⁴¹ Chickasaw Legislation, January 5, 1861, as quoted in Annie Heloise Abel, *Slaveholding Indians*, (Cleveland, OH: The Arthur H. Clark Company, 1915), 69.

⁴² Choctaw Resolution. February 7, 1861. *The Oklahoma Civil War Sesquicentennial*. 150 Oklahoma Civil War. <http://www.okcivilwar.org/history/choctaw-resolution-1861>

⁴³ Annie Heloise Abel, *Slaveholding Indians*, (Cleveland, OH: The Arthur H. Clark Company, 1915), 124.

Chief John Ross, predicting that if the Union wins “your slaves they will take away from you; that is one object of the war, to enable them to abolish slavery.”⁴⁴

The Cherokees held a meeting in Tahlequah on August 21, 1861, to discuss what to do. While Chief Ross earnestly wished to remain neutral, his political opponent Stand Watie led the faction of Cherokees who wished to make an alliance.⁴⁵ Concerning the stalemate, Albert Pike wrote that he believed the smaller and more powerful slave-owning faction would eventually win. And if not, Pike wrote, “He [Chief Ross] will learn that his country will be occupied; and I shall then negotiate with the leaders of the half-breeds who are now raising troops...”⁴⁶ Albert Pike was right; Despite Chief Ross and others’ misgivings, the Cherokee nation chose to support the Confederacy.⁴⁷ In the Cherokee Resolution of 1861, Chief Ross declared an allegiance to the Confederacy, with whom they shared similar interests and institutions. Explicit in the resolution is the issue of slavery:

That among the rights guaranteed by the Constitution and Laws, we distinctly recognize that of property in negro slaves, and hereby publicly denounce as calumniators those who represent us to be Abolitionists, and as a consequence, hostile to the South, which is both the land of our birth and the land of our home.⁴⁸

⁴⁴ Annie Abel, “The American Indian as Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy,” *The Georgia Historical Quarterly* 5, no. 3 (September 1921), 145.

⁴⁵ Bailey, *Invisible Southerners: Ethnicity in the Civil War*, 32.

⁴⁶ Albert Pike to Robert Toombs, May 29, 1861. *War of the Rebellion: Serial 127 Page 0359 Confederate Authorities*, Ohio State University, <https://ehistory.osu.edu/books/official-records/127/0359>

⁴⁷ Bailey, *Invisible Southerners: Ethnicity in the Civil War*, 34.

⁴⁸ “Alliance with the Confederate States,” *The Daily Dispatch September 13, 1861*. Perseus Digital Library. <http://www.perseus.tufts.edu/hopper/>.

However, soon after the resolution was published, Ross and over seven thousand Cherokees chose to leave for Kansas to avoid being forced to fight for the Confederacy and experiencing the bloodshed that was soon to result from the Civil War.⁴⁹

Loyalties of Non Slave-Owning Tribes in the Same Territory

When considering why these tribes chose to ally with the Confederacy, some historians believe geography played a key role. President Andrew Johnson, in the Indian Removal Act of 1830, removed the Southern Native Americans from their ancestral lands in Tennessee, Mississippi, and Alabama and forced them to live on Indian Territory in Oklahoma. Thirty-five years later in 1865, the nearly 74,000 Indians who lived in the territory were surrounded by Confederate states such as Texas and Arkansas.⁵⁰ Their best men having left for the Confederacy, the Union Bureau of Indian Affairs made several critical errors in judgment. First, the Union removed the federal troops that were stationed in the Indian Territory to the more urgent battlefields, intending to later send a division of volunteers to guard the Federal forts.⁵¹ Secondly, the Union assumed the Indians would remain loyal. However, left alone, with no protection and with the Confederacy eager for an alliance, many historians believe the tribes had little choice but to make an alliance because of their geographical location. One historian cautiously wrote that considering the Indians' strategic position, neutrality would be difficult.⁵² Another called any ideas of neutrality "delusional."⁵³ These historians believe the tribes joined the Confederacy because the

⁵⁰ Bailey, *Invisible Southerners: Ethnicity in the Civil War*, 29.

⁵¹ Abel, *The American Indian as a Participant in the Civil War*, 283.

⁵² Bailey, *Invisible Southerners: Ethnicity in the Civil War*, 34.

⁵³ Abel, "The American Indian as Slaveholder and Secessionist," 124.

