A Forgotten Exodus:

Violence and Suffering in Civil War Indian Territory

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Introduction

The Indian refugees trekked north towards the safety of Kansas, destitute, starving, and frostbitten. Comprised of Creeks and Seminoles, women, children, and warriors, free and enslaved blacks, the rocky landscape impeded the parties' progress, as did the bitterly cold winter, "the most severe that had occurred in that part of the country for many years." An Indian agent reported that "many of them were on foot, without shoes, and very thinly clad…quite a number of them froze to death on the route, and their bodies, with a shroud of snow, were left where they fell to feed the hungry wolves."[1]

The landscape and weather, however, were secondary dangers compared to the refugees' pursuers. Indeed, they owed their destitution and deprivation to the thousands of Confederate troopers hot on their trail. The Southern forces consisted not only of white Texans and Arkansans, but also Confederate Indians. Although the war was young—indeed, this 1861 winter campaign was the first in Indian Territory (modern Oklahoma)—Native-Americans were already waging a brutal civil war amongst each other. The rebellion of Creek chief Opothleyahola and his followers, a rebellion that challenged Confederate authority and threatened wider intra-tribal civil war, needed to be quashed. The Confederate pursuers exhibited little mercy towards those they hunted, and they drove thousands of dissident Creek and Seminole Indians—those who had refused to rally to the Confederate banner—over two hundred miles north into Union Kansas. Upon their arrival, Indian agent George Cutler stated simply, "I doubt much if history records an instance of sufferings equal to these."[2]

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[1] William G. Coffin to William P. Dole, October 15, 1862, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington: Government Printing Office, 1863): 136; George A. Cutler to William G. Coffin, September 30, 1862, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington: Government Printing Office, 1863): 139.

[2] George A. Cutler to William G. Coffin, September 30, 1862, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington: Government Printing Office, 1863): 139.

This brutal exodus and the short military campaign that preceded it raged in the war's early months, in the often-overlooked military backwater of Indian Territory. Yet the intransigence of thousands of Indians to submit to Confederate authority, and the subsequent Southern offensive waged against these people, illuminates much about the causation and character of the Civil War in Indian Territory. This paper begins with a brief survey of the political climate of the Creek Nation in 1861, wherein it becomes apparent that Indian involvement in the American Civil War stemmed from Indian issues, not American ones. Long simmering political feuds over removal, divisions over acculturation and preservation of Indian traditions, and personal rivalries fueled an inherently *Indian* Civil War.

The paper continues with a detailed examination of the military campaign against Opothleyahola and the ensuing pursuit of his followers to Kansas. The brutal nature of the campaign and the immense suffering it heaped upon civilians foreshadowed the destructiveness of the war to come. While historians have largely adopted a declensionist narrative regarding the Civil War, wherein the conflict grows increasingly "hard" over time, in Indian Territory, "hard war" appeared from the very beginning. And four years of "hard war" in the Territory would reap a fearful harvest by war's end.[3]

Ultimately, the 1861 Confederate campaign against Opothleyahola is merely the prologue to a longer and even more tragic tale regarding the experiences of Native-Americans in Indian Territory

[3] Mark Grimsley's *Hard Hand of War* details how Union military policy evolved from a conservative, conciliatory approach to a policy of "hard war," meant to "demoralize Southern civilians and ruin the Confederate economy." Interestingly, Grimsley notes that the conciliatory policy never took deep root in the Western and Trans-Mississippi theaters. Gerald F. Linderman's *Embattled Courage* also depicts a war that grew increasingly harsh overtime, highlighting 1864 as the tipping point for "warfare of terror" that was waged against Southern civilians. Charles Royster utilizes "Stonewall" Jackson and William Sherman as mediums through which an increasingly violent, aggressive war was persecuted. All of these works depict a war that grew in intensity over time, where civilians were slowly but inexorably pulled into and targeted by the conflict around them. Mark Grimsley, *Hard Hand of War: Union Military Policy toward Southern Civilians, 1861-1865* (New York: Cambridge University Press, 1995): 3; Gerald F. Linderman, *Embattled Courage: The Experience of Combat in the American Civil War* (New York: The Free Press, 1987): 180; Charles Royster, *The Destructive War: William Tecumseh Sherman, Stonewall Jackson, and the Americans* (New York: Alfred A. Knopf, 1991): xi, 35, 79.

throughout the war. This paper concludes with a partial counting of the war's terrible cost for the region and a call for greater research into why and how such violence and destruction haunted Indian Territory.

