

## Chapter Four

### Slaveholding Indians

Somehow the Civil War era in Indian Territory has generally escaped attention. Articles, book studies, and maps of the last half-century and more treating the middle period of United States history almost without exception fail to mention Indian Territory, present Oklahoma. Yet for the 60,000 Indians of the Five Civilized Tribes (the Cherokees, Chickasaws, Choctaws, Creeks and Seminoles), and the nomadic Plains tribes, the years of the Civil War and the reconstruction period were likely more disruptive in Indian Territory than anywhere in the South, the seat of the war. As a border area during the conflict, Indian Territory suffered not only from conventional warfare, but from guerrilla actions as well; and the members of the Five Civilized Tribes and even some Plains Indians, fled from their homes either for Union Kansas or Confederate Texas. The dislocations of the war and the tribulations of the reconstruction years, created problems that were mainly to go unsolved until statehood for Oklahoma in 1907, some even requiring continuing attention.

LeRoy H Fischer, 1973.<sup>1</sup>

In his introduction to an issue of the *Journal of the West* devoted entirely to the Civil War in the Indian Territory, historian LeRoy Fischer complained of the paucity of scholarly publications on this topic, mentioning only one state history that included a large section devoted to it, plus an 1890s volume based on the personal experiences of a Union soldier, and a couple of military histories.<sup>2</sup> Fischer also noted that over the years the history journal *Chronicles of Oklahoma* had published occasional articles about this aspect of the Civil War but he failed to mention the first academic work to deal with it, Annie Heloise Abel's 'The Indian in the Civil War' (1910), which she later expanded into her major work, the three volume *Slaveholding Indians*.<sup>3</sup>

Fischer's omission was curious because he had established a seminar at Oklahoma State University to investigate this very topic and this issue of the *Journal of the West* consisted entirely of papers written by his graduate students, most of who *did* make reference to *Slaveholding Indians*.<sup>4</sup>

In her preface to the entire trilogy, datelined ‘Baltimore, September 1914’, Abel wrote that the work dealt with ‘a phase of American Civil War history ... almost entirely neglected ... misunderstood or misinterpreted’. She went on to explain that a subtitle—*An Omitted Chapter in the Diplomatic History of the Southern Confederacy*—was purposely added to the first volume ‘in order that the peculiar position of the Indian, in 1861, may be brought out in strong relief’.<sup>5</sup> Abel then compared the North’s treatment of Indians, which amounted to ‘actual dishonor’, with that of the South which offered them ‘political integrity and political equality’; yet only ten lines later she claimed—more correctly—that the South coveted the Indian Territory for its political, strategic and economic importance.<sup>6</sup> Abel concluded her preface by claiming her own impartiality with regards to the Civil War—she was of British birth, had worked in both the North and South, and ‘therefore held no local bias’—and expressed the ‘sincere wish that no charge of prejudice [against me] can, in ever so small a degree, be substantiated’.<sup>7</sup>

In the opening remarks to *The American Indian as Slaveholder and Secessionist*, the first volume of her trilogy, Abel reiterated the complaint of Confederate Civil War veterans—and repeated by Fischer nearly sixty years later—that the attention paid by historians to the great battles of the east had ‘cast into dim obscurity’ the history of the war in the West. This was particularly true in regard to the Indians, since:

no accredited history of the American Civil War that has yet appeared has adequately recognized ... that Indians fought on both sides in the great sectional struggle, that they were moved to fight, not by instincts of savagery, but by identically the same motives and impulses as the white men, and that, in the final outcome, they suffered even more terribly than did the whites.<sup>8</sup>

The South, Abel claimed, had dealt with the Indians as allies and offered them political status within the Confederacy, though such an alliance would never have come about were it not for a war which forced the South to ‘give to the Indian a justice’. By contrast, the North:

negotiated with the Indian in the traditional way ... asked him to fight their battles, and, in the selfsame moment, plotted to dispossess him of his lands, the very lands that had ... been pledged as an Indian possession ‘as long as the grass should grow and the waters run’.<sup>9</sup>

In a footnote, Abel drew attention to the fact that the United States *never* had a consistent Indian policy and that ‘legislation for the subject race [had] been dictated

by the needs of the hour, by the selfish and exorbitant demands of the pioneers, and by the greed and caprice of politicians'.<sup>10</sup> She recounted what she had covered in her previous works: the westward removals of Indians by force, by persuasion, or simply from a desire on the part of the Indians to put distance between themselves and encroaching white settlement. What she did *not* emphasise was the degree of acculturation of the former south-eastern tribes, including the creation of political and legislative structures based on the United States model and the adoption by some Indians of chattel-slavery.

While pioneers and politicians vied for Indian lands, various religious denominations vied for Indian souls, and on the abolition issue American churches were as divided as the country at large. 'Nowhere in the United States,' wrote Abel 'was the rivalry ... stronger than within the Indian country'.<sup>11</sup> In an extensively footnoted section, she demonstrated how the preaching of sectionalist divines had exacerbated old tribal divisions, but she also revealed her own social-Darwinian racialism:

All Indians, no matter how high their type, have an aversion for work. As Professor Shaler once said, they are the truest aristocrats the world has ever known. But the slaveholders among the great tribes of the South were, for the most part, the half-breeds, the cleverest and often, much as we may regret to have to admit it, the most unscrupulous men of the community.<sup>12</sup>

Abel was, however, also scathing of the United States Indian service and although she rarely cited an Indian source, she here quoted from the *Chickasaw and Choctaw Herald*, 1859:

As a matter of fact ... the Indian field service was so grossly mismanaged, officials from the highest to the lowest were so corrupt, that it is not at all surprising that each one ... took every opportunity he could to enrich himself at the Indian's expense; for of course, all such ill-gotten gains came sooner or later out of the Indian fund. Very few Indian officials seem to have been able to pass muster in matters of probity during these troublous times. Secretary [of the Interior] Thompson and even Ex-president Pierce were not above suspicion in the Indian's estimation.<sup>13</sup>

The tribes of the Indian Territory were generally more sympathetic to the South, a sympathy that, despite the corruption, was enhanced by the fact that the Indian Office in Washington made appointments according to local political patronage and so, in the territory, officials and traders were invariably Southerners. Furthermore, federal Indian trust funds were invested almost entirely in southern stocks—securities that would be forfeited should the Indians choose to join the

Union.<sup>14</sup> ‘With so much to draw [Indians] southward’, concluded Abel, ‘our only wonder is, that so many of them stayed with the North’.<sup>15</sup>

In January 1861 the Chickasaws called for a convention of Indian tribes in the territory to consider the political situation that was developing across America. In reply to this call, John Ross (1790–1866), principal chief of the Cherokees from 1828 until his death, expressed the view that treaty obligations with the United States ought to be honoured and for Indians to remain neutral in any conflict that might arise.<sup>16</sup> Yet only Cherokee, Creek and Seminole delegates attended the convention, and Abel suggested that it was Ross’ neutral stance that caused the non-attendance of the Chickasaw and Choctaw representatives. The latter had already resolved that in the case of a:

permanent dissolution of the American Union ... we shall be left to follow the natural affections, education, institutions, and interests of our people, which indissolubly bind us in every way to the destiny of our neighbors and brethren of the Southern States ...<sup>17</sup>

At a Choctaw national council meeting in June, Southern sympathisers in the tribe went even further and declared that ‘anyone opposed to secession ought to be hung’.<sup>18</sup> EH Carruth, a white teacher who had spent some twelve years in the Indian Territory wrote of the factionalism among the Indians:

There are many true & loyal men even among the half breeds ... while all the full blood element is with the Gov’t. The half breeds belong to the K.G.C. a society whose sole object is to increase & defend slavery and the full bloods have ... got up a secret organization called the ‘pins’ which meets among mountains, connecting business with Ball-playing and this is understood to be in favor of Gov’t ...<sup>19</sup>

In February 1861, secessionist commissioners had been sent to the five tribes to ‘invite their prompt co-operation in the formation of a Southern Confederacy’.<sup>20</sup> While the commissioners’ report was optimistic about forming a political alliance, what was more revealing was their admiration for the land, its natural resources *and* the Indians’ reported ability ‘to raise 20,000 good fighting men’.<sup>21</sup> The Arkansas governor, Henry M Rector (1816–1862), was particularly keen for the tribes to align themselves with the South. In January he had written to Ross seeking his support, noting that the Cherokees were by ‘natural sympathies ... allied to the common brotherhood of the slaveholding States’ and that the Cherokee country possessed:

‘the highest capacity for future progress and development by the application of slave labor [and was] looked to by the incoming administration of Mr. Lincoln as

fruitful fields, ripe for the harvest of abolitionism, free-soilers and Northern mountebanks'.<sup>22</sup>

In his eloquent reply, Ross wrote of his people's deep regret at what had come to pass, that they hoped for peace and that indeed their 'natural sympathies [lay] unequivocally with the slave-holding States'. In a wry riposte to Rector's remark about Lincoln, Ross wrote: 'The Cherokee people will never tolerate the propagation of any obnoxious fruit upon their soil'.<sup>23</sup>

On 25 May, six weeks after hostilities had commenced, the Chickasaws declared themselves an independent nation, called upon their neighbours to form a tribal alliance to support the Confederacy and called upon their own warriors to form voluntary defence companies. In the same month, Brigadier General Ben McCulloch (1811–1862) was given military command of the entire Indian Territory thus making it effectively a protectorate of the Confederacy. Confederate Indian Commissioner David Hubbard (b. 1806) wrote to Ross asking for Cherokee support, claiming that the *first* result of a northern victory would be the loss of their slaves because that was 'the one object of the war'.<sup>24</sup> Yet this appeal to the pre-eminence of slavery as a *casus belli* did not match the marginal prevalence of the peculiar institution among the Cherokees.<sup>25</sup> What was of greater import to the South was Cherokee land, and Hubbard wrote that as a consequence of a northern victory:

They will settle upon your lands as fast as they choose, and the Northern people will force their government to allow it. It is true they will allow your people small reserves ... but they will settle among you, overshadow you, and totally destroy the power of your chiefs and your nationality, and then trade your people out of the residues of their lands.<sup>26</sup>

He was, however, being somewhat disingenuous for, as Abel commented:

One cannot help wondering how Hubbard dared to say such things to the Indian exiles from Southern States and particularly to John Ross who like all of his tribe and of associated tribes was the victim of southern aggression and not in any sense whatsoever of northern.<sup>27</sup>

In reply, on 17 May 1861 Ross issued a 'Proclamation of Neutrality'. Cited by Abel in full, it sought to remind the Cherokees of their treaty obligations to the United States, called upon them to maintain strict neutrality and expressed the hope that all-out war could yet be averted. Although issued under the imprimatur of 'Principal Chief, Cherokee Nation', Ross did not in fact speak for all Cherokees, but represented only the majority faction—described by Abel as 'made up of full-bloods

and of those otherwise poverty-stricken and obscure’—that had originally resisted the 1830 Removal Bill. Opposed to them was the minority party led by Stand Watie (1806–1871) and EC Boudinot (1834–1890) that ‘represented, for the most part, the intelligence and the property and the influence of the tribe’. Boudinot had served as secretary to the Arkansas State Convention, which passed that state’s *Ordinance of Secession* on 6 May, and Watie became a Confederate military commander of some note.<sup>28</sup> What confused the simplistic dichotomy of Abel’s blood quantum distinction was—as she herself admitted—the fact that Ross, although leader of the full bloods, was a slaveholder, only one-eighth Cherokee, of ‘sturdy Scotch extraction and honest to the core’ and one who ‘stood out in strong contrast to the rank and file of the non-secessionists’.<sup>29</sup>

Confederate President Jefferson Davis (1808–1889) had commissioned Albert Pike (1809–1891) to negotiate treaties with the various tribes of the territory. Of Pike, a Freemason and a man of poetic sensibilities, Abel wrote very favourably:

[His] ... essential fairmindedness [was] a marked characteristic in all his dealings with the Indians, but at once his strength and his weakness. He succeeded with the red man for the very same reason that he failed with the white, because he gave to the Indians the consideration and the justice which were their due.<sup>30</sup>

These are surprisingly kind words—and, even by Abel’s own account, not too accurate—but between July and October 1861 Pike successfully negotiated a series of treaties with the Creeks, Choctaws, Chickasaws, Seminoles and other tribes.<sup>31</sup> He finally made agreement with the Cherokees when Ross abandoned neutrality and succumbed to a combination of ‘pressure within the tribe ... the display of Confederate strength ... and encroachment by the Federals’.<sup>32</sup> Under these treaties, the five great tribes were recognised as nations with a right to congressional representation and, with some, the prospect of ultimate statehood.

