

THE CHEROKEE NATION AND THE CIVIL WAR

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The Civil War was the most tragic of American wars. It pitted neighbors against neighbors, sons against fathers, and the citizens of America against their fellow citizens. Amidst the men caught in the maelstrom, Native Americans fought admirably on both sides of the conflict. America was divided, but not often remembered was a similar division driven through the Cherokee Nation, that was as bad if not worse than that of America as a whole. For the Cherokee, the war was not fought for the same reasons as it was for white Americans. The division within the tribe was not simply North versus South, or merely pro-slavery versus abolitionist, but also had within its confines a division of full-blood versus mixed-blood and in some ways, a division based upon whether or not the Cherokee should trust the American government. One of the most paramount of the divisions was based upon the feud between John Ross and Stand Watie, which had existed for decades. Watie had been one of the four leaders who had signed the treaty in the 1830s that moved the Cherokee to the reservation in Oklahoma.¹ The decision divided the tribe, although most were not in favor of relocation. After arriving in Oklahoma, the feud between Watie and Ross fermented over time. Because of this feud, the Cherokee nation had its own civil war that finally appeared to end when principal chief John Ross and Stand Watie shook hands and signed a treaty that established one Cherokee government, recognized all Cherokee land claims, and pardoned all who had signed the removal treaty.² The feud between the two men and their respective factions seemed to die as the Cherokee nation rebuilt itself. Where there was once two factions there existed one tribe that seemingly worked together to empower its government, educate its children, and strengthen its infrastructure.³ Unfortunately, as time would tell, the Civil War would again divide the tribe along the same fault-lines as the earlier feud, splitting the Cherokee into factions more

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¹ "The Cherokee General," *Civil War Times Illustrated*, February 1997, 50.

² Laurenve M. Hauptman, *Between Two Fires: American Indians in the Civil War* (New York: The Free Press, 1995), 45.

³ Andrew Denson, *Demanding the Cherokee Nation: Indian Autonomy and American Culture 1830-1900* (Lincoln: University of Nebraska Press, 2004), 55.

distinct than they had been in the past. This division ultimately caused significant losses for the Cherokee Nation, in terms of economy, government, and the lives of its people.

In 1860, John Ross, then principal chief of the Cherokee, was determined to keep his tribe neutral, and he encouraged the surrounding tribes to do the same.⁴ But, maintaining neutrality was a difficult task. Southern tacticians saw the benefits of an alliance with the Cherokee Nation. Indian Territory was perfectly placed to provide sustenance for Southern troops, to build bases for raiding the Union, and it offered a clear route to Texas.⁵ Having access to Indian Territory would prove most beneficial to the Confederates and they quickly and aggressively sought the favor of the territorial chiefs, most notably John Ross.⁶

As the Confederacy maneuvered to gain an alliance with the Cherokee, the tribe began to divide into two factions, one supporting the Union and the other the Confederacy. In addition to the old line drawn between Ross and Watie, there emerged new differences for the factions to fight for. Each group saw benefits where the other saw drawbacks. Ross originally favored neutrality because he longed to avoid bloodshed and the loss of his people, but Watie envisioned all that could be gained by siding with the Confederacy. As a slaveholder who had become invested in both agriculture and commerce, Watie felt that the Civil War was an opportunity for those investments as well as an opportunity to topple John Ross's political power.⁷ Ross was also a slaveholder, but he and many of his supporters were wary of the Confederacy because many of the Southerners seeking an alliance were the same men who had been involved with the confiscation of sacred lands.⁸ While Ross's supporters were wary of the Confederates, Watie's supporters were not. Watie already had many followers due to his success and involvement in the Cherokee pro-slavery group, The Knights of the Golden Circle.⁹ In spring of 1861, the Confederacy asked Watie and his followers to join them. By July of the same year, Watie was commissioned in the Confederate army as a colonel. His support quickly grew, and he rallied many more Cherokees to the Confederate cause.¹⁰

⁴ Grace Steel Woodward, *The Cherokees* (Norman: University of Oklahoma Press, 1963), 253.

⁵ Ibid.

⁶ Ibid.

⁷ Wilma Mankiller and Michael Wallis, *Mankiller: A Chief and Her People* (New York: St. Martin's Griffin, 1993), 124.

⁸ Ibid.

⁹ Ibid.

¹⁰ Hauptman, *Between Two Fires*, 47.