The Political Crisis

In the summer of 1861, the Five Tribes of Indian Territory—Cherokee, Chickasaw, Choctaw, Creek, and Seminole—found themselves caught in the secession crisis that gripped the nation. Wedged in between Kansas and Texas, neutrality seemed a fleeting hope at best. The United States army abandoned its posts in the Territory in May, and the subsequent vacuum of power offered Southerners a singular opportunity to sway Indian leaders to ally with the nascent Confederacy. Via cajoling and coercion, Confederate generals, governors, Indian agents and everyday citizens exerted tremendous pressure on the Five Tribes to ally with the South, and tribal governments dominated by wealthy, acculturated planter-elites proved receptive to Confederate overtures of alliance. By September, all of the Five Tribes were bound by treaty to the new Confederate government.[4]

Yet these Indian-Confederate alliances did not represent the true political inclinations of all Native-Americans within Indian Territory. While many acculturated Indian leaders easily envisioned themselves as part of a wider Southern society and nation, others in Indian Territory still clung to more traditional ways of life. These traditionalists remained skeptical that Indian interests were intertwined with those of the South. Within the Creek Nation, this division was embodied within the two factions of the tribe: Upper Creeks, who sought to preserve traditional Creek lifestyles and religion, and Lower Creeks, who largely embraced white, Southern culture.[5]

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[4] The Indian Territory has received scant attention from scholars, Indian Territory even less so. Still, several works help shed light on the region's confused cultural and political milieu of Civil War Era Indian Territory. Clarissa Confer's *Cherokee Nation in the Civil War* offers a survey of that tribe's wartime experience, with particular emphasis on civilian suffering. *Confederate Cherokees* exposes the cultural fault lines that led to desertion and defection among Confederate Cherokees. Mark Lause's *Race and Radicalism in the Union Army* explores how many Indians eventually came to serve in the Union army. The first chapter of my thesis *Confederate Borderland, Indian Homeland* explores the regional interactions and pressures that left the Five Tribes with little option but to ally with the Confederacy. Lastly, *Now the Wolf Has Come: The Creek Nation in the Civil War* by Christine and Benton White explores the 1861 Opothleyahola campaign. While the book offers a detailed bibliography, the authors' use of first person narrative limits its scholarly use. Still, the book provides a great, imaginative window—if partially fictional—into the Creeks' suffering early in the war.

[5] Interview with Stephen R. Lewis, July 9, 1937, Indian Pioneer Papers, WHC, University of Oklahoma.

These cultural divisions were compounded by old political feuds. In 1825, William McIntosh, the powerful patriarch of the Creek McIntosh clan and Lower Creek leader, had arranged a treaty ceding away Creek lands in Georgia in return for new lands west of the Mississippi. The Upper Creeks opposed the treaty bitterly, none more forcefully than young Upper Creek leader Opothleyahola. "I have told you," Opothleyahola chided William McIntosh, "your fate if you sign that paper. I once more say, beware." But William McIntosh did sign the treaty, without Upper Creek approval, and in doing so created a political feud between Opothleyahola and the McIntosh clan, and the Upper and Lower Creeks, that would span decades. Still, Opothleyahola's immediate threat rang true, as William McIntosh was assassinated shortly after the 1825 treaty was signed.[6]

When the Confederacy approached the Creek Nation in July of 1861, William McIntosh had been dead some thirty-six odd years, but his sons Daniel and Chilly McIntosh carried on his legacy. Daniel and Chilly signed an alliance with the Confederate States, once again ignoring the sentiments of the Upper Creeks, who wished to remain neutral. Instead of caving to McIntosh machinations and Confederate authority, some 4,000 disaffected Creeks and a number of Seminoles gathered under the leadership of Creek chieftain Opothleyahola throughout autumn.[7]

Among those who joined Opothleyahola was ten-year old James Scott, who recalled that "I did not fully realize or understand why I was given orders to round up the cattle." Scott marveled at the preparations being made in his community, "with little knowledge of its meaning." Only as he heard of the "many ruthless raids and destroying of homes by the McIntosh Creeks" did he become convinced "that there was discord."[8]

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[6] John Bartlett Meserve, "Chief Opothleyahola," *Chronicles of Oklahoma* 9, no. 4 (December, 1931): 440; Grant Foreman, *The Five Civilized Tribes* (Norman: University of Oklahoma Press, 1934), 424.

[7] Ibid., 441, 446.

[8] Interview with James Scott, March 29, 1937, Indian Pioneer Papers, WHC, University of Oklahoma. Hereinafter referred to as the WHC.

In communication with Federal authorities in Kansas, hopeful of U.S. assistance, and confident of support among dissident Indians, Opothleyahola's actions split the Creek Nation in two. With thousands of Creeks and some Seminoles mobilized under his leadership, Opothleyahola once again stood in opposition to the McIntosh clan. Even more paradoxically, Opothleyahola, who had fought against Andrew Jackson at Horseshoe Bend and spent much of his life opposing federal encroachment on Indian lands, was now ostensibly pushed into the Unionist camp. The Creek Nation stood on the precipice of intra-tribal civil war in 1861, but cultural divisions and festering political feuds were to blame.