Though the major tribes willingly transferred their allegiance, Abel noted that the Confederacy:

in promising the insignificant tribes a permanent occupancy of the present holdings, made use of the same high-flown, meaningless language that the United States had so long used; [and even] the wild Comanches could most naively promise to hold the Confederate States ‘by the hand, and have but one heart with them always’.<sup>33</sup>

As was to be expected, in all but two of the treaties, slavery was ‘positively and particularly recognized, recognized as legal and as having existed from time

immemorial'.<sup>34</sup> Yet for all this recognition, Abel herself recognised that 'Indian rights were at a premium because Indian alliances were in demand' and that behind all this treaty making were two military considerations: the strategic importance of the Indian Territory and the Indian nations as a source of recruits.<sup>35</sup> Abel did note, however, that the treaties guaranteed the tribes the conditions of their own citizenship, absolutely forbade unauthorised settlement within the Indian Territory and gave the Indians control of their own trade. This last was an important concession because, as Abel added:

The Indian trade in the hands of the licensed white trader, although a pernicious thing for the Indian, was an exceedingly lucrative business for enterprising American citizens, white men who were, unfortunately, in possession of the elective franchise but of little else that was honorable and the government, controlled by constituents with local interests, dared not surrender it to the unfranchised Indians no matter how highly competent they might be. Thus the Indian country, throughout its entire extent, was exploited for the sake of the frontiersman.<sup>36</sup>

The treaties also guaranteed Indians certain legal, river navigation and property rights, provided for a reciprocal amnesty and for the establishment of a district court and postal system. The Confederacy reserved the right to control infrastructure such as military posts, roads, railways and telegraph lines.<sup>37</sup> Overall, Abel considered that:

the South paid pretty dearly from the view-point of historical consistency, for its Indian alliance. In the light of Indian political history, it yielded far more than at first glance appears and, as a consequence, the great tribes gained nearly everything that they had been contending for half a century.<sup>38</sup>

What characterised the treaties was 'conciliation and conciliation written very, very large', but this did not prevent white attempts to exploit the situation.<sup>39</sup> Abel cited a note written in late 1861 by the former federal Indian agent and now Confederate colonel, Douglas Cooper (1815–1879), to the Confederate Indian superintendent (and cousin of the Arkansas governor) about a scheme to defraud the Choctaws of \$80,000 in gold owed to them by the United States government. Cooper wrote:

If we work this thing shrewdly we can make a fortune each, satisfy the Indians, stand fair before the North, and revel in the unwavering confidence of our Southern Confederacy.<sup>40</sup>

Abel found it 'very gratifying to know that such letters are very rare in ... the history of the American Civil War', but this was further evidence to support her oft-stated view that corruption was rampant throughout the Indian service.<sup>41</sup> When Pike

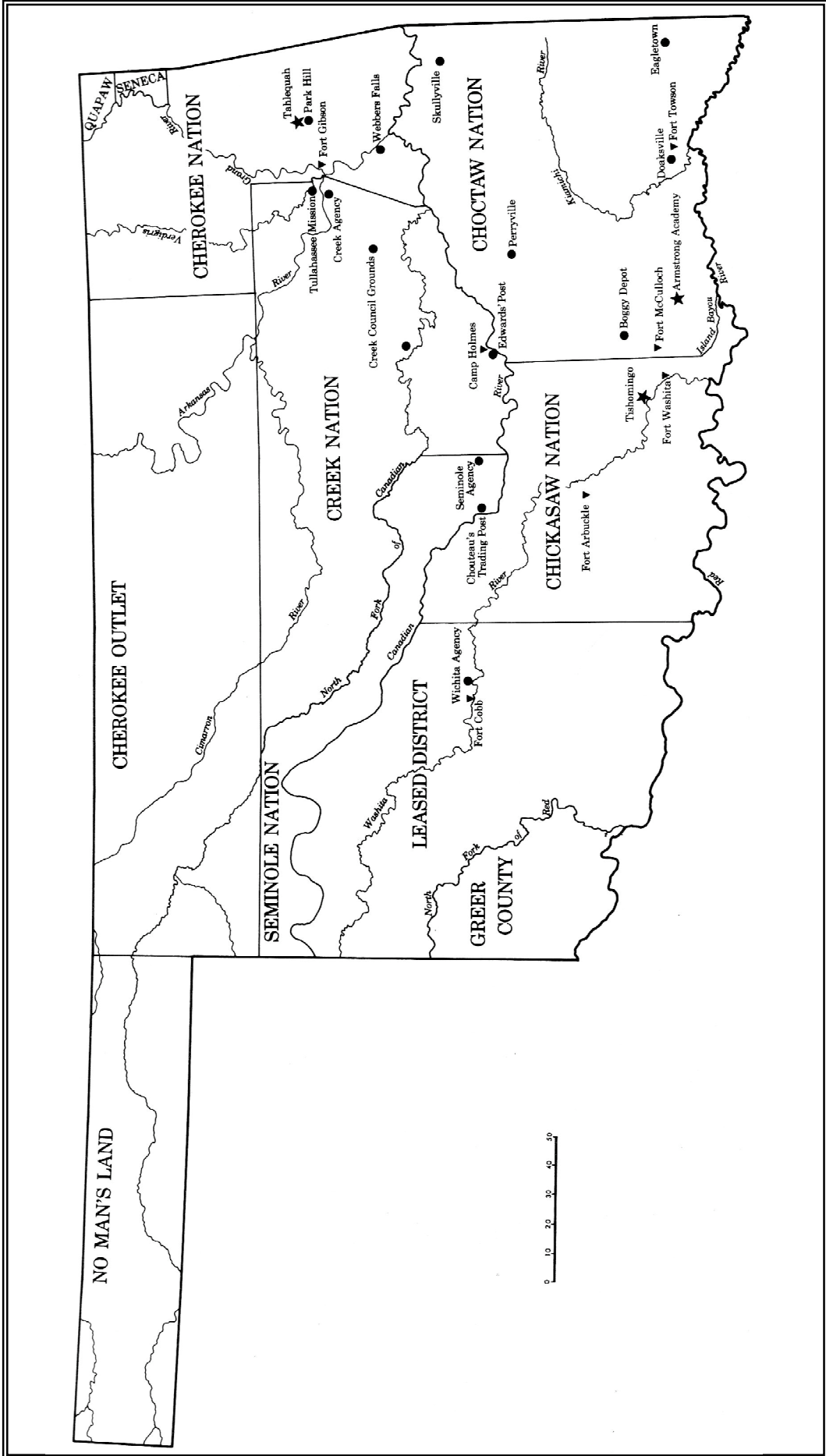
concluded his first treaty with the Creeks, the signatures of three prominent—but absent—chiefs were found to have been forged, which subsequently led to a split between pro-Southern and loyal Creeks. Although the treaties with the Choctaws and Chickasaws were duly signed, there had also been some disquiet among the former concerning those very monies that Cooper had sought to defraud. Like the Creeks, the Seminoles were divided and only about half of them signed up to their treaty; the other half joined the loyal Creeks.

In December, Jefferson Davis tabled the treaties in the Confederate Congress and, although he supported the assumption of federal pecuniary obligations to the tribes, he thought that Indian statehood should be rejected on constitutional grounds and that the question of Indian congressional representation be referred to the House of Representatives. Davis' recommendations were adopted and, with some minor modifications, the treaties were ratified before Christmas 1861. In under a year, Abel's claim of 'political integrity and political equality' for the Indians within the Confederacy was already under question.

Yet, Confederate recruitment efforts among the tribes seemed to have met with early success for by July 1861 McCulloch was already planning the deployment of Choctaw–Chickasaw and Creek regiments. The latter was to maintain a watch on the Cherokees, the majority of who were still neutral at this time, although—as Abel pointed out—the names of individual Cherokees appeared on the Confederate muster rolls at the battle of Wilson's Creek, Missouri, on 10 August. In fact this engagement became a proximate cause of a change of attitude among Cherokees because, coupled with the more devastating Union defeat at the battle of Bull Run on 21 July, it added to a sense of ultimate Confederate victory.<sup>42</sup>

At the Cherokee National Council held in August, Ross with his usual eloquence reiterated his preference for neutrality but bowed to the perceived reality of the day and declared that the time had now come to join the Confederacy and the council so resolved. This new stance now opened the Cherokees' northern border to attack from Union Kansas and the tribe moved quickly to organise a mounted regiment under Colonel John Drew while McCulloch 'authorized the enlistment of another force of Cherokees under the command of Stand Watie ... designed to protect that same northern border'.<sup>43</sup>





The Indian Territory 1855-1866.

The United States Indian commissioner William P Dole [1861–64] was well aware that the disaffection among the tribes of the Indian Territory stemmed in part from the failure of his government to protect them and believed that if the country was reoccupied by the Union, the Indians would return to their allegiance. In May 1861 he had written to the secretary of the interior to that effect but, as Abel noted:

Nothing came of Dole's application and thus was exemplified ... a very serious defect in the American administrative system by which the duty of doing a certain thing rests upon one department and the means for doing it with quite another. It is surely no exaggeration to say that hundreds and hundreds of times the Indians have been the innocent victims of friction between the War and the Interior Departments.<sup>44</sup>

In November 1861 a general Union reorganisation resulted in the creation of a Department of Kansas under the command of Major-General David Hunter (d. 1886). 'It was,' wrote Abel, 'high time that something vigorous was being done to stay Confederate progress' because they now had some four thousand Indian troops in the field.<sup>45</sup>

Yet the incipient cracks in the Confederate–Indian alliance were about to tear it asunder. On 5 November, Opothleyohola, the traditionalist and aging leader of the loyal Creeks, led his people northwards to seek refuge in Kansas.<sup>46</sup> Although they numbered less than two thousand men they were accompanied by a large number of old folk, women and children, and two or three hundred 'negroes'. Leading a force of about fourteen hundred men—all Indians except for a detachment of Texas cavalry—Cooper gave chase and on 19 November engaged the Creeks at Round Mountain on the Red Fork of the Arkansas River.<sup>47</sup> Opothleyohola and his people managed to escape but on 9 December, at Chusto-Talasa (near present-day Tulsa, Oklahoma) Cooper again attacked them. By now he had been joined by Drew's regiment of full bloods—the First Cherokee Mounted Rifles—and yet, on the eve of battle, 'horrified at the thought of fighting with their neighbours', four companies of this regiment deserted to Opothleyohola.<sup>48</sup> Again the Creeks managed to escape and fearful of further desertions, Cooper prevailed upon Ross to address the remaining Cherokees. Ross gave a characteristically eloquent speech, reminding the warriors of where their loyalty lay, but they 'were not convinced and many of them went home'.<sup>49</sup>

Cooper's depleted regiment was reinforced by a Confederate column and further north at Chustenahlah on 26 December, once again attacked the Creeks. This time

the Creeks were routed and they fled northward ‘leaving practically everything in the shape of property behind them’.<sup>50</sup> Harried by Cooper’s troops all the way to the Kansas line, they travelled through the bitter winter, and many froze to death on the way.

The exodus of the Creeks was but the signal for the flight of other tribesmen from Indian territory, of all those, in fact, who were either tired of their alliance with the Confederacy or had never been in sympathy with it and were only too eager to take the first chance to escape from it.<sup>51</sup>

When they reached Kansas, the refugees’ suffering was not over. Now destitute, they could only camp in the open and all the Union army could do to relieve their distress was to send ‘cheap blankets ... and some condemned army tents’.<sup>52</sup> Opothleyohola appealed to ‘brother Indians’ for help and the Delaware replied that:

Our brave Warriors are ready to spill their Blood for you, and are only waiting to hear from our great Father at Washington we have asked of him the priviledge [*sic*] of going to your assistance, and hope that our request will be granted ...<sup>53</sup>

In fact, by the last day of 1861, the Union had decided to deploy some four thousand Indians as part of a force of twenty-seven thousand men to be assembled at Fort Leavenworth, Kansas, ready for an attack on the Indian Territory. Dole ‘was especially enthusiastic’ and travelled to Kansas to help organise the Indians for military service.<sup>54</sup> When he reached there at the end of January 1862, he became fully apprised of the Indian refugee situation and that the army could only provide subsistence until mid-February. He telegraphed the secretary of the interior who replied that Congress would supply the means for helping the refugees but also wrote that the War Department would not organise the Indians for service.<sup>55</sup> The main reason was because Lincoln’s newly appointed secretary of war, Edwin M Stanton, was ‘opposed to the use of Indians in civilized warfare’.<sup>56</sup>

Meanwhile, the Confederacy had also reorganised its military command and in January 1862 created the Trans-Mississippi District of Department No. 2, which covered not only the Indian Territory but also all of Arkansas and much of Louisiana and Missouri. As Abel noted, this meant that, in ‘violation of the spirit of the Pike treaties’, Confederate Indian allies could now be called upon to render service outside the limits of their own country.<sup>57</sup> In March, with the Indian troops under his command, Pike was indeed ordered to be ready for action in what was to become the battle of Pea Ridge, Arkansas. It was, wrote Abel, ‘the consummation, the

culminating point, in fact, of the Indian alliance with the Southern Confederacy. It was the beginning of the end'.<sup>58</sup>

In her 'General Account of Documentary Sources', which prefaced the bibliography of *Slaveholder and Secessionist*, Abel once more took the opportunity to complain about the 'transitory and chaotic' state of the Indian Office files. Since her material was drawn almost entirely from these sources, she noted with horror how some papers had almost been lost to posterity:

Had the [presidential?] inaugural ball for 1913 not been dispensed with, the plan was, to use the records as the base for the band-stand, a decidedly interesting reflection, one must admit, upon the popular notion of the value of the national archives.<sup>59</sup>

To this volume Abel had also appended some Confederate papers whose own history was further proof of just 'how urgent [was] the need for a Hall of Records'. In the course of moving some Indian Office files from the old Washington Post Office to the pension building, some packing cases had been left behind and when these were subsequently recovered they were found to contain 'a number of interesting and valuable documents', including 'the "Leeper Papers" ... and a mass of stuff ... from Fort Smith'.<sup>60</sup>

The Fort Smith papers revealed Confederate concerns about the corruption involved in the provisioning of their Indian allies, and the problem of illegal squatters on Indian lands. One letter illuminated heightened sensitivities surrounding the issue of slavery in the Indian Territory just prior to the Civil War, and others concerned payments due to the Indians in the wake of Pike's treaty negotiations. Abel recounted how the 'Leeper Papers' had originally come into the possession of the Indian Office as a result of a raid upon the Wichita Agency by nearly a hundred pro-Unionist Indians in September 1862. This raid also resulted in the death of the Confederate Indian agent, Mathew Leeper, whose letters and reports—like those from Fort Smith—revealed interesting details of life in a remote western outpost of the Civil War, but contributed little to Abel's overall account.