Initially, Ross successfully maintained neutrality, but as time passed, he realized that the Confederacy completely enveloped Cherokee land and that Watie and his followers had already allied themselves with the Confederacy.¹¹ The Cherokee Nation was essentially an island in the ocean of the South. The Confederates continuously wrote letters and sent delegates offering the Cherokee enticing benefits to an alliance such as permanent ownership of their territory, large annuity payments, and representation in Confederate Congress.¹² John Ross handled the pressures and the temptations throughout the various meetings and letters until it became apparent that Watie's group had already formed a regiment and had been armed by the Confederacy.¹³ Knowing that Watie's group would use these weapons to attempt to depose him, Ross called a general council on October 7, 1861, following his reception of a final letter from the Confederacy proposing a beneficial alliance and explaining that the majority of the other tribes in the Indian Territory had already made treaties with the Confederates.¹⁴ At that point in time, it appeared that the South would be victorious, meaning that the nation would remain divided, and since Indian Territory was geographically positioned in the South, it made sense for the Cherokee Nation to support the Confederacy.¹⁵ Thusly, it was not surprising that at the general council, which was open to all Cherokees, Ross and his followers explained that given the situation in which they found themselves, the wisest course of action for the Cherokee would be to ally themselves with the South.¹⁶

The Confederacy proved to be an unpleasant ally to the Cherokee Nation, however, and the alliance would not last. After the Confederacy forced the Cherokee to attack a band of Creeks led by an old friend and ally, Opothleyohola, at the battle of Red Fork on November 19th, the battle of Bird Creek on December 9th, and finally on December 26th of 1861 at Chustenahla, Reverend Evan Jones plead Ross's case before the Indian Commissioner W.P. Dole.¹⁷ Jones cited lack of protection by the Union, threats from the Confederacy, and the alliance of neighboring tribes in defending Ross and his decision to ally with the Confederacy.¹⁸ Ross was eventually given a chance to explain his actions to the Union and to repudiate the treaty he signed

¹¹ Denson, *Demanding the Cherokee Nation*, 58.

¹² Woodward, *The Cherokees*, 262.

¹³ Denson, *Demanding the Cherokee Nation*, 58.

¹⁴ Woodward, *The Cherokees*, 265.

¹⁵ Denson, *Demanding the Cherokee Nation*, 58.

¹⁶ *Ibid.*, 58-59

¹⁷ Woodward, *The Cherokees*, 271-274.

¹⁸ *Ibid.*, 274-275.

with the Confederates.¹⁹ Ross reaffirmed his and his tribe's loyalty to the Union upon meeting with President Lincoln in Washington D.C.²⁰ A friendship even developed between the president and the principal chief, who remained in Washington for the remainder of the war, eliciting a promise from Lincoln that the treaty with the Confederacy would not be held against the Cherokee.²¹

For all practical purposes, Ross was doing all he could to protect and preserve the Cherokee nation, but at this point, the tribe itself was divided in a way that mirrored the secession of the Confederacy from the Union. A rebel group of Cherokee, led by Stand Watie, remained loyal to the Confederacy. Meanwhile, Watie viewed Ross' stay in Washington as desertion and took the opportunity to seize control of the tribe and become the principal chief of the Cherokee.²²

Watie proved to be a very capable military leader, even though his soldiers were often poorly armed and lacking in food and supplies.²³ Although his troops would sometimes commit what whites would view as barbaric atrocities, they did not engage in blind terrorism; they always followed, and almost always achieved, a military objective.²⁴ Watie and his troops, unlike many Native American troops that were viewed as disorganized and poorly trained, fought exceptionally well during the Civil War, impressing many Confederate officials and earning Watie the rank of General.²⁵

On the adverse side, many loyal Cherokee fought against the Confederates. Many of these men lost their lives in battle but even giving their lives and killing their own people would not gain them any post-war consideration from the United States.²⁶

During the war, a great many of the loyal Cherokee who did not fight were simply refugees, living in Kansas, without adequate food and clothing.²⁷ They were a great burden on Kansas, who demanded that the Union do something to alleviate the strain. The Union army made many forays into Indian Territory to reduce Confederate forces there. When they felt they had made Cherokee land safe for the refugees to return home and plant crops, they ordered them to do so.²⁸ Upon their return home, however, they were attacked

¹⁹ *Ibid.*, 280.

²⁰ McLoughlin, *After the Trail of Tears*, 206.

²¹ Woodward, *The Cherokees*, 280.

²² McLoughlin, *After the Trail of Tears*, 207.

²³ *Ibid.*

²⁴ Hauptman, *Between Two Fires*, 50-51.

²⁵ "The Cherokee General," 50.

²⁶ McLoughlin, *After the Trail of Tears*, 220-221.

²⁷ *Ibid.*, 209.