As thousands of followers and their livestock joined Opothleyahola along the Canadian River in northern Indian Territory, the tremendous party soon stripped the region of forage and began to migrate northwest onto the fringe of Cherokee Nation. The Indians burned the homes of several Confederate sympathizers along the way, and hundreds of local slaves escaped into the relative freedom of Opothleyahola's ranks.[9]

Although having given no indication of launching an offensive, Opothleyahola's mere presence in Indian Territory undermined the Confederacy's brand new authority in the region; moreover, it was a clear challenge to the pro-Confederate McIntosh leadership of the Creeks. The Confederate military commander in the region, Col. Douglas H. Cooper, understood the challenge Opothleyahola's intransigence presented and determined to "either compel submission to the authorities…or drive [Opothleyahola] and his party from the country."[10]

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[9] Edwin C. Bearss, "The Civil War Comes to Indian Territory," *Journal of the West* 11 (Spring, 1972), 11-12

[10] Edwin C. Bearss, "The Civil War Comes to Indian Territory," *Journal of the West* 11 (Spring, 1972), 11-12; "Report of Col. Douglas H. Cooper," January 20, 1862, *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, (Washington, D.C.: Government Printing Office) vol. 8, 5. Hereinafter referred to as the *O.R.*

The Campaign

On November 15th, Confederate Colonel Douglas Cooper's force, some 1,400 Chickasaws, Choctaws, Creeks, Seminoles, and Texans, set out to subdue Opothleyahola and secure Indian Territory for the Confederacy. Quickly finding Opothleyahola's trail, or "old Gouge" as the Texans dubbed him, by the 19th the Confederates had caught up to the old Creek chieftain; the smoke from his campfires dotted the sky. Anxious to close with the enemy, the Ninth Texas Cavalry charged forward with Creeks and Choctaws in support, only to find the camp "recently deserted." Still, the capture of a few prisoners assured the Texans that they enemy lay ahead, and they ploughed onwards "at a furious rate" across three miles of open prairie.[11]

Approaching a belt of timber guarding two round hills, the Texans foolishly "charged & came *into line* in fine style." Thinking the enemy was on the run, the Texans instead charged headlong into the main body of Opothleyahola's force of several thousand, which promptly opened fire into the flanks of the Southern troopers. Sergeant George Griscom of the Ninth Texas recalled that the enemy Indians sent "a pony chased by dogs" through the Texans ranks in an effort to stampede the Rebels' horses. The Texans found itself in a precarious, and eerie, position. Outnumbered and slowly retreating towards the main Confederate force, the Texans fought in twilight, the flickering flames of prairie fires "in a half a Dozen place affording them light to fight by."[12]

Relief arrived as the 1st Choctaw and Chickasaw Mounted Rifles took the field, led personally by Col. Douglas Cooper. The Confederate Indians met their Union counterparts and "a bloody fight of 15 minutes" ensued. The Texans were careful not to again push forward into the fray, as "it was impossible for us to tell even in daylight which of the Indians were our friends and which our

[11] "Report of Col. Douglas H. Cooper," January 20, 1862, *O.R.*, vol. 8, 5-6; George Griscom, *Fighting With Ross' Texas Cavalry, C.S.A.*, ed. Homer L. Kerr (Hillsboro, TX: Hillsboro Junior College Press, 1976), 7.
[12] Ibid.

enemies." The short, vicious fight among the Indians—some Confederate, some Union—ultimately resulted in Opothleyahola's forces shrinking back into the darkness. The Battle of Round Mountain, the first major Civil War engagement in Indian Territory, was over. Confederate casualties proved relatively light: six killed, five wounded and missing. Union casualties are unknown; Col. Cooper claimed old Gouge suffered 110 men lost, but this number seems exaggerated.[13]

Although Opothleyahola enjoyed superior numbers and advantageous terrain, it seems likely that Opothleyahola retreated due to his concern for the well-being of the thousands of civilian refugees under his protection. The next day, the Confederates entered the chieftain's abandoned camp and savored the spoils of war. In his desire to quickly escape the enemy's reach, Opothleyahola left behind a dozen wagons loaded with sugar, salt, coffee, flour and other supplies. Oxen, cattle, sheep, over a hundred ponies, and several carriages were all found abandoned by the pursuing Confederates. More darkly, soldiers also uncovered the bodies of two Southern soldiers "taken prisoner by them & beaten to death." George Griscom experienced "feeling for the 1st time as one does when leaving comrades slain on the field" and witnessed Confederate "Creeks taking some scalps the 1st I ever saw." Though a small skirmish, the ugliness of war was on full display.[14]

Interestingly silent in Confederate sources is any real discussion regarding for whom all these captured supplies were intended. While it was widely known that Opothleyahola was harboring large numbers of civilian refugees, Confederate commanders and soldiers alike expressed little remorse for driving these hapless civilian further from their homes. The large quantities of food and supplies captured after Round Mountain were just as certainly intended for the needs and wants of women and children as for old Gouge's warriors. By forcing Opothleyahola to abandon his

[13] "Report of Col. Douglas H. Cooper," January 20, 1862, *O.R.*, vol. 8, 5-6; Griscom, *Fighting With Ross' Texas Cavalry*, 7; James C. Bates, *Texas Cavalry Officer's Civil War: The Diary and Letters of James C. Bates*, ed. Richard Lowe (Baton Rouge: Louisiana State University Press, 1999), 29-30. Bates suggests that 40 or 50 was a more realistic figure regarding the enemy's causalities.

[14] Ibid.

supplies, the Confederate offensive was in turn inflicting suffering upon the civilians Opothleyahola harbored.