Despite its title, *The American Indian as Participant in the Civil War*, much of the second volume of *Slaveholding Indians* is concerned not so much with Indian participation, as with Abel's own obtuse and often turgid descriptions of the continuously changing command structures of both Union and Confederate forces in

the western theatre of the Civil War.<sup>61</sup> It began with her account of the battle of Pea Ridge, which was fought in early March 1862 in north-western Arkansas.

In November 1861, Albert Pike, now Brigadier General, became military commander of the Indian Territory and established his headquarters—which he called Cantonment Davis—in the Choctaw country near the Arkansas border.<sup>62</sup> Having previously praised Pike for his fairmindedness towards the Indians, Abel now conceded that his *primary* purpose was to save the Indian Territory for the Confederacy and that:

The Indian occupants in and for themselves, unflattering as it may seem to them for historical investigators to have to admit it, were not objects of his solicitude except in so far as they contributed to his real and ultimate endeavor.<sup>63</sup>

Nonetheless, Abel insisted that Pike would have:

never at anytime or under any circumstances advocated their use generally as soldiers outside of the Indian Territory in regular campaign work and offensively. As guerrillas he would have used them ... but never as an organized force, subject to the rules of civilized warfare because fully cognizant of them.<sup>64</sup>

Yet, despite the treaties he had negotiated, when ordered to join in the counterattack against a Union advance into Arkansas in early February 1862, Pike appeared to have offered ‘no objections to taking his Indians out of their own territory’. He arrived back at Cantonment Davis from the Confederate capital of Richmond on 25 February to find his Choctaw, Chickasaw and Creek forces unwilling to fight since they ‘had not been paid ... and had not been furnished the arms and clothing as promised’.<sup>65</sup> It cost him four precious days to remedy the situation, but time enough to augment his force with two Cherokee regiments led by Stand Watie and John Drew.

Pike managed to arrive at the battlefield on the evening of 6 March, which was, by Abel’s account ‘one day late for the fray’.<sup>66</sup> This was not strictly true. The three-day battle that became known in the Union as Pea Ridge, and in the Confederacy as Elkhorn Tavern, in fact began, as Abel herself recorded, with skirmishes at nearby Bentonville on the day of Pike’s arrival.<sup>67</sup> Abel gave no description of the lay of the land, nor the military strategies employed, and it is hardly apparent from her account of the battle who was winning or why. By midday on 8 March it was all over and, with their three top field commanders—including McCulloch—having been killed, the Confederate forces were in full retreat. Relying

mainly on the United States official records, Abel concentrated exclusively on the Indian contribution to the engagement.

The Indians, then as always, were chiefly pony-mounted, 'entirely undisciplined', as the term discipline is usually understood, and 'armed very indifferently with common rifles and ordinary shot-guns'. The ponies ... had to be tethered in the rear while their masters fought from the vantage-ground of the trees. The Indian's most effective work was done, throughout, under cover of the woods. Indians, as Pike well knew, could never be induced to face shells in the open. It was he who advised their climbing the trees and he did it without discounting, in the slightest, their innate bravery ... He allowed Colonel Drew's men to fight in a way that was 'their own fashion', with bow and arrow and with tomahawk ... The Indian war-whoop was indulged in, of itself enough to terrify. It was hideous.

The service that the Cherokees rendered at different times during the two days action was not, however, to be despised ... At Leetown, with the aid of a few Texans, they managed to get possession of a battery and to hold it against repeated endeavors of the Federals to regain.

The delinquent wayfarers [Pike's men] were both fortunate and unfortunate in thus tardily arriving on the scene. They had missed the fight but they had also missed the temptation to revert to the savagery that was soon to bring fearful ignominy upon their neighbours [Drew's Cherokees]. To the very last of the Pea Ridge engagement, Stand Watie's men were active ... They were mostly half-breeds and, so far as can be definitely ascertained, were entirely guiltless of the atrocities charged against the others.<sup>68</sup>

Abel did not at first identify the nature of these atrocities—the alleged scalping of the dead—but the incident was widely reported in the press and later considered by a congressional Joint Committee on the Conduct of the Present War.<sup>69</sup> The Cherokee National Council sought to distance itself from the atrocities and resolved that future military engagements 'should be conducted on the most humane principles which govern the usages of war among civilized nations'.<sup>70</sup> Following a later skirmish in June, some of Drew's men deserted to the Union side and reported 'that the killing of white rebels by the Indians in the [Pea Ridge] fight was determined upon before they went into battle'.<sup>71</sup> From this, Abel drew something of a morally long bow by contending that:

Presumptively, if the Cherokees could plot to kill their own allies, they could be found despicable enough and cruel enough to mutilate the dead, were the chance given to them and that without any direction, instruction, or encouragement from white men being needed.<sup>72</sup>

This presumption would seem to contradict Abel's earlier claim that the Indians 'were moved to fight, not by instincts of savagery, but by identically the same motives and impulses as the white men'.<sup>73</sup>

While the main Confederate force retreated eastwards, the Indians made their own way home to the Indian Territory from where Pike was instructed to engage in guerilla tactics. But he was also given the warning:

reward your Indian troops by giving them such stores as you may think proper when they make captures from the enemy, but you will please endeavor to restrain them from committing barbarities upon the wounded, prisoners, or dead who may fall into their hands.<sup>74</sup>

Which led to Abel's conclusion that:

The Indians were simply to be made to serve the ends of the white men. Their methods of warfare were regarded as distinctly inferior. Pea Ridge was, in fact, the first and last time they were allowed to participate in the war on a big scale. Henceforth, they were rarely ever anything more than scouts and skirmishers and that was all they were really fitted to be.<sup>75</sup>

In a curiously titled chapter 'Lane's Brigade and the Inception of the Indian' (the publisher apparently omitted the final word, 'Expedition') Abel expounded at great length and often in confusing detail on the politico-military career of Senator James H Lane (1814–1866). During the Missouri–Kansas border conflict known as Bleeding Kansas, Lane had established a reputation as 'the Grim Chieftain' in the fight against the spread of slavery.<sup>76</sup> He had been elected to the Senate for the newly created state in March 1861 and following the Fort Sumter attack on 10 April, which marked the official opening of hostilities in the Civil War, had been among the first to answer Lincoln's call for volunteers. During the summer, Lane—now Brigadier General—set about recruiting a brigade and establishing his headquarters at Fort Scott in south-eastern Kansas where, noted Abel:

Bad white men, always in evidence at moments of crisis were known to be exciting the Osages, exciting them by their own marauding to devilry and mischief of the worst description. As a tribe, the Osages were not very dependable at the best of times and now that they saw confusion all around them their most natural inclination was to pay back old scores and to make an alliance where such alliance could be most profitable to themselves.<sup>77</sup>

It appears that the Osages had chased some white horse-thieves and, in the ensuing fight, killed them—which, given the time and place, would hardly have amounted to 'devilry and mischief of the worst description'. As for their dependability, Abel was perhaps referring to what she described as the 'cheap, disreputable and very general Osage offer ... of services to the United States in exchange for flour and whiskey'.<sup>78</sup>

Kansas became ‘infested’ with ‘marauding bands ... on expeditions of robbery, devastation and murder’.<sup>79</sup> One such band, which reportedly comprised half-breed Cherokees led by John Matthews, sacked and burnt the town of Humboldt in September 1861. Lane then took immediate revenge by dispatching a force of some two hundred men who killed Matthews and ten of his accomplices. A Confederate commission to enlist Indians to operate on the Kansas frontier was found on Matthews’ body. Not that Lane was above some marauding himself, for in the same month he ‘performed the atrocious and downright inexcusable exploit of burning [the Missouri town of] Osceola’.<sup>80</sup> Abel described Lane as ‘cruel, indomitable, and disgustingly licentious [who] would see nothing terrible in the letting loose of the bad white man, the half-civilized Indian, or the wholly barbarous negro upon society’.<sup>81</sup> She obviously saw nothing terrible in her own descriptions. By October, Lane was again recruiting in Kansas and planning to march a brigade south into the Indian Territory and clean out the rebels. Hunter, who showed ‘much sympathy with the Indians’, opposed Lane’s plan because he held:

a wholesome repugnance to such marauding as Lane had permitted his men to indulge in in the autumn. It was to be feared that Indians under Lane would inevitably revert to savagery. There would be no one to put any restraint upon them and their natural instincts would be given free play.<sup>82</sup>

Thus Hunter resolved to lead the expedition himself but the plan was put on hold by the January 1862 appointment of Secretary of War Stanton and (as previously intimated) he simply refused to countenance the American Indian as a participant in the Civil War. This brought Abel once more to Indian refugees in Kansas.

The thing that would have most justified the military employment of Indians by the United States, in the winter of 1862, was the fact that hundreds and thousands of their southern brethren were then refugees because of their courageous and unswerving devotion to the American Union. The tale of those refugees, of their wanderings, their deprivations, their sufferings, and their wrongs, comparable only to that of the Belgians in the Great European War of 1914, is one of the saddest to relate, and one of the most disgraceful, in the history of the War of Secession, in its border phase.<sup>83</sup>

As to their number, Abel did not proffer a figure because those who handled the relief funds had—for reasons of ‘graft and peculation’—inflated the numbers, but she invited her readers to compare statistics recorded in various Indian Office files.<sup>84</sup> There were certainly many thousands who, with no provisions, the barest of cover and suffering from frostbite, camped among the carcasses of their dead ponies and



became sick from eating contaminated food. Abel stressed the point that the ‘inadequacy of the Indian service and the inefficiency of the Federal [*sic*] never showed up more plainly, to the utter discredit of the nation, than at this period and in this connection’.<sup>85</sup> For enlisting a former business partner to purchase and supply goods for refugee relief, Abel not only accused Commissioner Dole of nepotism, but also suggested that this was typical of the entire American polity:

They worked into the service just as many of their own relatives and friends as they conveniently and safely could. The official pickings were considered by them as their proper perquisites. ‘Twas ever thus’ in American politics, city, county, state and national.<sup>86</sup>

It was decided to gather the refugees together, thereby ‘converting the Verdigris Valley, in the vicinity of Fort Roe, into a concentration camp’.<sup>87</sup> When the spring thaw came, the stench from the bodies of about two hundred dead ponies made this camp unbearable and it was planned to move the refugees yet again, but by now the Indians simply wanted to go home. As Abel put it:

It is a mistake to suppose that the Indian, traditionally laconic and stoical, is without family affection and without that noblest of human sentiments, love of country. The United States government has, indeed, proceeded upon the supposition that he is destitute of emotions, natural to his more highly civilized white brother, but its files are full to overflowing with evidences to the contrary. Everywhere among them the investigator finds the exile’s lament. The red man has been banished so often from familiar and greatly loved scenes that it is a wonder he has taken root anywhere and yet he has. Attachment to the places where the bones of his people lie is with him the most constant of experiences and his cry for those same sacred places is all the stronger and the more sorrowful because it has been persistently ignored by the white man.<sup>88</sup>

Then the victory at Pea Ridge brought about a ‘revival of interest in an Indian expedition’.<sup>89</sup> At the end of March 1862, the War Department ordered the formation of:

two regiments to act in the Indian country, with a view to open the way for the friendly Indians who are now refugees in Southern Kansas to return to their homes and protect them there. Five thousand friendly Indians will also be armed to aid in their own protection ...<sup>90</sup>

With Drew’s men guarding the Cherokee border of the Indian Territory, Cooper and Watie engaged in occasional skirmishes with Union forces. In almost comic-book fashion, Abel described a successful Confederate engagement at Neosho, Missouri, in May as one that ‘proved to be a case where the wily and nimble Indian had taken the Anglo-Saxon completely by surprise’.<sup>91</sup> It was also reported that

the Confederates were planning to unite their disparate forces to destroy the proposed Indian Expedition. Yet the Union was hardly preparing to meet such threats; the Creeks had even been given defective guns, and some tribal leaders, distrustful of Union motives and intentions, sought to stall preparations for the march south. Finally—‘their bullet-proof medicine taken, their grand war-dance indulged in’—by late June 1862 the Indian Expedition moved off south under the command of Colonel William Weer.<sup>92</sup>

Command of the Confederate West had by now passed to General Thomas C Hindman (1828–1868) of whom Abel wrote: ‘To the Indians and to their rights, natural or acquired, he was utterly indifferent as were most other American men’.<sup>93</sup> In an engagement with the Indian Expedition in July at Locust Grove, the Confederates were routed, many prisoners taken and the flight of Confederate Indian soldiers towards the nearby Cherokee capital of Tahlequah caused panic. As Abel put it:

Thoroughly frightened, the red men sought refuge within the Federal lines. Such conduct was to be expected of primitive people, who invariably incline towards the side of the victor; but, in this case it was most disastrous to the Confederate Indian alliance. For the second time since the war, Colonel John Drew’s enlisted men defected from their own ranks and ... went boldly over to the enemy.<sup>94</sup>

Weer sought an interview with Ross but he refused, insisting that the Cherokees were now treaty-bound to the Confederate government. In fact Ross was under pressure from Cooper, who had ordered him to draft all Cherokees ‘between the ages of 18 and 35’.<sup>95</sup> Captain HS Greeno, who had been sent by Weer to reconnoitre the area around Tahlequah, relieved Ross of his dilemma by the expedient of arresting and subsequently paroling him.