Unions' blunders caused an already precarious situation to become absolutely impossible by means of geography: "They were slaveholding tribes...yet were supposed by the United States government to have no interest whatsoever in the sectional conflict that involved the very existence of the peculiar institution. Thus the federal government left them to themselves at the critical moment and left them, moreover, at the mercy of the South."⁵⁴

However, when studying the role of geography in the tribes' decisions, these historians must consider that the Five Civilized Tribes were not alone in the Indian Territory. While these five tribes made up about 58,000 of the 74,000 Indians living in Indian Territory, they were by no means the only tribes.⁵⁵ The Catawba, Chippewa, Delaware, Menominee, Miami, Osage, Ottawa, Potawatomi, Quapaw, Shawnee, and Winnebago tribes had also been forced to migrate to the western territories and resided with the Five Civilized Tribes on Indian Territory.⁵⁶ Like the Five Civilized Tribes, these tribes had migrated in the 1830s; however, their home had been in the northeast, and they had experienced a far longer trek and had a more severe acclimation to the west and the hostile plains Indians.⁵⁷

⁵⁴ Palmié, *Slave Cultures and the Cultures of Slavery*, 169.

⁵⁵ Doran, "Negro Slaves of the Five Civilized Tribes," 347; Annie Abel, "The American Indian as Slaveholder and Secessionist," 57.

⁵⁶ Laurence M. Hauptman, *Between Two Fires*, (New York, NY: The Free Press, 1995), 5.

⁵⁷ *Ibid.*, 17-20.

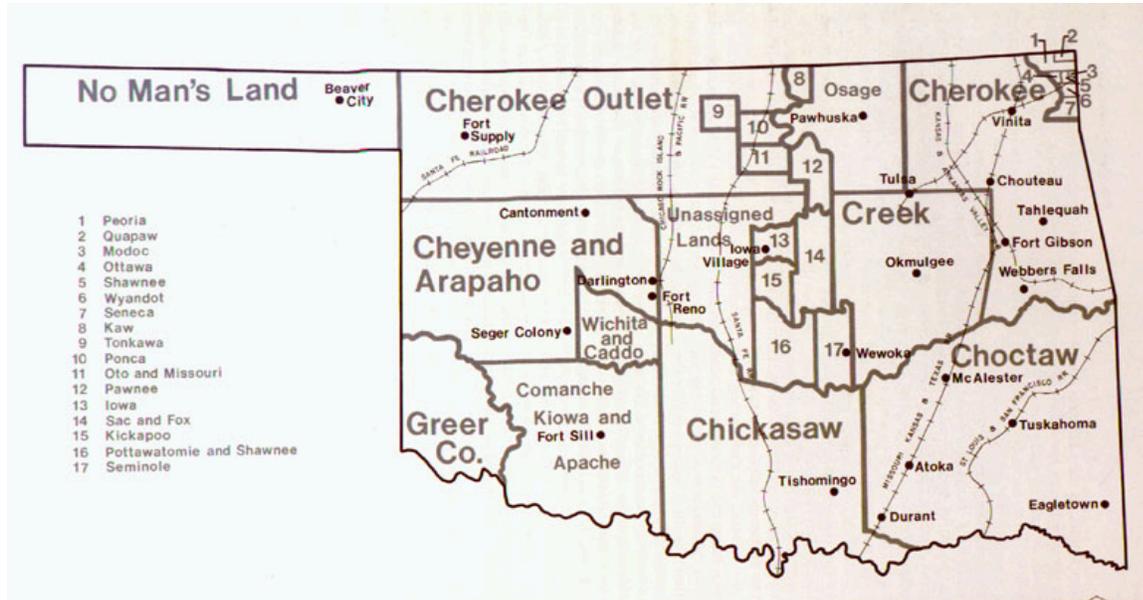


Figure 1. Map of Tribes in Indian Territory in 1860.⁵⁸

Despite these non slave-owning tribes' similar geographic location and justifiable grievances against the Union government, they still did not ally with the Confederacy. At the beginning of the war, many of these tribes wrote letters to Washington, begging for support against the aggressive Confederate agents, with little results. The Upper Creek Chief Opoeth-le-yo-ho-la wrote to the president, or "Great Father," and said, "You said that in our new homes we should be defended from all interferences...and should we be injured by anybody you would come with your soldiers & punish them, but now the wolf has come...White People are trying to take our people away to fight against us and you."⁵⁹ His pleas were largely unanswered, due to bureaucratic squabbles within the Union Bureau of Indian Affairs. Two months later, in November of 1861, Confederate Colonel Cooper gathered a force of fourteen men, composed mostly of Indians, to attack the group of loyal

⁵⁸ "1866-1889 Map of Indian Territory," *Census Finder*, accessed December 07, 2016, <http://www.tulsaokhistory.com/maps/ok18661889>

⁵⁹ Opoeth-le-yo-ho-la, August 15, 1861 as quoted in Annie Heloise Abel, *Slaveholding Indians*, 245.