The Unionist Indians were given a brief respite from Confederate aggression following the Round Mountain fight when Federal forces in Missouri threatened to invade northern Arkansas. General Cooper's forces were compelled to spend several weeks near the Arkansas border, ready to repel any Federal offensive. When none proved forthcoming, however, Douglas Cooper again renewed his assault on Opothleyahola. Again, Cooper's force was comprised of the 1st Choctaw and Chickasaw Mounted Rifles, the 1st Creek Mounted Rifles, a battalion of Choctaws, and the 9th Texas Cavalry. Also present was a sizable detachment of the 2nd Cherokee Mounted Rifles, an outfit comprised primarily of traditionalist Indians and supporters of Cherokee chief John Ross, who were led by Ross' nephew John Drew. Drew's regiment contained more than a few members of the Keetowah Society, a Cherokee secret society whose stance against acculturation and slavery made them uneasy bedfellows with the rest of the Rebel soldiers in Cooper's command.[15]

In early December, Confederate forces again encountered their Union foes on the banks of Bird Creek in Cherokee Nation. Learning that perhaps Opothleyahola possessed "a desire to make peace," Col. Cooper sent a representative to the Creek warrior ensuring that "we did not desire the shedding of blood among the Indians" and proposing peace talks be held. The Rebel courier, after his visit to Opothleyahola's camp, returned to Cooper at dusk with stunning news. Contrary to reports, Opothleyahola had no intentions of buckling, and indeed, "his warriors, several thousand in number, were all painted for the fight" and intended to attack that night. There would be no peace among the Indians.[16]

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[15] "Report of Col. Douglas H. Cooper," January 20, 1862, *O.R.*, vol. 8, 7; W. Craig Gaines, *The Confederate Cherokees: John Drew's Regiment of Mounted Rifles* (Baton Rouge: Louisiana State University Press, 1989): 20.

[16] "Report of Col. Douglas H. Cooper," January 20, 1862, *O.R.*, vol. 8, 7-8.

Worse however, John Drew's regiment of Cherokees, "panic-stricken, had dispersed, leaving their tents standing, and in many instances their horses and guns." Drew's Cherokees had not seen action during the Battle of Round Mountain, so as word spread that another fight with Opothleyahola loomed, many traditionalist Cherokees grappled with the prospect of fighting Indians with whom they empathized. Exacerbating the situation were soldiers who belonged to the Keetowah Society, who were perhaps in contact with Opothleyahola's camp itself. The Keetowahs fanned the flames of panic, warning of an imminent attack and encouraging the traditionalist Indians to defect. Tying cornhusks to their hair, the Keetowahs and others slipped away from Drew's camp and joined their fellow traditionalists alongside Opothleyahola. When the defected Confederate Keetowahs met their Union counterparts, they exchanged passwords. "Who are you?" one would ask. "Tahlequah—who are you?" came the response. "I am Keetowah's son," was the final response. Armed with such passwords and devices, Drew's regiment melted away into the night.[17]

John Drew's detachment of the 2nd Cherokee Mounted Rifles had numbered 480 men at the outset of the campaign. By the end of the night only 60 loyal soldiers remained; the rest had deserted or defected to Opothleyahola's ranks. It marked the only time in the Civil War that a Confederate regiment defected en masse to the Union side. More importantly, however, the defection of John Drew's Cherokees revealed the schism within the Cherokee Nation over secession and the war. With Opothleyahola's band and Drew's defectees, the Cherokee, Creek, and Seminole Nations all hundreds of warriors serving the Union cause. The treaties of alliance with the

[17] "Report of Col. Douglas H. Cooper," January 20, 1862, *O.R.*, vol. 8, 7-8; Gaines, *Confederates Cherokees*, 43-48; "Report of Col. John Drew," December 18, 1861, *O.R.*, vol. 8, 16-18. The chapter "Disgrace at Caving Banks" in W. Craig Gaines' *Confederate Cherokees* offers an excellent, detailed account of the defection of John Drew's regiment. Even before the defection, Unionist, Keetowah Cherokee had been stirring up trouble among the Confederate full-bloods. Ultimately, some 600 men of Drew's regiment would defect to Opothleyahola's ranks before the campaign ended.

Confederacy formed just a few months prior were already collapsing; three of the Five Tribes were falling into their own intra-tribal civil wars.[18]

Surely this must have been an unnerving moment for Colonel Cooper. Opothleyahola was coming, and the Cherokees were gone. Luckily for the Cooper, however, reports of Gouge's imminent attack proved false. Still, Cooper now knew that his enemy numbered over 2,000 warriors, and Cooper's command had shrunk by some 400. On the morning of December 9, after spending an anxious night "quietly awaiting the enemy," Cooper began to withdraw his command. Withdrawing in the face of the enemy proved an impossible task, however. Opothleyahola's force assaulted Cooper's rearguard and forced the second battle of the campaign.[19]

The Confederates reacted quickly. Cooper formed his troops into three columns and sent them flying towards the enemy, who were ensconced behind Bird Creek, or Chusto-Talasah as it was known to the Indians. The Union position was formidable. Opothleyahola's men had taken shelter behind a steep, horseshoe bend in Bird Creek, "densely covered with heavy timber, matted undergrowth, and thickets, and fortified additionally with prostrate logs." Stretching over a mile in length, the center of the enemy's line was anchored by a small house. Opothleyahola had proven himself an able commander; while strategically bringing on a general engagement, he had cleverly provided his men with a strong defensive position tactically.