The Indian Expedition suffered from a severe lack of provisions, particularly fresh water, and in the heat of July, while the Indians were surviving on jerky, white auxiliaries became so desperate that they mutinied and arrested Weer. The Expedition then retreated until ample grazing and water was found, but not before a ‘large number of the Second [Indian regiment had] deserted’.<sup>96</sup> The situation in the Confederate command was hardly better. Despite the grandiloquent promises of the treaties that Indian military deployment would be for defensive purposes within the Indian Territory only, Pike had taken his Indian troops to fight in Arkansas. Although he did so under a direct order, much of the opprobrium for the Pea Ridge

atrocities fell on him and he resigned on 17 July 1862. Two weeks later, in a circular addressed to the Indians, Pike reiterated his basic faith in the Confederacy and pleaded with them to defend the territory as best they could until regular troops should arrive. He also claimed to have cared only for the Indians' interest and that he had never made them a promise that he did not expect to keep. Yet, as Abel remarked:

So little reason has the red man had, in the course of his long experience with his white brother, to trust him and that his faith in that white brother, rests upon a very slender foundation. Pike knew the Indian character amazingly well and knew that he must retain for the Confederacy the Indian's confidence at all costs.<sup>97</sup>

And once Pike had left the Indian Territory:

No one attempted any longer to conceal the truth that alliance with the Indians was a supremely selfish consideration, and nothing more, on the part of those who coveted Indian Territory because of its geographical position, its strategic and economic importance.<sup>98</sup>

Meanwhile, the removal of Ross—who had found refuge in Philadelphia, taking with him the contents of the Cherokee treasury and a huge retinue of family and camp followers—together with the withdrawal of the Union forces in August, had created a civil war among the Cherokees. Once again, Abel emphasised the racial divide by claiming that 'the Pins, or full-bloods, and the Secessionists, mostly half-breeds, [were] able to indulge their thirst for vengeance uninterruptedly'.<sup>99</sup>

The Confederates had sought once more to reinvade Missouri and the engagement in September at Newtonia involved Confederate Choctaws and Chickasaws and Union Cherokees. Yet Abel could only say that:

Their discipline had yet left much to be desired. Scalping of the dead took place as on the battle-field of Pea Ridge; but, in other respects, the Indians of both armies acquitted themselves well and far better than might have been expected.<sup>100</sup>

Confederate plans continued to be thwarted by further defeats: in late November at Cane Hill and nine days later at nearby Prairie Grove. Abel claimed that in both engagements the 'Indians played a part and played it conspicuously and well', although, uncharacteristically, she cited no source for this opinion.<sup>101</sup>

With the tide now turning against the Confederacy, Union men began to look beyond the end of the war:

As though the Indians had not afflictions enough to endure merely because of their proximity to the contending whites, life was made miserable for them, during the period of the Civil War, as much as before, and after, by the insatiable land-hunger of politicians, speculators, and would-be captains of industry, who were more often than not, rogues in the disguise of public benefactors. Nearly all of them were citizens of Kansas ...

The order of procedure was pretty much what it had always been: a promise that the remaining land should be the Indian's, undisturbed by white men and protected by government guarantee forever; encroachment by enterprising, covetous, and lawless whites; conflict between the two races, the outraged and the aggressive; the advent of the schemer, the man with political capital and underdeveloped or perverted sense of honor, whose vision was such that he saw the Indian owner as the only obstacle in the way of vast material and national progress; political pressure upon the administration in Washington, lobbying in Congress; authorization of negotiations with the bewildered Indians; delimitation of the meaning of the solemn and grandly-sounding word, *forever*.<sup>102</sup>

In other words, the collective punishment of *all* Indians for the desertion of *some* to the Confederacy, was used as the excuse to relieve Kansas of its 'native encumbrance' and thus free up the land for white settlement.<sup>103</sup> At the beginning of 1863, the Indian Territory had become desolated by the War, causing one Union commander to regret 'that the red man had to be offered up in the white man's slaughter'. Such regret, remarked Abel,

was unavailing ... and would ever be. Just as with the aborigines who lay athwart the path of empire and had to yield or be crushed so with the civilized Indian of 1860.<sup>104</sup>

Yet desertion from the Union Indian regiments was rife because:

The Indian, on his own business bent, was disposed to depart whenever he pleased ... He knew not the usages of army life and really meant no offence; but ... his utter disregard for army discipline made for great disorder ... Primitive man has an inordinate respect for strong character. He appreciates integrity, though he may not have it among his own gifts of nature.<sup>105</sup>

Colonel William Phillips, the new commander of the Union Indian forces, was a strong character and portrayed by Abel as a 'virile Scotchman' whose 'sense of justice was truly British in its keenness' and whose 'Indian soldiers loved him'.<sup>106</sup> But as the massive campaign at Vicksburg, Mississippi, got underway, Phillips received little or no support on what was now considered very much the War's periphery and, although he could occasionally harry the enemy across the Arkansas

River, his command was in fact half-starved and afflicted by smallpox.<sup>107</sup> The Confederate Indian forces also had a new commander, General William Steele (1819–1885), and his situation mirrored that of Phillips: he lacked military supplies and his men suffered from the same smallpox epidemic that was afflicting the Union forces. Nonetheless, according to Abel, the root cause of Steele's problems was the rampant corruption whereby 'wastrels, desperadoes, scamps of every sort luxuriated at the Indian expense'.<sup>108</sup>

Throughout May and June of 1863, the Confederates unsuccessfully attempted to capture federal cattle herds and, although Abel made special note of a 'brilliant cavalry raid undertaken by Stand Watie', this success was subsequently reversed. Phillips' small victories were beginning to have a cumulative effect, causing some Indians 'to wonder, whether in joining the Confederacy, they had not made a terrible mistake'.<sup>109</sup> The Confederate superintendency and agency system had been abolished and, although sympathetic to needs of an impoverished Indian population, Steele's priorities were military. There was now even a Confederate proposal—mirroring the sentiment in Union Kansas—that would have opened the way for white settlement on Cherokee land. As Abel noted, this amounted to:

nothing more or less than a suggestion that the Cherokees surrender their nationality, their political integrity, the one thing above everything else that they had sought to preserve when they entered into an active alliance with the Confederate States.<sup>110</sup>

The Cherokees quite rightly protested:

'We, therefore, in justice to ourselves and our people, cannot agree to give a part of our domain as an inducement to citizens of another Government to fight their own battles and for their own country; besides, it would open a door to admit as citizens of our Nation the worst class of citizens of the Confederate States ...'<sup>111</sup>

With the decisive Union victories at Gettysburg and Vicksburg in July 1863, navigation of the Mississippi River was lost to the Confederacy and, following Watie's unsuccessful attack on a Union supply column at Cabin Creek in early July, the Confederates in the West were now isolated and totally on the defensive. General Blunt, Union commander of the District of the Frontier, took personal command of the forces in the Indian Territory and in July, attacked Cooper at Honey Springs in the Creek country, a battle in which 'Indians of both sides, were on hand, in force'. Cooper's forces were ill-equipped and 'large numbers of his Indians ... became disheartened and then demoralized'.<sup>112</sup> When Blunt threatened Fort Smith in August,

Steele adopted the ‘Fabian policy’ of strategic withdrawal and the frontier post fell without a shot being fired.<sup>113</sup>

By this time, the Kansas lobbyists had had their way in Washington and the Union Congress had decided to remove all Indians—both ‘indigenous and immigrant’—from that state to the Indian Territory. As Abel remarked:

It mattered not that the former had a title to their present holdings by ancient occupation and long continued possession and the latter a title in perpetuity, guaranteed by the treaty-making power under the United States constitution. All the tribes were to be ousted from the soil of the state that had been saved to freedom; but it would be first necessary to secure the Indian Territory and the men of the Kansas tribes were to be organized to secure it. It is difficult to imagine a more ironical proceeding. The Indians were to be induced to fight for the recovery of a section of the country that would make possible their own banishment.<sup>114</sup>

Ironic indeed. Because he had no faith in Indian soldiers and ‘would not change one regiment of negro troops for ten regiments of Indians’, Blunt opposed the plan on purely military grounds.<sup>115</sup> Under pressure from political enemies in Kansas, including his own superior officer, Blunt was replaced.

The Confederates made one last appeal to their Indian allies. General Kirby Smith—who, in January 1863, had assumed command of yet another reconstituted Trans-Mississippi District—wrote to Watie in September thanking the Indians for their loyalty and heroism despite the ‘apparent ill-faith of our Government’. Watie himself issued appeals to the Creeks and the Choctaws in order ‘to dispel despondency and to arouse to action’. But when the Choctaws complained of the latest failure to supply them with guns and ammunition, all Smith could say was that they had been lost at Vicksburg. As Abel rightly remarked, ‘Had not white men been always singularly adept at making excuses for breaking their promises to red?’<sup>116</sup>

Nonetheless, in November the Confederate Indian factions met in tribal council to pledge their continued support and as late as April 1864 Choctaw regiments continued to form part of the regular Confederate forces fighting in Arkansas. Here, according to Abel’s account, they did excellent service, particularly at the battle of Poison Springs where they demonstrated ‘what Indians could do when well disciplined, well officered, and well considered’.<sup>117</sup> Meanwhile, Watie—‘the greatest of Indian raiders’—continued to wage guerilla warfare.<sup>118</sup> In a spectacular raid in June 1864, he managed to seize a Union supply boat, the *Williams*, at Pheasant Bluff on the Arkansas River. He also harassed Union wagon trains and refugees, including

his fellow Cherokee tribesmen, returning from Kansas.<sup>119</sup> Watie's last great raid took place in September at Cabin Creek where a large amount of booty was taken and where some of his men 'becoming intoxicated, committed horrible excesses and slaughtered indiscriminately'.<sup>120</sup> But the war was nearing its end and, for all its terror, such raiding achieved little of strategic significance. On 26 May 1865 General Kirby Smith surrendered the Trans-Mississippi Department and everything appertaining to it. As Abel concluded: 'The Indians had made an alliance with the Southern Confederacy in vain'.<sup>121</sup>

In 1920, five years before its eventual publication, Abel wrote the preface to the final volume of *Slaveholding Indians, The American Indian under Reconstruction*.<sup>122</sup> Here she specified the term reconstruction as meaning 'political re-adjustment' rather than its broader sense of 're-building and restoring'. She thus excused herself for not including the 'pitiful racial deterioration of the Creeks due to unchecked mixture with the negroes' or those 'great tragedies ... the compulsory removal of such tribes as the inoffensive Nez Percés, the aggressive Poncas, and the noble Cheyennes'.<sup>123</sup> She also noted that recent interest in the history of the American West had by necessity involved the displacement of Indians, whose treatment by the United States was:

bound to concern the historian of the future, whose mental grasp will be immeasurably greater than is that of the men, who now write and teach American history in the old conventional way with a halo around New England and the garb of aristocracy enveloping Virginia. It is in American History rightly proportioned that the present study will have its place.<sup>124</sup>

By 1864, with the tide of war firmly turned against the Confederates, most Indians who had had joined with the South were now decidedly uneasy with the alliance. For Abel, however, the Choctaws were 'not yet fully ready to unite with Abolitionists and *Black Republicans*' because:

Race prejudice was strong among them as was also a repugnance to any race mixture that entailed their own assimilation with inferior blood. In this they resembled the haughty Anglo-Saxon and differed radically from the Gallic Frenchman and ... from their own kith and kin the Creeks, who mingled Indian blood with African freely.<sup>125</sup>

In March, a minority Choctaw faction called for a tribal return to United States allegiance, but Abel derided their proclamation as being in 'the spirit of the self-

seeking, the abjectly craven, and calls not for commendation, but for execration'.<sup>126</sup> Since the call merely reflected the reality of a probable Confederate defeat, quite why she should have been so incensed is hard to fathom. In this, Abel seemed to agree with 'that doughty Scotchman, Colonel Phillips' who held that the 'Choctaw Nation was yet *de facto* rebel and deserving of the severest chastisement' and that the minority faction were 'nothing but politic opportunists'.<sup>127</sup>

Opportunists or not, Abel was correct in stating that 'plans for chastisement of recalcitrant Indians took one direction ... *land confiscation*'.<sup>128</sup> Kansas, where 'never in all history ... has the insatiable land-hunger of the white man been better illustrated', had played reluctant host to Indian refugees from its immediate south and now it wanted *all* Indians out.<sup>129</sup> In the words of Commissioner Dole, the United States was simply unwilling to renegotiate the antebellum treaties with the tribes of the Indian Territory 'without first securing ... a portion of their country for the settlement of other Indian tribes which we are compelled to remove from the State'.<sup>130</sup> But the Union was not yet in a position to provide the protective force that the safe return of the refugees warranted. The only places of relative safety in the Indian Territory were in the vicinity of Forts Smith and Gibson and by the middle of June 1864 the first of some five thousand returnees reached Fort Gibson to join the ten thousand Cherokees—internal refugees—already camped there. Even here, the Indians were subject to the abuse of soldiers who 'helped themselves freely to ... the outcome of the labour of "helpless women and children"'.<sup>131</sup> Cattle rustling and theft from supply trains further worsened the situation and 'positive destitution made its appearance'.<sup>132</sup>