Unionists. In response, Chief Opoeth-le-yo-ho-la and his clan fled to Kansas for refuge.⁶⁰ Other tribes, such as the Delaware, did sign treaties with the Confederacy after being pressured by Albert Pike and other commissioners. However, they promptly broke these treaties when many of the men volunteered to fight for the Union.⁶¹ Out of all the tribes residing in Indian Territory, only the five slave-owning tribes chose to ally and fight with the Confederacy.

Despite the fact that these tribes allied with the Union, one historian, Laurence Hauptman, argues that many of these former northern tribes did not support the union out of ant-slavery sentiment or patriotism for the United States but simply out of sheer necessity to survive.⁶² Yet he neglects to consider that these tribes were surrounded by Confederate territory, Confederate agents, and Confederate Indian sympathies. As a result, many of them lost significant property and wealth as a result of fighting for the Union. One Delaware volunteer, Black Bear, was quite wealthy before the Civil War, yet by the end of the war Confederate soldiers had seized his cattle, horses, and destroyed his home and crops. Black Bear never received compensation from the government for his losses during the war.⁶³ This destruction was typical of much of the land of property in parts of Indian Territory. Many of these Indians who fought for the Union did so at great personal loss while the slave-owning tribes of the Choctaws and Chickasaws never experienced an invasion of their land and largely escaped the war unscathed.

The reason these tribes chose to support the Union and did not join the Confederacy, unlike the Five Civilized Tribes, was because they did not have slavery in their

⁶⁰ Annie Heloise, *Slaveholding Indians*, 254.

⁶¹ Hauptman, *Between Two Fires*, 28.

⁶² *Ibid.*, 23.

⁶³ *Ibid.*, 26-27.

tribes. The only difference between tribes such as the Delaware, Shawnee, and Miami tribes and the Five Civilized Tribes was the institution of slavery. Factors such as geography, past exploitation, and diplomatic pressure all paled in comparison to the effect peculiar institution had on loyalty, culture, and motivation. Rather than victims of their circumstances, the Five Civilized Tribes were autonomous nations that deliberately chose to join the side that would protect their property interests and culture.

Conclusion

It is not coincidental that those tribes who owned slaves chose to support the Confederacy, and those who did not supported the Union. The Cherokee tribe is the perfect example of the tribal split between Indians who owned slaves and those who did not. Those members who did not own slaves split from the tribe and fled to the North, where they stayed as refugees until the end of the war.⁶⁴ The rest, led by Stand Watie, remained allies with the Confederacy until the end of the war. Lines were drawn both within and between tribes based on the issue of slavery. Despite popular theories that the Indians joined the Civil War because of geography or vulnerability, when one considers the common culture, diplomatic evidence, and the contrasting actions of those Indians who did not own slaves, the only conclusion, and the thesis of this paper, is that these tribes joined the war to protect the peculiar institution of slavery.

The Cherokees, Choctaws, and Chickasaws are important to study because they are a group of people who, like the North and the South, were also divided by the issue of slavery. However, unlike the South, these tribes could not cite other motivations, such as

⁶⁴ Wardell, *A Political History of the Cherokee Nation, 1838-1907*, 127.

states' rights, to defend their rebellion against the Union because they were already autonomous with their own laws, governments, and bureaucracies. As this paper has shown, slavery was their impetus for allying with the Confederacy, and as the only third party to officially join the Civil War, their impetus is particularly important because it shows that even in the absence of political differences such as states rights, the institution of slavery alone was enough to cause these tribes to ally against the Union. The sobering significance is larger than the tribes themselves because it shows that regardless of the political and cultural difference between the North and the South, perhaps the nature of slavery is so naturally divisive that, aside from other issues, it would have resulted in the Civil War. Regardless of the possible ramification, the "'peculiar institution' in its most peculiar American instance" is one of the most interesting chapters in the history of the Civil War.⁶⁵

Because this paper is not exhaustive on the topic of Indian masters and black slaves, there are several topics questions to this paper's research topic that have not been adequately researched. Namely, what repercussions did the secessionist Indians faced in the Reconstruction Years? What was the nature of the working relationship between white Confederate soldiers and Indian Confederate soldiers? Also, how did the black slaves view their Indian masters and what was that relationship like both before and after the war? The topic of slave-owning Indians is one that has been rarely researched, and there are many approaches that might prove fruitful for a researcher in the future.

⁶⁵ Doran, "Negro Slaves of the Five Civilized Tribes," 336.

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