The "rattle of guns and the chatter of the Indians" warned the Confederates of the enemy ahead, and the Rebels were forced to dismount and assault the position on foot. The Creeks, on the Confederate left, attacked first, "charging the enemy with great impetuosity." Shortly after, the Texans and few remaining Cherokees stormed the center of the Union line, and the Choctaws and Chickasaws struck from the Confederate right. James Bates, with the Ninth Texas in the middle of the fray, wrote home that the fight around the house "raged with the greatest fury. Twice we drove

[18] Gaines, *Confederate Cherokees,* 125.
[19] "Report of Col. Douglas H. Cooper," January 20, 1862, *O.R.,* vol. 8, 7-8

them from it and were each time compelled to retire ourselves. The third time however we succeeded in holding it." It was Bates' first engagement, and to his surprise, he found that after "the first few rounds fired—I ceased to have any apprehension whatever of danger." He quickly learned to decipher the sounds different bullets made, and also noted, "An arrow produces a sound something like a bird flying swiftly through the air."[20]

Although Opothleyahola's men had been bludgeoned back, they continued to fight on. Accounts differ somewhat on what occurred next. In his official report, Colonel Cooper claimed that as darkness approached, the enemy "disappeared from our entire front" and only after Opothleyahola's retreat did the Confederates withdraw. James Bates thought differently of the matter. Cooper's order to retreat was obeyed with "some reluctance," and Bates felt that with "one more hour of daylight we would have routed them completely." "As it was," Bates penned to his mother, "we were forced to leave the enemy in possession of part of the field and though others think differently I can't call our victory complete."[21]

Once again, the Confederates held a dubious victory at Chustu-Talasah, owing more to Opothleyahola's decision to retreat than any clear battlefield decision. The Confederate forces, numbering 1,100 without Drew's Cherokees, suffered 15 killed and 37 wounded. Opothleyahola's force likely numbered above 2,000. Col. Cooper claimed the enemy's loss to be approximately 500, although such a high figure is almost surely fictitious. Opothleyahola continued his trek northwards, moving ever closer to the relative safety of Kansas. Colonel Cooper, running low on ammunition

[20] A. W. Sparks, *War Between the States, As I Saw It: Reminiscent, Historical and Personal* (Tyler, Lee & Burnett Printers, 1901), 43; Bates, *Texas Cavalry Officer's Civil War,* 44, 46-47.

[21] "Report of Col. Douglas H. Cooper," January 20, 1862, *O.R.*, vol. 8, 10; Bates, *Texas Cavalry Officer's Civil War,* 44.

and recognizing the numerical inferiority of his command, withdrew to Fort Gibson to resupply and regroup.[22]

Despite two sustained efforts, the campaign against the Opothleyahola and the Unionist Indians had not gone well. Many Cherokees had proven themselves Rebels in name only, unwilling to take up arms against their fellow traditionalists and Keetowah brethren. Although still sidling northward, Opothleyahola remained in Cherokee country, a constant symbol of defiance and an embarrassing thorn in the Confederates', and Col. Cooper's, side. Acknowledging his need for additional help, Cooper reached out to Colonel James McIntosh (no relation to the Creek McIntosh clan) in Arkansas for assistance. Although Cooper already held Texan troops destined for McIntosh's command, the beleaguered Confederate colonel asked for "additional white force" to finally quash Opothleyahola. "The true men among the Cherokees," Cooper warned direly, "must be supported and protected or we shall lose the Indian Territory." Cooper's plea for reinforcements was a tacit admission of his failures thus far.[23]

On December 17, James Bates wrote his brother in law, "Things are rapidly approaching a climax in this section…" The very same day, Col. James McIntosh trotted out of Van Buren, Arkansas with 1,600 Texan and Arkansas horseman to "settle matters in the nation." Arriving at Fort Gibson in eastern Cherokee Nation, McIntosh conferred with Cooper and the two planned to entrap Opothleyahola in a wide pincer movement. Riding out of Fort Gibson with 1,380 troopers, McIntosh's force encountered Opothleyahola's warriors along Shoal Creek at Chustenahlah on December 26. The Union Indians had positioned themselves on a hilltop just beyond the creek, a commanding defensive position. The Seminoles in Opothleyahola's command were headed by chief Halek Tustanuggee, who had spent years in Florida fighting the United States Army in a futile

[22] "Report of Col. Douglas H. Cooper," January 20, 1862, *O.R.*, vol. 8, 10-11; Bearss, "Civil War Comes to Indian Territory," 28-29. The Battle of Chusto-Talasah is also known as the Battle of Bird Creek or Caving Banks.