At this point in her narrative Abel included an essay on cattle rustling, which had become 'a regular frontier industry ... tacitly condoned and, at times, even connived at by agents of the United States'. She noted that before the war, the Indian Territory tribes had been particularly rich in cattle but that during the conflict the country had become 'the legitimate prey of both armies [and] cattle the victims of constant marauding'.<sup>133</sup> Furthermore—and this is the first time in *Slaveholding Indians* that they are mentioned—'freed blacks had a share too in the general robbery'.<sup>134</sup> Abel claimed that the thefts were organised by whites, who employed:

irresponsible parties, usually Indians, [who] treated it as sport and as a gainful occupation ... Some of the stock was driven north into Kansas and there disposed of; some the army applied to its own needs; but by far the largest portion went into



the hands of the contractors who sold it to the government for the use of the refugees and at a most exorbitant figure.<sup>135</sup>

Yet this was only a small part of what Abel termed the ‘very general evil of speculation ... a political force that radiated from Kansas [to] the United States Senate’.<sup>136</sup> Indeed, rustling had become so entrenched that by 1865 Indian stock losses were estimated at three hundred thousand head.<sup>137</sup>

Some sections of the Indian Expedition had been reconstituted in the Territory as an Indian Home Guard, which in the latter days of the conflict came ‘more under fire of criticism than of rifle’. Its soldiers were condemned as:

lazy, ignorant and irresponsible ... constantly deserting, going home to their miserable and suffering families, and then returning to the ranks, oblivious of having offended, but disgruntled and demoralized.<sup>138</sup>

Abel did think, however, that they compared well with the white soldiers on the border ‘who were not much to brag about’. But ultimately, she considered that:

the Indians’ civilization, ground for hope though it was, was yet only a veneer. As soldiers they were a lamentable makeshift always. At any moment the savage in them was likely to reappear.<sup>139</sup>

She also conceded that because they had been poorly equipped the Indians had felt compelled ‘to resume the use of weapons suggestive of a warfare far more primitive and ... far more savage’.<sup>140</sup> In May 1865, with the war virtually over, the Indian Home Guard was disbanded, an event that in Abel’s mind had less to do with military realities than with disarming Indians who might resist white covetousness of their land or with preventing a bloodbath between Indians of differing loyalties.<sup>141</sup>

The following month, a council of the major Confederate Indian allies met to create a post-bellum united front with the Union Indian allies for, as Abel asserted:

None knew better than they that their possessory rights in Indian Territory were now in jeopardy and that with their forces divided they could never hope to hold out against the covetous white man. Their first concern was therefore to mend the breach in their own tribal ranks and for that their armistice was cleverly contrived. Never a hint of wrong-doing, of mistaken judgement, of miserable, egregious failure was suffered to appear.<sup>142</sup>

However, the loyalist Indians:

supported by their powerful ally, had already shown a determination, grim and inexorable, to impose the harshest of possible conditions upon [the secessionists], conditions that would have implied loss of citizenship and property rights. Against

such, the worst of contingencies, the secessionist Indians purposed to defend themselves in advance by stipulating that no terms of peace should be binding until ratified in full national council.<sup>143</sup>

Loyalists had even bought out the secessionists' improvements. 'And why should they not?' asked Abel:

[They] had paid the price for defection many times over in the ruin the war wrought. Ruin was everywhere. The injury that Indian adherence to the Confederacy had done to the United States was slight in comparison ... The United States had abandoned its wards, the dependent people that it was bound in honor and in law to protect, at the very moment when its protection was most needed and when self-interest could have been served by the opposite course of action. The protection it had sworn over and over again to give was to be protection against both domestic insurrection and foreign foes.<sup>144</sup>

The loyal Cherokees agreed to meet the rebel delegation and on 14 July 1865 declared a general tribal amnesty which, compared with the national amnesty issued by President Johnson in May, 'indicated a more democratic distribution of justice'.<sup>145</sup> This, Abel attributed to the practice of communal land-holding, so that rebels who were punished by the confiscation of *personal* property, still retained their *tribal* land rights.

In September the federal government convened a Peace Council with the territory tribes at Fort Smith. In addition to the United States commissioners, other white men were present and Abel asked:

Were they land speculators or would-be railroad magnates? Were they politicians from Kansas, eager to relieve, by hook or by crook, their sunny state of an obnoxious aboriginal encumbrance? ... Whoever they were, they were not disinterested friends of the red men.<sup>146</sup>

Abel even wrote of Ely S Parker or Do-ne-ho-ga-wa (1828–1895)—the Seneca sachem who had been Grant's secretary at Lee's surrender at Appomattox—that, as commissioner, it had to be admitted he gave little evidence of 'sympathy for his own race'.<sup>147</sup> Dennis Cooley (1825–1892), as newly appointed commissioner of Indian Affairs, declared that by virtue of their alliance with the Confederacy the antebellum treaties of those tribes were thereby annulled and their annuities forfeited.<sup>148</sup> But Cooley also announced that the United States was quite happy to renegotiate treaties with these and any other tribes, provided such treaties met with certain principles.<sup>149</sup>

In the absence of the delayed rebel delegation, the loyal Indians felt that they had no authority to accept such conditions, though they did discuss them. Abel here made the interesting observation that the loyal Choctaws and Chickasaws proposed

amending the principle preventing whites from settling on Indian lands, to include persons of ‘African descent ... except our former slaves or [resident] free persons of color’.<sup>150</sup> She thought that this reflected a general fear among the Indians that the government would now allow ‘their lands to become colonization grounds for the negroes of other States and Territories’.<sup>151</sup> Eventually the rebel representatives began to arrive and, though arguing for clauses that recognised that they had been coerced into a coalition with the Confederacy, some new treaties were signed. The case of the Cherokees was, however, complicated by Cooley’s refusal to recognise Ross as principal chief.<sup>152</sup> Some tribal factions claimed to have become reconciled but whereas the loyal Creeks were ‘magnanimous enough to accept ... even the incorporation of the negro’, the rebel Creeks ‘were so lacking in magnanimity that they discredited the whole refugee movement’ as self-serving factionalists.<sup>153</sup> The rebel Choctaws and Chickasaws defended their secession but, according to Abel, as to ‘the more delicate phases of the negro question, they ventured at this time no opinion’. Yet, in a fiery diatribe, she gave them one:

They would have told the North, not to ease its own conscience by forcing the Indian to bear the whole expense of compensation to the negro. The Choctaw would never submit to being made chargeable for indemnity to the white man’s slave. He would do rightly by his own but he would not be dictated to. Nor would he allow his tribe to be put into the position of a suppressed nationality, without protests. Manifest injustice he had had to submit to many times before. He had yielded to a force stronger than himself; but he never allowed his oppressor to delude himself into thinking that the Indian was oblivious of the wrong done. His indignation had echoed and re-echoed until the all too self-righteous white man had been put to shame by the ruthless exposure of his own hypocrisies.<sup>154</sup>

Although Abel found it difficult to explain, the commissioners persisted in not recognising Ross as principal chief and so the loyal Cherokees refused to any compromise:

Greater than any wrong done to the United States was the wrong that the secessionists had done to the Cherokee Nation. It had placed not the Cherokees alone but the Five Civilized Tribes and the whole of the Indian Territory within the power of the white men for all time.<sup>155</sup>

Instead of distilling harmony and promoting reconstruction, the commissioners had either gained resentful subjugation by obtaining vast leases of tribal land, or sown further discord among what were already almost terminally fractious tribes.

Cooley’s treaty principles were a distillation of instructions issued by Secretary of State for the Interior James Harlan (1820–1899) and in them Abel saw ‘the

groundwork of the whole reconstruction policy of the United States government towards the tribes in the Indian territory'.<sup>156</sup> These instructions amounted to a set of prerequisites leading towards the imposition of 'civilization' upon Indians, for which Harlan provided pragmatic justifications:

You will impress upon [the Indians], in the most forcible terms, that the advancing tide of immigration is rapidly spreading over the country, and the government has not the power or the inclination to check it. Our hills and valleys are filling up with an adventurous and rapidly increasing people that will encroach upon and occupy the ancient abodes of the red man. Such seems to be the inevitable law of population and settlement on this continent ... It is for the interests of both races, and chiefly for the welfare of the Indian, that he should abandon his wandering life and settle upon lands reserved to his exclusive use, where he will be protected in his rights and surrounded with every kindly and elevating influence by a paternal government ...

It is the purpose of the government to encourage the Indians to gain a livelihood, advance in the pursuits and arts of civilized life, and improve the moral, intellectual and physical condition. The nation cannot adopt the policy of exterminating them. Our self-respect, our Christian faith, and a common dependence on an all-wise Creator and benefactor forbid it. Other nations will judge of our character by our treatment of the feeble tribes to whom we sustain the relation of guardian.<sup>157</sup>

These instructions had formed part of the Harlan Bill, introduced into the Senate in February 1865, which Abel described as:

a bill for the organization of the Indian Territory, a presumably innocent and altogether desirable measure. So those ignorant of the less advertised facts of United States history might well think it; but, in reality, it was pernicious in the extreme, designedly deceptive. *Its real object was nothing more and nothing less than capitalistic exploitation of southern Indian preserves.* Under the pretext of bringing the red man more nearly within the range of his white brother's wholly materialistic civilization, its framers intended to nullify the important treaty pledges upon which the successful execution of the removal Act of 1830 had depended.<sup>158</sup>

The Bill envisaged an Indian Territory that would have representation in Washington, but would be peculiar in that its governor would not only be appointed by the president, but would also be 'ex-officio superintendent of Indian affairs and have absolute veto over the proceedings of a legislative assembly'.<sup>159</sup> According to Abel, the Bill held 'deeper meanings' that were to be found in the somewhat stolid senatorial debates from which she quoted extensively. Only when the Bill's 'perfidy was exposed by [Republican Connecticut Senator] Lafayette S. Foster' in his spirited defence of Cherokee rights under previous treaties, did the debate become interesting.<sup>160</sup>

One passage warrants quoting here, since it does expose the racial attitudes of the Senate, as of 23 February 1865, together with Abel's response framed some sixty years later:

POMEROY [Kansas]: ... this bill is so drawn and the existing usage is such that the Indians are to be absorbed. My colleague very well says they are bleaching out now; they are becoming white men.

LANE [Indiana]: On a point suggested by my colleague I should like to ask him a question. Does he not know that a large number of black persons have intermarried with Indians of these tribes and become members of the tribes? Does he object to the provisions of the bill which permits black people to continue to go in and become members of the tribes?<sup>161</sup>

POMEROY: I understand that negroes and Indians have intermarried. I do not object to it ...

LANE: ... The finest specimens [*sic*] of manhood I have ever gazed upon in my life are half-breed Indians crossed with negroes. It is a fact ... that while amalgamation with the white man deteriorates both races, the amalgamation of the Indian and the black man advances both races ... I should like to see these eighty thousand square miles, almost in the geographical center of the United States, opened up to the Indian and to the black man, and let them build up a race that will be an improvement upon both ... [As to] the question of what shall be done with the black man ... pass this territorial bill, open up this country for him, and he will flock in there and become a useful member of society.<sup>162</sup>

Although she wrongly identified him as Kansas Senator James Lane (*he* spoke immediately afterwards) Abel challenged these racial assumptions of Henry Lane with a later, more eugenically correct, variant:

It is contested by all ethnologists that a mongrel race is inferior to the races contributing to the mixture or equal only to the more primitive of the two. There is always a tendency towards reversion to type. As Madison Grant so pertinently puts it, 'Whether we like to admit it or no, the result of the mixture of two races, in the long run, gives a race reverting to the most ancient, generalized and lower type. The cross between a white man and an Indian is an Indian; the cross between a white man and a negro is a negro; the cross between a white man and a Hindu is a Hindu; and a cross between any of the three European races and a Jew is a Jew'. (*The Passing of the Great Race*, pp. 15–16). There is something almost diabolical in Lane's suggestion and encouragement of the idea of race amalgamation. Plainly he had no regard at all for the further upward development of the southern Indian, who was recognized, even by his enemies, to be already a highly civilized being.<sup>163</sup>

Senator Forster, however, considered the Bill as nothing more or less than a land-grab, based on the further concentration of the Indians. The Civil War was obviously at end, and the senators were looking forward to the postwar boom times and particularly the expansion of the railways. Said Forster:

Let us pause before we drive these Cherokees from their last resting place—for they have now reached it—to gratify the insatiable desire for land, which, like an

evil spirit, seems to possess the minds of our people. You may pass this bill—you may exterminate these Indians and obtain the lands which you solemnly covenanted should be theirs forever—but a day of reckoning will come ...<sup>164</sup>

The Senate passed the Harlan Bill on a vote of seventeen to nine but as Abel wrote, ‘there its present history ended since there was not time for its consideration in the House of Representatives’.<sup>165</sup>

At the Fort Smith Council, it was the propositions regarding the freed blacks that most worried the Indians because they felt that the government, having freed the slaves, should now:

provide economically for [them] and likewise compensate the former master for his loss, the master having acquired property rights in human kind under protection of well-established law. The Indians had been *innocent* purchasers of Africans to a much greater extent than the southern planters could ever claim to have been.<sup>166</sup>