²⁸ *Ibid.*

by Watie's forces, and those that survived were ordered to leave immediately and to seek refuge at Fort Gibson in Oklahoma. Fort Gibson was subsequently attacked by the Confederate Cherokee; however, they were out numbered and out-gunned, and so retreated. Shortly afterwards, a large number of Union troops left the area, leaving the loyal Cherokee to their own devices. Just as they had feared, it was not long until they were attacked again when Watie returned.²⁹

The Civil War was brutal, and the Cherokee were caught right in the middle of it, despite Ross's initial attempts at neutrality. The Confederate Cherokees had won many decisive battles, and these victories greatly encouraged the Confederacy and frightened the Union. But as time pressed on, the major fighting of the Civil War drifted eastward, away from Cherokee territory, and the Union began winning more decisive battles. Eventually, it would become clear that the increased number of Union victories marked the beginning of the end for the Confederacy.³⁰

Like America itself, the division within the Cherokee nation did not subside at the end of the war. Watie held the distinction of being the last general of the Confederate army to surrender.³¹ Following his military surrender, however, his faction of the Cherokee nation did not simply go away. The peace that followed Watie's surrender was only a military peace; the two factions still aggressively sought control of the Cherokee Nation.³² While Union Cherokees were anxious to return to their homes and begin rebuilding, most Confederate Cherokees were afraid to return to their homes, as retaliation seemed inevitable, and many felt that a permanent division of the tribe was the only way to find true peace and safety.³³

Ross and his group of loyal Cherokees argued against the idea of officially dividing the tribe, believing that such a division would weaken and inevitably shorten the life of the Cherokee Nation.³⁴ The Loyal Cherokee Council met on July 13, 1865 and came to the decision that they would grant a pardon to all Cherokees that had served with the Confederacy, with the condition that the rebel Cherokees swore an oath of loyalty to God and the Union.³⁵ This offer of amnesty was offered to all Confederate Cherokees, with the exception of Watie and

²⁹ Ibid., 210.

³⁰ Hauptman, *Between Two Fires*, 58.

³¹ "The Cherokee General," 50.

³² Hauptman, *Between Two Fires*, 58.

³³ McLoughlin, *After the Trail of Tears*, 219.

³⁴ Woodward, *The Cherokees*, 301.

³⁵ McLoughlin, *After the Trail of Tears*, 219.

his closest supporters, who were still in favor of permanently splitting the tribe.³⁶

The Cherokee Nation faced many problems shortly after the Civil War had ended. One of the greatest was that even though a large portion of the tribe had served the Union during the war, the United States government reneged on Lincoln's promise to Ross, and decided that since the Cherokee Nation had forged an alliance with the Confederacy they had "forfeited and lost all their rights to annuities and lands."³⁷ New treaties would have to be arranged but before that could occur, a decision had to be reached about who was the legitimate principal chief of the Cherokee Nation, John Ross, or Stand Watie. At a meeting between commissioners and delegates from Watie's and Ross's factions, commencing on September 8, 1865, the United States government agents tried to finalize a treaty. Ross was unable to attend the meeting until September 14, when he was informed that he was not recognized as the principal chief of the Cherokee and viewed as an enemy of the Union, most likely because Watie's faction was more responsive to the government's agenda.³⁸

The commissioners representing the United States seemed responsive to the idea of splitting the Cherokee nation, possibly because Watie's faction was willing to accept all the stipulations of the treaty they were being urged to sign, with the exception of allowing former slaves to become Cherokee citizens and detribalization under governmental supervision. This led to the common practice among commissioners of dealing with the cooperative Watie faction, rather than with the loyal Cherokees. But, the United States changed its viewpoint before the end of the treaty process, and encouraged the Cherokee to remain one united tribe, despite their differences.³⁹ The Loyal Cherokee reaffirmed John Ross as their principal chief in October of 1865, and he, along with a set of delegates from his party, set out at once to arrange a treaty with the United States that would not divide the Cherokee nation, even as Watie's faction did everything it could to undermine Ross's efforts and his authority as principal chief.⁴⁰

In the end, the Cherokee, as a whole, were forced to sign a treaty that weakened them and robbed them of even more land. Since the Cherokee Nation had sided with the Confederacy at one point in time, they were all treated as disloyal. Finally, Watie and Ross agreed on something; their contention with the treatment the Cherokee Nation received from the United States. This did not end the feud

³⁶ Ibid.

³⁷ Woodward, *The Cherokees*, 292.

³⁸ McLoughlin, *After the Trail of Tears*, 220-221.

³⁹ Ibid., 221.