[23] Douglas H. Cooper to James McIntosh, December 11, 1861, *O.R.*, vol. 8, 709.

attempt to save his homeland. Decades later and hundreds of miles west, he now cleverly positioned his warriors behind trees to repel the ambitions of the Confederate States. "Each tree on the hill-side screened a stalwart warrior," McIntosh claimed. Beyond the Seminoles atop the crest of the hill were Opothelyahola's Creeks, mounted and ready to sweep away the opposition. Colonel McIntosh, surveying the scene, determined to fight the enemy here, despite the absence of Cooper's men who were miles away.[24]

Unlike Cooper at Chusto-Talasah, McIntosh refused to send his men into battle piecemeal and instead simply ordered a mass charge forward by his entire command. "[T]he order to charge to the top of the hill met a responsive feeling from each gallant heart in the line…" McIntosh effusively reported, "one wild yell from a thousand throats burst upon the air, and the living mass hurled itself upon the foe." The Confederate horseman surged forward, splashing through the cold creek water and soon found themselves at the base of the rocky hill. Pvt. John Cater recalled that, "We formed a line of battle in front of them. Bullets and arrows were coming pretty fast. A feathered arrow passed in front of my face just before we were ordered to dismount, and produced a strange sensation in me." The Southerners pushed up the hill on foot, and the Seminoles fell back into Opothleyahola's mounted men, producing confusion. For a brief moment, the two sides collided at the summit of the hill, at times Indians and Southerners grappling in hand-to-hand combat. Then the Union Indians went tumbling back, retreating into "the rocky gorges and deep recesses of the mountains" behind them. The Confederate troops, instead of immediately pursuing, went back to their horses, remounted, and then took off in pursuit of their fleeing foe. "Some of those fellows," John Cater admitted, "were very brave and daring and would not leave, but continued to shoot." A last stand by Opothleyahola's men at their encampment failed, and the Unionist Indians finally routed and scattered in all directions. Under the direction of James

[24] Bates, *Texas Cavalry Officer's Civil War*, 53; James McIntosh to S. Cooper, December 16, 1861, *O.R.*, vol. 8, 715; "Report of Col. James McIntosh," January 1, 1862, *O.R.*, vol. 8, 22-25.

McIntosh, the Confederates at the Battle of Chustenahlah accomplished what Douglas Cooper could not; Opothleyahola and the Union Indians had been decisively defeated. The Confederates suffered 9 killed and 40 wounded; the Confederates placed their usually bloated figure of the enemy's casualties at 250.[25]

As the Confederate regrouped, they took stock of what they had captured. As at Round Mountain, the loot at Chustenahlah included 30 wagons, 70 oxen, 500 ponies, hundreds of cattle, sheep, and plenty of provisions and property. Unlike previous engagements, however, the Confederates were now responsible for hundreds of captured Indians themselves, a testament to how disastrous the Confederate breakthrough had been for the Union forces. At least 160 women and children, 20 blacks, and one wounded warrior were captured by the Confederate forces.[26]

Over the next several days, the chase after Opothleyahola's retreating party continued. McIntosh's men were joined the pursuit by Col. Cooper's mixed force of Indians and Texans and Colonel Stand Watie's 2nd Cherokee Mounted Rifles. Although unable to capture Opothleyahola's main body, by nipping at the heels of Gouge's force and constant skirmishing, close to one hundred more prisoners were captured, hundreds of cattle taken, a pair of wagons burned, and several more warriors killed and wounded. Finally satisfied that Opothleyahola had been permanently driven from the Territory into Kansas, the hunt was called off

[25] "Report of Col. James McIntosh," January 1, 1862, *O.R.*, vol. 8, 22-25; Cater, "As It Was," 103-104. John Cater offers a much higher figure of 300 civilians captured. Cater also informs us that the captured blacks were taken to Fort Smith, where a return to slavery most likely awaited them.

[26] Ibid.

The Exodus

While Confederates enjoyed their triumph, the sting of defeat for Opothleyahola's followers was only the beginning of their sad saga. Unfortunately, few contemporary records exist detailing their journey north into Kansas, but close reading of Confederate sources and post-war interviews do provide some insight into their struggles. Although a reasonable estimate of Opothleyahola's force approximates 5,000, it is unclear just how many made the final journey north to Kansas following the disaster at Chustenahlah. Colonel McIntosh thought old Gouge took "not more than 400 to 500 Creeks with him." It is unclear whether McIntosh is referencing the number of warriors who fled north, or Opothleyahola's entire party. Considering the thousands of Creeks, Seminoles, defected Cherokees, and runaway slaves with Opothleyahola, and the Confederates' capture of only several hundred Unionists, it seems likely that several thousand Unionists ultimately made the trek. Documents from late January, 1862 indicate that nearly 6,000 Indian refugees had taken shelter in Kansas. While Chustenahlah dispersed the Unionist Indians, and perhaps persuaded some to come into the Confederate fold, it appears that most Unionist Indians stayed true to their sentiments and accepted a Kansan exile.[27]

The journey north into Kansas by Opothleyahola's followers is one of the most heartbreaking, and relatively unknown, chapters of the Civil War. An exodus of immense suffering and fear, thousands of refugees were pushed from their homes to camps on the cold plains of Kansas. The Confederate pursuit of the Unionist Indians forced Gouge's followers to both fend off Confederate attacks on their rear guard and push onward at a quick pace. Jackman Pidgeon remembered the stories his mother Smaddie told of their unhappy journey north. "There were times, as she told," Pidgeon related, "when they were overtaken by their pursuers, those serving with the Confederates," but Opothleyahola's sheer numbers allowed his followers to fend off their