Abel also noted that in the Indian Territory:

Mistreatment of the colored people was not of usual occurrence in those days; but as the war drew to its close ... it made its appearance. To the Choctaws and the Chickasaws ... the blacks became personally obnoxious ... The Indians, in a state of misery bordering on despair, blamed the blacks for the war reverses and grew vindictive. A reign of terror is reported to have set in.<sup>167</sup>

In November 1865, General John Sanborn (1826–1904) was appointed as protector of freedmen in the Territory. He felt that the best solution was adoption of former slaves into the tribes and that each freedman be given ‘the right to acquire title to hold and alienate real estate’.<sup>168</sup> As Abel noted:

Among the loyal Indians, as in a border state, snatched from secession, as was Maryland, self-reconstruction might well have been given a trial. Nothing had as yet been done to extend legally United States laws over the Indian country and yet Sanborn made them, by his own fiat, operative in all matters affecting freedmen. He was himself a New Hampshire man by blood and birth and breeding and found it impossible to reconcile polygamy and promiscuous intercourse with his Puritan self-righteousness and highly-developed moral sense. He therefore ordered the discontinuance of all such practices among the Indians, they being contrary to the laws of his own government.<sup>169</sup>

In the case of the Cherokees, Sanborn ruled that freed blacks should now become beneficiaries of Indian tribal annuities—although, Abel suggested, since the needs of the Indian refugees and returnees were far greater, the ‘negroes ... could have waited’.<sup>170</sup> In a further effort to solve the relief crisis, the United States instigated a Commission of Freedmen which became, as Abel put it, ‘another opportunity for

graft and speculation' whereby members could work the system of self-enrichment with government contracts by preying on the weak and unfortunate.<sup>171</sup> Then, in an extraordinary passage, Abel revealed her deeper feelings:

Almost might it be contended that the United States authorities themselves created the negro problem in Indian Territory and it was largely because of the half-breeds, the same who had betrayed the tribes to secession, that they did so. Rough was the road of transition from slavery to freedom; but far rougher was that that the once opulent Indian had to tread in order to get back to political security and economic ease. In Alabama and Georgia, forsooth, the ex-slaves manifested a disposition to migrate ... but not so those of Indian Territory. Their existence had never been irksome. *Indian and negro had, fundamentally, a great deal in common. They were both naturally slothful and incompetent.* The rebuilding of the country under their auspices had all of the character of forlorn hope.<sup>172</sup>

Sanborn considered that freedmen would be readily incorporated into the Creek and Seminole tribes, that the Cherokees would set aside a reserve for them and that the entire issue ought to be integral to the treaty making process. In his report, he made particular mention of freedwomen, many of whom had 'numerous progeny' but no husband and were therefore particularly in need of relief. To which Abel added the unreferenced gloss that:

the Choctaws, most stubbornly of all the Indians, have ever insisted that legally the offspring of Indian men and negro women are negroes, unalterably and forever. Their status is different from that of the offspring of Indian women and negro men. The squaw belongs to her tribe always. Her children, legitimate or illegitimate, are its care.<sup>173</sup>

Finally, Abel came to consider the 1866 Indian reconstruction treaties, each of which were negotiated in the context of the last great surge of expansion into the West. Lincoln's Homestead Acts of 1862 and 1864 had given an impetus to this western settlement, which meant that:

Unfortunately for national honor ... the Indian land was coveted ... The country was bound to fill up rapidly [and] the era of gigantic railway enterprises and equally gigantic government land grants to would-be capitalists was just beginning.<sup>174</sup>

Boudinot, the erstwhile leader of the rebel Cherokees, was said to be in favour of a projected railroad from St Louis to Galveston via Fort Gibson; more importantly, Boudinot and others supported Harlan's proposal for the consolidation of the Indian Territory, even though most Indians were opposed to it.<sup>175</sup> The United States even enlisted the advisory services of former Confederate Generals Cooper and Pike, 'the

very men', Abel found it necessary to remind us, 'who had, in the first instance, been the persons most responsible for Indian defection'.<sup>176</sup>

According to the treaty of March 1866, the Seminoles were to forfeit 'all lands and other property held by grant or gift of the United States'. Yet, as Abel quite rightly remarked, their western lands were neither grant nor gift because originally the Seminole had been forcibly removed from Florida.<sup>177</sup> Nonetheless, they were obliged to relinquish more than two million acres for fifteen cents an acre. They were resettled on an area of two hundred thousand acres of former Creek land that the government bought for thirty cents an acre and then sold back to the Seminoles for fifty cents an acre. Other treaty provisions included a formal alliance with, and a promise of protection by, the United States; an amnesty for former secessionists; and for former slaves 'to be adopted fully and completely into the tribe' and therefore to share in all tribal benefits including annuities, education and participation in tribal governance.<sup>178</sup> The money from the sale of their former land was to go towards reconstruction—for the restocking of farms, the construction of a mill, the establishment of a trust fund for the maintenance of schools and other on-going tribal expenses. About \$35,000 was to go towards poverty relief and a similar sum was to be used to reimburse loyal Seminoles for losses they had sustained.

The most significant clause—one that was included in each of the subsequent reconstruction treaties—provided that a tribe 'should grant a right of way and other concessions to any railroad company authorized by Congress'.<sup>179</sup> This caused Abel to repeat the regret that:

had the United States, early in its career, formulated an Indian policy, worthy of a great nation ... the highly-developed southern tribes would have been more than ready for the material civilization that has marked everywhere the Anglo-Saxon's progress.<sup>180</sup>

To isolate them from the encroachments of white men had been part of the justification for the removal of Indians to beyond the Mississippi, since Jefferson's time. This had only given them temporary protection and the coming of the railroad was indeed, as Abel termed it, 'a knell of doom'.

Railway construction and territorial organization were parts of the one great scheme. Both were steps in the formation of the State of Oklahoma, which is not an Indian State in the American Union and yet its limits are ... identical with those of the country that was promised to the southern exile so long as the grass should grow and the water run.<sup>181</sup>



The Choctaws and Chickasaws had been loyal to the Confederate cause to the last, but under their treaty provisions fared better than the Seminoles. They did not lose their lands, but within certain areas were obliged to confer forty acres upon each of their former slaves together with certain freedoms, ‘inclusive of the electoral franchise’.<sup>182</sup> These tribes were also to accept ten thousand Indians from Kansas, and extend to them the same rights as those extended to their freedmen. The Creeks were subject to provisions similar to those contained in the Seminole treaty and were forced to cede half of their tribal lands—more than three million acres. The money so raised was to be spent on reconstruction, apart from \$100,000 to be apportioned among those Indians who had enlisted in the federal army, freedmen and former refugees.<sup>183</sup>

The Cherokee reconstruction treaty negotiations were the most prolonged and their explication formed the final chapter of Abel’s great trilogy. In January 1866, delegates from the Cherokee National Council addressed a memorial to the president and Congress, that sought not only ‘to remove the stigma of disloyalty’ but also the reinstatement of John Ross as principal chief.<sup>184</sup> There were, however, *two* Cherokee delegations at Washington that year. The rebel Cherokees, who regarded Stand Watie as their national leader, were ‘bent upon imputing venality as well as disloyalty’ upon the loyal Cherokee faction and claimed that in receiving \$250,000 from the Confederate government, Ross had himself been disloyal to the Union.<sup>185</sup> All this only served to harden tribal factionalism and further complicate the negotiations. Eventually, on 19 July 1866, a treaty was agreed to which, in most respects, resembled that made with the Choctaws and Chickasaws. John Ross was recognised as principal chief, but he did not enjoy his reinstatement for long since he died on 1 August—a fact that Abel strangely omitted from her account.<sup>186</sup> She drew *Slaveholding Indians* to a close with the observation that:

The ratification of the treaties of 1866 concluded the formal reconstruction of the great slaveholding tribes. The re-adjustment of their relations with the United States had been accomplished. To all intents and purposes, their huge domains ... had been dealt with as conquered soil. Misguided originally, the Indians had learnt a bitter lesson and they paid dearly for the teaching it involved. They were soon to learn, moreover, that the settlements of 1866 were but the beginning of new and never-ending troubles ... The havoc wrought by the war had been terrible. The rebuilding came to be associated with the running of the railroads, the convenient guise of civilization, and the Indians ... resisted it with might and main. It was then that they realized, in their despair, what the reconstruction treaties actually meant, not amnesty as purported, but the confiscation of rights that the Indians, in their innocence and their refusal to profit by experience, had deemed inalienable.<sup>187</sup>

Abel introduced the bibliography of the final volume of her trilogy by relating, in greatly footnoted detail, the disposition of the various files among the various repositories at various locations around Washington, for it was from such disparate locations that Abel had drawn her primary sources. ‘For such, of course’, she wrote, ‘a Hall of Records ought long since to have been erected’.<sup>188</sup>

If, in the 1970s, Leroy Fischer could complain of the lack of scholarship on the Civil War in the Indian Territory, then in the first decades of the nineteenth century this was even more apparent. Abel’s secondary sources for each volume of *Slaveholding Indians* comprised mainly general histories of the Civil War, state histories and biographies of military men and politicians. She also listed those accounts by Wiley Britton—a Union soldier who had served in the West—that Fischer still cited fifty years later. As for Indian authorities, other than her own works all Abel could list were a 1915 biography of Stand Watie and the Cherokee histories by Parker and Eaton that she herself had reviewed.

The first review of *The American Indian as Slaveholder and Secessionist* appeared anonymously in the *AHR* of January 1916. Its opening description drew largely upon Abel’s own preface, but mentioned that in this volume the practice of slavery was ‘considered only in very general terms’. The reviewer also noted the care and detail of the investigation, the numerous blunders and injustices of the United States, and that evidence of painstaking study showed on every page. This was tempered by the comment that:

If any criticism may be offered it is that Miss Abel has shared a tendency toward over-documentation not unknown among American scholars today ... However, this is a fault easily forgiven and ... proof of the writer’s thoroughness and conscientiousness.<sup>189</sup>

Charles Ambler, writing two months later in the *MVHR*, found Abel’s histories of the Pike treaties to be of the greatest interest and felt that they marked ‘a radical departure in the relations between the white man and the red man’. Although he thought the book ‘a good beginning of a story that is interesting and instructive’, Ambler questioned Abel’s professed neutrality and suspected that ‘she would have been pleased to record a better showing on the part of the union [*sic*] in its dealings with the Indians’.<sup>190</sup> In June, the black novelist, intellectual and activist Jessie Fauset reviewed *Slaveholder and Secessionist* for the *Journal of Negro History*, but

surprisingly made no comment about the book's lack of reference to slavery. She felt it to be 'essentially a work by a scholar for scholars [and] certainly not for the laity' and found the style to be 'unusually dry'. Finally, she considered that the work marked 'a distinct step forward', but only 'for those who are interested in Indian affairs'.<sup>191</sup> Writing in the September 1917 *Political Science Quarterly*, Charles W Ramsdell of the University of Texas considered the book 'an important contribution to a subject of which almost nothing has been known'. In contrast to Fauset, he found the style to be 'clear and readable' and though he questioned certain details of Abel's account Ramsdell also felt that students of the topic would find themselves 'under ... many obligations to Miss Abel'.<sup>192</sup>

Exactly four years after the critique of *Slaveholder and Secessionist*, the *AHR* reviewed *The American Indian as Participant in the Civil War*. The reviewer, again anonymous, wrote that:

Like all Miss Abel's work, the book shows unmistakable evidence of accurate and exhaustive use of original material and a presentation which is a model as to references, documentation, and bibliography. But in the opinion of the reviewer it is open to serious question whether the material or the problem justifies a volume of this length. The factors and the conclusions are clearly presented and proven; it is difficult to see the advantages of such an accumulation of evidence, all tending to the same conclusions, in the form of a factual narrative of intrigues and skirmishes which in themselves would seem to have little interest or value even to the antiquarian.<sup>193</sup>

In March 1920, Ambler, again reviewing for the *MVHR*, simply offered a short and rather dry paraphrase of the topics covered in the second volume and made no comment at all.<sup>194</sup> *The American under Reconstruction* did not appear to warrant any critical scrutiny after its first publication nor, indeed, did the entire trilogy when it appeared in reprint in the 1970s.<sup>195</sup>

When it was again republished in the 1990s, *Slaveholding Indians* appeared as three separate volumes with the titles of the latter two altered. Abel's 1914 preface was omitted entirely, but two major scholars of Indian history, Michael Green and Theda Perdue, provided an introduction to each volume. In their first, they emphasised—as Abel had not—that slavery was itself a divisive issue within the five great tribes and noted that the 'Creeks and Cherokees harbored considerable animosity towards the Seminoles who did not regard most African-Americans among them as chattel'. But they also noted that Abel 'lived long before the advent of ethnohistory' and so failed to pay sufficient regard to internal Indian politics. They

acknowledged, however, that Abel had recognised that the issue of slavery had shaped the history of the southern Indians. Though accusing her of using ethnocentric and sometimes racist language, Green and Perdue did admit that—as a contemporary of the historian Ulrich Phillips (1877–1934) who had excused slavery on the grounds of protecting an intellectually inferior people—Abel indeed ‘lived in a racist age’. Following a brief biographical outline, they concluded that Abel’s ‘major legacy [was] her work on slaveholding Indians’ and that hers was the first serious telling of that story.<sup>196</sup>

In their introduction to the second volume, Green and Perdue remarked that Abel had used virtually no Indian sources, but also noted that at the time of her writing few such sources were available. Had they been, such material would have ‘served to temper Abel’s ethnocentric perspective and racist language’ and ‘would have produced a different book, one that still needs to be written’. Nevertheless, they did concede that Abel’s portrayal of Indians ‘usually makes them genuine actors in their own histories’.<sup>197</sup> Green and Perdue considered the final volume to be arguably the best of the three, but excused Abel’s racist assumptions on the grounds that she was writing in an era when Reconstruction scholarship was dominated by writers such as William Dunning (1857–1922), who shared Phillips’ racial stereotypes. Nonetheless, Abel was ‘not bashful about assigning the blame for the pain’ of Reconstruction to the United States government and that:

Abel wrote this book, as she did the first two volumes in her trilogy, before organization of the National Archives. Her extraordinary research took her into previously unused government records that were so scattered and in such disarray, that her bibliographic essay reads like the instructions for a scavenger hunt ...