⁴⁰ Ibid., 222.

between them, however, and many of Watie's allies still settled in a separate section of the territory than the loyal Cherokees.⁴¹ Ross died shortly after the treaty was ratified, but he died knowing that the Cherokee nation would not be officially divided, although the Southern Cherokees were given authority to elect their own council representatives and local offices.⁴² The treaty was ratified by the United States, even though the Southern Cherokees did not support it or even sign it. But the government had decided to treat the Cherokee as one nation, not two separate nations, and thus, the treaty applied to both factions within the Cherokee Nation. This treaty, as Grace Steel Woodward summarized, "abolished slavery forever; proclaimed a general amnesty; and repealed confiscation laws imposed on southern Cherokees during the war and restored to these Cherokees their confiscated property."⁴³ But the treaty also established federal courts and military posts within Indian Territory and required the tribe to cede the Neutral Land and the Cherokee Strip to the United States.⁴⁴

Not surprisingly, given that a division had existed long before the war, dating back to the pro-removal and anti-removal parties present in the 1830s, the division in the Cherokee Nation between the two factions remained beyond the Civil War.⁴⁵ Feelings of brotherhood between the two factions were non-existent and the bitterness simply would not dissipate.⁴⁶ At a time when the Cherokee nation suffered from a reduced population, striking poverty, and a desperate need for unity, the two factions still feared one another.⁴⁷ The same lingering Ross-Watie family feud that had caused problems before the war still haunted the Cherokee Nation during Reconstruction, and as it had done during the war, it brought them nothing but problems.⁴⁸ The Cherokee did their best to rebuild their nation. Population slowly increased, as did their prosperity.⁴⁹ Still, the division in the tribe remained.

Eventually, the two parties of the Cherokee reconciled, but it was a slow and laborious task, despite the apparent political unity that emerged in the late 1860s through the early 1870s.⁵⁰ Many Cherokees worked harmoniously to rebuild the nation, but personal fears and animosities still existed. The true process of uniting as one people was

⁴¹ Hauptman, *Between Two Fires*, 59.

⁴² *Ibid.*, 219.

⁴³ Woodward, *The Cherokees*, 303.

⁴⁴ *Ibid.*, 304.

⁴⁵ Denson, *Demanding the Cherokee Nation*, 56-57.

⁴⁶ McLoughlin, *After the Trail of Tears*, 223.

⁴⁷ Woodward, *The Cherokees*, 308-309.

⁴⁸ Hauptman, *Between Two Fires*, 61.

⁴⁹ McLoughlin, *After the Trail of Tears*, 239.

⁵⁰ Mankiller and Wallis, *Mankiller*, 130.

a gradual one that involved taking small steps little by little to move towards forgiving the past and becoming one nation.⁵¹ Slowly, fears shrank, people forgave, and the tribe came together. Cherokee unity took much longer than the reconciliation of the Northern and Southern states.⁵²

The Civil War was an incredibly bloody war that tore a nation apart. Within the midst of it, the Cherokee Nation was torn apart as well. A decades old feud was re-ignited, and it led to the bloodshed of Cherokees by Cherokees. This split not only forced Cherokees to fight their own people, but almost created a permanent division in the tribe's government, organization, and worst of all, its people. Like the United States as a whole, there was no easy way to reconcile such divisions after the war. For the Cherokee the situation was just as bad; at least one quarter of the Cherokee population had died, the tribe was poverty-stricken, and their lack of unity slowed the rebuilding of their nation and caused multiple governmental and organizational problems.⁵³ These problems could only be solved by the Cherokee themselves, because until 1875, when Judge Isaac Charles Parker was appointed and became determined to restore peace to the Indian Territory that fell under his jurisdiction, government officials took little interest in the tribe beyond the possible uses of its land.⁵⁴

It could be said of the Civil War that the Confederates were not the losers, but rather the Native American tribes, like the Cherokee, that were caught in the middle. They fought on both sides of the war, and in the end, regardless of their allegiance, received no restitution for their service. In the case of the Cherokee Nation, all were punished, even those that had fought on the side of the Union. The Cherokee, having been forcibly removed from their homes merely decades prior, were once more reduced to a poverty stricken nation. The Civil War tore their nation in half, diminished their population, and in effect, took away even more Cherokee rights and land.⁵⁵ All the work they had done since relocation was in vain; they were in the same position that they had worked so hard to get out of. What the Trail of Tears had done to the Cherokee nation, the Civil War renewed. It was the Confederates who surrendered the Civil War, but it was the Cherokee that lost.

⁵¹ McLoughlin, *After the Trail of Tears*, 239.

⁵² Hauptman, *Between Two Fires*, 61.

⁵³ Woodward, *The Cherokees*, 305-309.

⁵⁴ Mankiller and Wallis, *Mankiller*, 129-131.

⁵⁵ Woodward, *The Cherokees*, 303.