[27] "Report of Col. James McIntosh," January 10, 1862, *O.R.*, vol. 8, 31; Hopoeithleyhohola [Opothleyahola] and Aluksustenuke to Abraham Lincoln, January 28, 1862, *O.R.* vol. 8, 534.

attackers. At one point, Smaddie Pidgeon's party was overtaken by the Confederates, and Unionist warriors were forced to "check the rear attackers." Smaddie watched the fight unfold from a hilltop. "At dark, as the firing kept on, the scene…seemed to be like the flicker of fireflies, with reports of guns heard and flashes here and there of the shooting." These attacks caused the greatest panic. Ten-year old James Scott witnessed one such heartrending scene during a Confederate assault. "One time we saw a little baby on its blanket in the woods. Everyone was running because an attack was expected and no one had the time to stop and pick up the child. As it saw the people running by, the little child began to wave its little hands. The child had no knowledge that he had been deserted."[28]

These constant attacks, beyond exciting panic, fear, and suffering, also meant that wagons, cattle, and other much needed supplies often had to be abandoned in order to escape. James Scott recalled, "We faced many hardships, we were often without food, the children cried from weariness and the cold, we fled and left our wagons with much needed provisions, clothing and other necessities…When our provisions went low, some of the members of the tribe turned to eating horse flesh."[29]

Other memories suggest incredible acts of brutality took place. "Some women carrying children would be overtaken by Confederate soldiers and the soldiers snatched the children from the arms of the mothers and smashed their heads against the trees." It cannot be stated for sure whether or not such horrific incidents occurred; time and hand-me-down tales can warp any story. Yet considering the reports of scalping and murder by Southern Indians during the campaign, it's not implausible that the sad tale was relayed correctly. Missionary Stephen Foreman, writing in his diary on January 3, 1862, relayed news given to him by soldier returning from the campaign. "They

[28] Interview with Jackman Pidgeon, February 21, 1938, Indian Pioneer Papers, WHC, University of Oklahoma; Interview with James Scott, March 29, 1937, Indian Pioneer Papers, WHC, University of Oklahoma.
[29] Interview with James Scott, March 29, 1937, Indian Pioneer Papers, WHC, University of Oklahoma.

are just from Opothleyahotah's [sic] camp, whither they went to give him, as they said a brushing," Foreman notes. "It is estimated that they killed about two hundred prisoners, including some women and children." Again, whether such wholesale slaughter occurred is unclear. But the evidence does suggest that the campaign was a dirty one indeed.[30]

The environment proved almost as vicious a foe as the Rebel pursuers. Many Confederate accounts of the period reference the bitter cold and lack of forage. James Bates wrote of taking walks to keep warm in the night. "Cold enough to freeze my breath on my mustache," he complained in his diary. In chasing Opothleyahola, Bates also took note of the "very rugged country" through which they passed. George Griscom agreed. "Very rough Broken country" his brief diary entry admits. Even James McIntosh notes in his official report that the Confederates, and hence also Opothleyahola's sad band, marched "on ground covered with snow and at other times facing the chilly blasts from the north." Lindy Scott was told stories of how "the leg, arm, toes or fingers of some of the Indians were lost by being frozen and they would have to be amputated in the best manner possible." The lack of clothing showed, too, as "many of the Indians [went] barefooted in the sleet and snow."[31]

Arrival along the Verdigris River basin in Kansas offered shelter from the Confederates but not from the elements. Poor, handmade tents—stitched together with rags, handkerchiefs, anything—offered little protection from the snow and wind. When an army surgeon visited in February, he found seven children stark naked. Two thousand ponies died in the Kansas camps from the cold, and poor sanitation made the water "unfit for use." The refugees continued to suffer

[30] Interview with James Scott, March 29, 1937, Indian Pioneer Papers, WHC, University of Oklahoma; Stephen Foreman Papers, diary entry January 3, 1862, WHC, University of Oklahoma.

[31] Bates, *Texas Cavalry Officer's Civil War*, 61-62. Griscom, *Fighting with Ross' Texas Cavalry Brigade*, 11; "Report of James McIntosh," January 1, 1862, *O.R.*, vol. 8, 24; Interview of Lindy Scott, October 29, 1937, Indian Pioneer Papers, WHC, University of Oklahoma.

until their eventual removal to the land around LeRoy, Kansas, and the arrival of supplies from the United States.[32]

Thousands of Creeks, Seminoles, Cherokees, runaway slaves, men, women, children, and elderly made the three hundred mile exodus from Indian Territory to the Verdigris River in Kansas. Hounded by Rebel pursuers, whipped by the wind and cold, bereft of provisions or property, the journey exacted an unknown price, although surely many died along the way. It was this sad scene which prompted George Cutler to remark, "I doubt much if history records an instance of sufferings equal to these."[33]

[32] Debo, *The Road to Disappearance*, 151; George A. Cutler to William G. Coffin, September 30, 1862, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington: Government Printing Office, 1863): 139.