They concluded that the significance of the trilogy lay in that it was the first work to address the history of the Civil War in the Indian Territory, and more importantly that it had opened lines of enquiry later taken up by other scholars.<sup>198</sup>

Reviewing the first two volumes in the 1993 *Arkansas Historical Quarterly*, Charles Kenner felt that ‘many novice purchasers will quickly conclude that the best things about them are their titles’. He could not fault the diligence of her research but felt that her writing style was so lacking that ‘anyone not well versed in the subject will soon be lost in a maze of lengthy quotations’. Kenner also made note of Abel’s genteel racism and that she lacked the ‘humanistic compassion that marks the work of her younger contemporary, Angie Debow [*sic*]’. Yet Kenner did think the works

merited republication for the details they provided and that they were enhanced by Green and Perdue's introductions.<sup>199</sup>

The following year in what was, for the *American Indian Quarterly*, a surprisingly short review of Abel's second volume, John K Mahon reiterated Green and Perdue's complaints about Abel's racist language, but did at least note that the work was a pioneer study.<sup>200</sup> Reviewing *Slaveholder and Secessionist* in the 1994 Fall issue of the journal *Ethnohistory*, Kimberley Hanger also made note of Abel's extensive research but felt that as 'a practitioner of the scientific method, popular during her time' Abel could only offer 'detailed but fairly dry renderings of Indian–Confederate negotiations'. Hanger also mentioned Abel's racist and patronising language and found Green and Perdue's introduction to be 'easily the most informative section' of the book. Indeed, Hanger thought that had they editorialised the entire text, it might have greatly improved the book and even commented that 'some readers may choose to read the introduction most thoroughly and merely skim the main text'.<sup>201</sup>

In the next issue of *Ethnohistory*, Wilcomb E Washburn of the Smithsonian Institution reviewed the second volume of the republished work and in contrast to Hanger, he took Green and Perdue to task for being 'overly concerned about the no longer politically correct character of the language'. Furthermore, Abel could not be accused of 'being insensitive to the sufferings of the Indians, uncritical of the conduct of the United States government, or sloppy in her use of the sources'. Washburn then asked those academics who had been critical of recent foreign intervention by the United States to also consider Abel's account of the Civil War in the Indian Territory because already: 'Incompetence, greed, and insensitivity were all there'. Hers was, wrote Washburn, 'a work of history in the old tradition' and one in which it was 'easy to note the differences in style from that of modern-day historians' but less easy 'to demonstrate where her account of historical events is mistaken'.<sup>202</sup>

In her review of the last volume, Hanger was somewhat less critical. She again remarked on the racist language and indeed considered Abel's work to be as 'important for its revelation of early-twentieth-century racial attitudes as for its historical comment'. She described Abel as 'unique for her time in emphasizing the

importance of Western history' and considered that her efforts had 'achieved some success' which could be built upon by later scholars.<sup>203</sup>

The preceding summary of *Slaveholding Indians*, and some of the responses it drew in its various reprints, has sought to bring into strong relief Abel's attitudes towards both the Indians and the *Realpolitik* of white expansion. These attitudes thread their way through a dense and prolix narrative, which this necessarily brief outline has sought to avoid repeating. Abel's work in this obscure yet highly complex aspect of the Civil War was indeed a magnificent achievement, and no publication to date has addressed this issue with same the breadth and detail. But her over-reliance on the archives tended to obscure rather than enlighten, and so this précis has emphasised those occasions when Abel allowed herself to rise above the Rankean rectitude of objectivity and, by making comment, reveal her attitudinal stance.

Abel's major work was a confused and confusing rendition of a confused and confusing situation. It was more of a chronological account than an analytical history; yet, as she switched her narrative from side to side in the conflict, Abel had to retrace her steps so that the chronology itself became confused and confusing. It was written as a political history, and that required her to consider the politically motivated, ever-changing command structures (and commanders) on both sides of the war, which further obfuscated the account. Two strong messages do, however, emerge from the cloud of obfuscation: her seemingly contradictory and racist views toward Indians; and her implacable attack upon the failure of both the United States and the Confederacy to honour any agreements with them. These views may be traced back to her days at Yale where all that ancient Anglo-Saxon constitutional superiority, inflamed by Teutonic germs and social-Darwinian eugenics, came to inform Abel's views both of 'subject races' and imperial duty.

Previously, in *Indian Consolidation*, she had recognised that even before their removal to the Indian Territory the tribes of the south-west had become factionalised under the influence of white contact. They had also suffered the traumas of the many 'trails of tears' of the 1830s, which Abel had mentioned only briefly. Yet, as later historians were to demonstrate, within thirty years the dislocated Indians had developed social and political structures that brought them riches, both cultural and material.<sup>204</sup> Until the old tribal and familial fractures were torn asunder by the Civil

War, these peoples had re-established inclusive, republican forms of government modelled on the United States, published newspapers, could boast widespread literacy, and had become successful farmers. Abel made little mention of these developments and although she frequently referred to their ‘civilisation’, in the end, she regarded such civilisation as only skin deep. What she stressed more strongly was the blood-quantum dichotomy as a frame of reference for the North–South conflict. This she based on Carruth’s comments, using them in the same way that Ranke would have used an ambassadorial report—as a piece of *bona fide* historical evidence. In her own attitudinal register, Abel’s conflated ‘full blood’—lordly, lazy and yet loyal—was akin to Rousseau’s ‘noble savage’, whereas her ‘half-breed’ was closer to Cotton Mather’s ‘devil’—naturally sly, unprincipled and a rebel. Yet, ultimately this simplistic dichotomy failed because, as she herself related, Indians fought on each side of the Civil War and some—‘full blood’ and ‘half-breed’ alike—on both.

What informed Abel’s second message is the *documented* failure of the great Anglo-Saxon constitutional heritage. The United States *never* had a consistent, nor humane, policy in regard to the Indians, as befitted a mature Anglo-Saxon polity founded on ancient ideas of liberty. As *Slaveholding Indians* demonstrated, throughout the Civil War both sides treated Indians atrociously: the Confederate and Union armies were happy to enlist Indians, and men on both sides sought to enrich themselves at Indians’ expense. As Abel’s conscientious research revealed, it was all in the records. From frontier reports to the record of Congressional debates, the United States was hoisted on the petard of its own vast documentation. The words of the treaties were flowery and the promises made to Indians were eternal, but in the end it was Manifest Destiny riding the rapacious railroad that sounded the death knell of Indian aspirations to an independent existence.

In her earlier work Abel had suggested that, in seeking to solve the ‘Indian problem’, successive administrations failed to pay heed to missionary voices, whereas early in *Slaveholding Indians*, she blamed the missionaries for inciting passions on both sides of the abolition issue. Indeed, the collective title of the trilogy was somewhat misleading because the practice of slaveholding in the Indian Territory was different, both quantitatively and qualitatively, from that across the South as a whole. Certainly, a very few Indians had become sufficiently wealthy and

acculturated to adopt the lifestyle of the Southern plantation plutocracy—including pillared mansions and coteries of slaves—but Abel offered neither figures nor any antecedents for the practice of slaveholding among the territory tribes. In fact, an 1835 census showed that slaves represented only ten per cent of the Cherokee tribe at a time when fifty-five per cent of the total Southern population were slaves.<sup>205</sup> And in some tribes, slaves could not only gain their freedom but could also become full tribal members, whereas no slave *ever* became a full member of the white Southerners' tribe. Yet Abel took Confederate rhetoric at face value and implied that slavery was as culturally important to the Indian Territory tribes as it was to the South as a whole; an impression reinforced by the inclusion, as a frontispiece to the second volume, of a 'Negro bill of sale' clearly signed by a Confederate Creek colonel, Chilly McIntosh, who appeared but briefly in her text.

The South regarded itself as a 'Brotherhood of Slaveholding States', and perhaps Abel's use of the term was simply inclusive.<sup>206</sup> But whatever she meant (and one cannot discount an intentional ambivalence) if Abel's later correspondence with a publisher is anything to go by, it is probable that *Slaveholding Indians* was the title of her choosing.<sup>207</sup> Additionally, Abel's use of the all-embracing term 'The American Indian' in her individual volume titles was also misleading. As in her earlier work, she isolated these accounts from the meta-narrative of American Indian experience in the face of Euro-American expansion, and they became 'a classic example of the compartmentalized approach' towards Indian history.<sup>208</sup> Although it is true that the greatest numbers of Indians directly affected by the Civil War were in the Indian Territory and Kansas, Indians from many other groups participated *in* the war and some individuals did rate a mention in Abel's narrative. But it was the effect *of* the war upon *all* Indians that was to have longer-lasting and even more tragic consequences. For example, as a result of the war, promised supplies failed to reach the Sioux in Minnesota and sparked a rebellion that resulted in the deaths of over three hundred and fifty white settlers. This in turn led to a brutal suppression that included the largest mass-execution ever witnessed in the United States when thirty-five Sioux were hanged in public.<sup>209</sup>

Abel's anti-Union stance in the trilogy's introduction was curious because she contradicted herself so quickly. On her own account, the Confederate Indian treaties were simply a cover to ensure free passage to Texas and a grain harvest that was



thought could feed the Confederate armies. Jeff Davis moved to block the important political aspects of the treaties—those pertaining to Indian national independence and representation. By the time the other clauses were enacted by the Confederate Congress, the South had been effectively neutralised in the West at Pea Ridge. Abel also waxed lyrical about the poet Pike and his professed loyalty to the Indians but, as she herself acknowledged, for all his bombast he was forced to resign and then retired to the Arkansas Ozarks to write tracts about the Scottish Masonic rite. The most Pike ever did for the Indians of the Territory, was to get their hopes up.

Like some authorities after her, Abel took the accounts of the alleged atrocities at Pea Ridge at face value.<sup>210</sup> The allegations were contained in three inconsistent reports from Union soldiers and forwarded to General Sam Curtis, the Union commander in the West and victor at Pea Ridge. These reports were substantiated in part by an eyewitness account from Pike himself who had seen an Indian kill a wounded Union soldier. He wrote directly to Curtis (like Pike, a Freemason) to disabuse him of any idea that he, Pike, condoned the killing of wounded enemy combatants or the scalping of the dead. As Walter L Brown has demonstrated, the episode was picked up by the Northern press, which then castigated Pike with vituperative rhetoric and created a moral panic against the ‘savage’ Indians.<sup>211</sup> Abel sought to substantiate the claims with a highly dubious presumption based on the hearsay evidence of Cherokee fighters who had deserted the South and were seeking to ingratiate themselves with the Union. As Brown concluded, ‘not only was Abel’s use of evidence unsound, her conclusion was utterly ridiculous’.<sup>212</sup> Yet it was on such evidence that Abel claimed the ‘Indians’ civilization ... was yet only a veneer ... At any moment the savage in them was likely to reappear’.<sup>213</sup>

Indeed, the comments of Green and Perdue that ‘Abel’s characterizations of Native people usually make them genuine actors in their own histories’, must be contested.<sup>214</sup> Apart from long quotations from the official record, there was barely an Indian voice in Abel’s account and they generally appeared more as pitiable victims to the greater destiny that was manifesting around them. Abel’s Indian portraits—whether of heroes or villains—were far less clearly drawn than those she drew of the whites. Abel was not a crudely misinformed racist, but a well-informed racist who was quite obviously up with the academic literature. Indians were, for her, indeed a separate and inferior race, but she did not utterly despise them. She

considered them, together with blacks, as incompetent and lazy people who would quickly revert to savagery under the slightest pretext, but that did not mean that the Anglo-Saxons were entitled to exploit and abuse them. For Abel, superior races still had a duty of *noblesse oblige* to their native ‘wards’.

In the immediate aftermath of the Civil War in the Indian Territory such duty became even more complex. Some Indians were recent enemies of the reunited Union and some had fought for it; now there was also a population of blacks, whose freedom had become the War’s *raison d’être*. Blacks made hardly an appearance throughout Abel’s entire trilogy, yet it was in comparing them with Indians that Abel was at her most racist. She held to the dubious judgement that Indian impoverishment was harder to bear than the poverty that blacks had always had to endure. She mentioned freed blacks only towards the end of the third volume and almost totally ignored any black involvement with either the tribes or as soldiers in the Civil War. In Abel’s construct, the blacks—‘totally barbarous negroes’—were obviously inferior to the ‘semi-savage’ Indians and behind all this rhetoric also lay the shadow of Indian–black miscegenation and the breeding of a ‘mongrel race’.