[33] George A. Cutler to William G. Coffin, September 30, 1862, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington: Government Printing Office, 1863): 139.

Conclusions

Ultimately, the story of Opothleyahola and his followers stands as but a mere chapter in the longer saga of the Civil War in Indian Territory. Yet the campaign is indicative of much of the Five Tribes' experience. To a certain extent, each of the Five Tribes struggled with issues of acculturation, and all possessed painful legacies of removal. These intra-tribal cultural wars and political rivalries profoundly shaped the way Indians perceived the oncoming of the Civil War. Among the Creeks, old rivalries between the Upper Creeks and Lower Creeks, and specifically between Opothleyahola and the McIntosh clan, eased the transformation of a cultural war into a shooting one. The cultural divisions among the Creeks existed in other tribes as well; the defection of hundreds of Confederate Cherokees during the campaign testifies to lukewarm-sentiments many traditionalist Indians, regardless of tribe, harbored toward their Confederate allies. In acknowledging the native political and cultural roots of the Civil War in Indian Territory, we are acknowledging the agency these Indians wielded; the motivations for their involvement were their own, not superimposed by others.

If the Civil War in Indian Territory was indeed an *Indian* Civil War, than it was fought with the ferocity and brutality which we often associate with other Indian conflicts. On the battlefield, scalps were taken and prisoners killed. As the campaign devolved into the pursuit of refugees, acts of brutality seemed to increase. At the very least, the campaign against Opothleyhola and the pursuit of his followers indirectly harmed civilians by stripping them of the very provisions essential for survival; at worst, Confederate soldiers deliberately harmed and perhaps murdered civilians.

The campaign against Opothleyahola stands at odds with historians' declensionist understanding of the war. In launching an offensive against Opothleyahola, Confederate soldiers were deliberately seeking to punish and expel both soldiers *and* civilians who disagreed with their

vision of a Confederate Indian Territory. They sought to demoralize Unionists, exorcise them from their homes, and force them to submit to Confederate authority or leave.

It would be too coy to suggest that this offensive stemmed from any official war policy; it did not. It is more than likely that Confederate authorities in Richmond and perhaps even Little Rock little understood just what the expulsion of Opothleyahola would entail. A disconnect between Confederate high command and Confederate colonels on the ground allowed such a brutal undertaking to go forward. Yet the absence of any real description of civilian suffering in Confederate sources remains striking. The silence in Southern sources suggests that these Confederates were too uncomfortable to record what they had seen or had no qualms about the ugliness of the conflict in which they were engaged. Perhaps, too, the refugees' race also allowed Southerners to persecute a campaign against civilians. One wonders if such a campaign would ever have been mounted against a Unionist camp of white refugees? This campaign does not overturn the wider narrative of scholars who depict a war that grew hard over time. But it complicates that narrative, adding an outlier for which historians must account.

Ironically, the Confederates' seeming success in driving Opothleyahola from the country laid the seeds of their own destruction. As thousands of Indian refugees poured into Kansas, political pressure mounted for the Federal government to finally take action in the region. The United States began raising Indian regiments of its own (the Indian Home Guard units), and in 1862 and 1863 launched invasions of Indian Territory that wrenched the region from the Confederates' grasp, but left the Territory vulnerable to guerrilla war and banditry.

Broadly speaking, the war's destructiveness, evident in the Opothleyahola campaign, continued over four years. Roughly one-quarter of the Creek Nation, some 2,500 individuals, died during the Civil War. One-third of the Cherokee Nation, 7,000 individuals, perished; one-in-four Cherokee children were orphans by war's end. Two-thirds of Indian Territory's population found

themselves refugees by 1865. These numbers of course, do not speak to the emotional, psychological, or environmental destruction the war spawned; home were abandoned and destroyed, families left shattered and broken-hearted.[34]

This violence demands the attention of both Civil War and Native-American scholars. More research is needed to understand why and how the Civil War produced such violence and destruction among Native-American communities. The case of the Creek Nation and Opothleyahola indicates that Indian agency should be the center of future explorations—the Civil War in Indian Territory was an Indian Civil War, and perhaps the cultural and political cleavages present among the Five Tribes exacerbated the war's brutality. If anything, however, the war in Indian Territory requires deeper examination simply because it is a story worth remembering. The sheer destruction and loss of life—the human element—need to be accounted for and needs to be remembered; from that humble starting point let further research spring.

[34] Clarissa Confer, *Cherokee Nation in the Civil War*, (Norman: University of Oklahoma Press, 2007),145; Debo, *The Road to Disappearance*, 176; LeRoy H. Fischer and William L. McMurry, "Confederate Refugees from Indian Territory," *Chronicles of Oklahoma* 57, no. 4 (1979): 451; Annie Heloise Abel, *The American Indian and the End of the Confederacy, 1863-1866* (1925, Reprint. Lincoln: University of Nebraska Press, 1993): 68, n. 139; Carolyn Ross Johnston, *Cherokee Women in Crisis: Trial of Tears, Civil War, and Allotment, 1838-1907*, Contemporary American Indian Studies Series (Tuscaloosa: University of Alabama Press, 2003): 104.

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