Yet, in the end, it was not the welfare of Indians or blacks that counted; it was the vast acreage and, with the coming of the railroad, the completion of Anglo-Saxon hegemony over the continental United States. Abel had herself lived through the latter part of the post-bellum Gilded Age in Kansas and must have witnessed the havoc wrought by corporate capitalism on farming communities. In *Slaveholding Indians*, it was against capitalist avarice and its concomitant corruption that Abel was at her most vituperative. She correctly blamed big business for the final betrayal of Indian peoples, who, at the end of the work, Abel simply left in a pit of despair.

*Slaveholding Indians* was a pioneer work, the first to address the issue of Indians in the Civil War. It did, however, create the long-held impression that the Five Civilised Tribes ‘were the only Indians actually drawn into the Civil War itself’.<sup>215</sup> In fact some twenty thousand Indians participated as combatants in many theatres across the continent and, more importantly, the Civil War brought about a brutalised generation of white men who were prepared to bring the new concept of total war against the remaining tribes.<sup>216</sup> But that was a later history.

*Slaveholding Indians* established Abel as an authority in her field and hereafter maintained a critical function within the history profession until the end of her life. Yet, as in the poem that accompanied her Kansas graduation photograph had foretold, she sat alone, for very few historians at this time were writing about Indians, or even the West. In her introductory remarks to the final volume of the trilogy, however, Abel had recognised that the discipline was beginning to broaden its scope and she saw this work in terms of ‘American History rightly proportioned’. She wrote these words in 1920 and soon after, her life was to undergo a surprising and traumatic change. *The American Indian under Reconstruction* would prove to be Abel’s last original work, though it would not be her last publication for she still had important editorial contributions to make to the history of the West.

## Notes

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- <sup>1</sup> LeRoy H. Fischer, 'The Civil War in Indian Territory', *Journal of the West*, X11, 3, July 1973, p. 345.
- <sup>2</sup> Wiley Britton, *The Civil War on the Border: a narrative of the operations in Missouri, Kansas, Arkansas and Indian Territory during the years 1861–65*, 2 vols., GP Putnam's Sons, New York, 1890, 1898; Joseph B Thornburn & Muriel H Wright, *Oklahoma: a history of the state and its people*, Lewis Historical Publishing Co., New York, 1929.
- <sup>3</sup> Annie Heloise Abel, *Slaveholding Indians*, 3 volumes: *The American Indian as Slaveholder and Secessionist* (1915), *The American Indian as Participant in the Civil War* (1919), *The American Indian under Reconstruction* (1925), Arthur Clark Co., Cleveland; reprint, Scholarly Press, St Clair Shores, Michigan, 1972. Republished as: *The American Indian as Slaveholder and Secessionist* (1992), *The American Indian in the Civil War, 1862–1865* (1992) *The American Indian and the End of the Confederacy, 1863–1866* (1993), University of Nebraska Press, Lincoln. The page numbers referred to below are the same in all editions.
- <sup>4</sup> Of the eleven articles, seven make reference to one or more volumes of *Slaveholding Indians*.
- <sup>5</sup> Abel, *The American Indian as Slaveholder and Secessionist*, 1915, p. 13.
- <sup>6</sup> *ibid.*, p. 14.
- <sup>7</sup> *ibid.*, pp. 14–15. The preface was omitted from later editions, and is therefore included as appendix two of this thesis.
- <sup>8</sup> *ibid.*, p. 17.
- <sup>9</sup> *ibid.*, p. 18.
- <sup>10</sup> *ibid.*, fn. 1.
- <sup>11</sup> *ibid.*, p. 37.
- <sup>12</sup> *ibid.*, p. 46. Although his name does not appear in Abel's appended 'Alphabetical List of Authorities', this is a reference to Nathaniel Southgate Shaler (1841–1906), professor of geology and head of the Lawrence Scientific School of Harvard. An early advocate of evolution, he was 'characterized by William James as a "myriad-minded and multiple-personalited [*sic*] embodiment of academic and extra-academic matters"; Dumas Malone (ed.), *Dictionary of American Biography*, vol. 9, Charles Scribner's Sons, New York, 1935, pp. 17–19.
- <sup>13</sup> Article signed by 'Screw Fly', *Chickasaw and Choctaw Herald*, 11 February 1859; cited in Abel, *Slaveholder and Secessionist*, p. 56, fn. 85.
- <sup>14</sup> Of the almost \$3.5 million of total stock held in trust for the Indian tribes, less than \$500 thousand was held in Northern stocks; see table in *ibid.*, p. 61, fn. 96.
- <sup>15</sup> *ibid.*, p. 62.
- <sup>16</sup> There was a period toward the end of his life, when Ross' principal chieftainship was contested.
- <sup>17</sup> United States War Department, *The War of the Rebellion: a compilation of the official records of the Union and Confederate Armies* (hereinafter *OR*), series 1, III, Government Printing Office, Washington, DC, (1880–1901), 1, i, p. 682; cited, *ibid.*, p. 73.
- <sup>18</sup> OIA, General Files, Southern Superintendency, 1859–1862, L632; cited in Abel, *Slaveholder and Secessionist*, p. 77.
- <sup>19</sup> OIA, General Files, Southern Superintendency, 1859–1862, C1348; cited *ibid.*, p. 86, fn. 122. The KGC refers to the Knights of the Golden Circle, a Confederate Cherokee secret society that mirrored that of the Unionist Cherokee 'Keetowah' or 'Pins'. Cf: 'More likely the name referred not to ninepins, but the order's insignia—a poor man's pins fixed in a cross on a coat lapel or hunting shirt', Jay Monaghan, *Civil War on the Western Border, 1854–1865*, University of Nebraska Press, Lincoln, 1955, p. 211. See also Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540–1866*, University of Tennessee Press, Knoxville, 1979, pp. 123 & 129.
- <sup>20</sup> *OR*, 1, i, p. 322; cited in Abel, *Slaveholder and Secessionist*, pp. 89–90.
- <sup>21</sup> *OR*, 1, i, pp. 322–5; cited in *ibid.*, p. 95.
- <sup>22</sup> Rector to Ross, 29 January 1861, *OR*, 1, i, pp. 683–4; xiii, pp. 490–1; cited in *ibid.*, pp. 112–13. Although the federal government suspected that Rector was seeking an alliance with the Indians,

this was denied by its own Indian agent who, according to Abel, ‘was privy to Governor Rector’s plans undoubtedly, a Georgian, a secessionist, and one of those illiterate, disreputable, untrustworthy characters that frontier or garrison towns seem always to produce or attract, the kind, unfortunately for its own reputation and for the Indian welfare, that the United States government has so often seen fit to select for its Indian agents’; *ibid.*, p. 114

- <sup>23</sup> Ross to Rector, 22 February 1861, *OR*, 1, xiii, pp. 490–1; cited in *ibid.*, pp. 117–18.
- <sup>24</sup> Hubbard to Ross, 12 June 1861, *OR*, 1, xiii, pp. 497–8; cited in *ibid.*, p. 145.
- <sup>25</sup> According to the 1835 census, in a total population of about twelve thousand there were only 207 Cherokee slave-owners and of these ‘168 ... owned fewer than ten slaves’, Perdue, *op. cit.*, p. 58.
- <sup>26</sup> Hubbard to Ross, 12 June 1861 *OR*, 1, xiii, pp. 497–8; cited in Abel, *Slaveholder and Secessionist*, p. 145.
- <sup>27</sup> *ibid.*, p. 146.
- <sup>28</sup> *ibid.*, p. 153.
- <sup>29</sup> *ibid.* Significantly, ‘Half-Breed’ rates a mention in Abel’s index, whereas ‘full blood’ does not.
- <sup>30</sup> *ibid.*, pp. 134–9. This particular passage demonstrates Abel’s own infuriating sense of fairmindedness. In a *seven-page* footnote she quoted from letter written by Pike in 1866 (*five* years after the events she was currently relating), which showed that in a *single* instance he was unfair to John Ross. This is perhaps an extreme example of Rankean objectivity.
- <sup>31</sup> The other tribes were Osage, Seneca, Shawnee, Quapaw, Wichita and Comanche.
- <sup>32</sup> *ibid.*, p. 156.
- <sup>33</sup> *ibid.*, p. 163. Cf. Abel’s comments about United States rhetoric in *Indian Consolidation*.
- <sup>34</sup> *ibid.*, p. 166.
- <sup>35</sup> *ibid.*, p. 167.
- <sup>36</sup> *ibid.*, p. 170.
- <sup>37</sup> Each treaty differed in the number and degree of concessions, depending on the political and military importance of the tribe involved.
- <sup>38</sup> *ibid.*, p. 177. The Indian republics had long sought United States recognition as autonomous polities.
- <sup>39</sup> *ibid.*, p. 180.
- <sup>40</sup> Cited in *ibid.*, p. 187. Unusually for Abel, no direct reference is given for this letter.
- <sup>41</sup> *ibid.*, p. 187.
- <sup>42</sup> Abel puts the cause of the defeat down to antagonisms among the federal commanders; see p. 215, footnote 428. For an account of this battle, see Kel N Pickens, ‘The Battle of Wilson’s Creek, Missouri, August 10, 1861’, in LeRoy H Fischer (ed.), *Civil War Battles in the West*, Sunflower University Press, Manhattan, Kansas, 1981, pp. 10–25. Pickens makes no mention of any Indian involvement.
- <sup>43</sup> Abel, *Slaveholder and Secessionist*, p. 227.
- <sup>44</sup> *ibid.*, p. 242.
- <sup>45</sup> *ibid.*, p. 251.
- <sup>46</sup> This is the Poethleyoholo of Abel’s account in *Indian Consolidation*, which Abel here spells as Opoeth-le-yo-ho-la. Properly, *Hupuehelth Yaholo*; from *hupuewa* ‘child’; *he’hle* ‘good’; *yaholo* ‘whooper’; FW Hodge (ed.), *Handbook of American Indians North of Mexico*, II, Government Printing Office, Washington, DC, 1907, p. 141.
- <sup>47</sup> Abel, *Slaveholder and Secessionist*, p. 254.
- <sup>48</sup> *ibid.*, p. 256.
- <sup>49</sup> *ibid.*, p. 257.
- <sup>50</sup> *ibid.*, p. 259.
- <sup>51</sup> *ibid.*, p. 260.
- <sup>52</sup> *ibid.*, pp. 260–1. In fn. 532, pp. 261–2 Abel mentioned that various reports ‘descriptive of the intense sufferings of Indian refugees’ were to be found in the *Annual Report of the Commissioner for Indian Affairs, 1862*, pp. 135–75. Here she also included an account of the Creek exodus written in 1864 and illustrated with a hand-drawn map, which was reproduced on p. 263.
- <sup>53</sup> Delaware chiefs to ‘Oputh-layar-ho-la’, 3 January 1861; cited in *ibid.*, p. 269.

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- <sup>54</sup> *ibid.*, p. 271.
- <sup>55</sup> *ibid.*, p. 275.
- <sup>56</sup> *ibid.*, p. 279.
- <sup>57</sup> *ibid.*, p. 280.
- <sup>58</sup> *ibid.*, p. 284.
- <sup>59</sup> *ibid.*, p. 359.
- <sup>60</sup> *ibid.*, p. 360. Abel had related a similar story in her introduction to the Calhoun Correspondence. See chapter three.
- <sup>61</sup> Annie Heloise Abel, *The American Indian as Participant in the Civil War*, Arthur Clark Co., Cleveland, Ohio, 1919.
- <sup>62</sup> *ibid.*, p. 21.
- <sup>63</sup> *ibid.*, p. 23.
- <sup>64</sup> *ibid.* It is unclear whether Abel's 'them' refers here to the Indians or to the rules of civilised warfare!
- <sup>65</sup> *ibid.*, p. 27.
- <sup>66</sup> *ibid.*, p. 29. Abel also mentioned that the Choctaws and Chickasaws were lingering because 'some unscrupulous merchants had instilled mercenary motives and the elements of discord generally', but she does not elucidate on this curious observation, nor cite a reference.
- <sup>67</sup> For a full account of this engagement in its military context, see William L Shea & Earl J Hess, *Pea Ridge: Civil War Campaign in the West*, University of North Carolina Press, Chapel Hill, 1992.
- <sup>68</sup> Abel, *Indian in the Civil War*, pp. 30–2. Since she gives no source, quite how Abel *knew* the war-whoop was 'hideous', is difficult to explain.
- <sup>69</sup> Pike was accused of having once abused a child which qualified him to be a 'leader of savages' who had latterly 'betaken himself to the culture of the Great Spirit, or rather of two great spirits, the second being whiskey.' *Tribune*, New York, 27 March 1862; cited in *ibid.*, p. 31, fn. 65.
- <sup>70</sup> *OR*, 1, viii, p. 826; cited in *ibid.*, p. 33.
- <sup>71</sup> *ibid.*, pp. 33–4.
- <sup>72</sup> *ibid.*, p. 34.
- <sup>73</sup> Abel, *Slaveholder and Secessionist*, p. 17.
- <sup>74</sup> *OR*, 1, viii, p. 796; cited in Abel, *Indian in the Civil War*, p. 36.
- <sup>75</sup> *ibid.*, p. 36.
- <sup>76</sup> Monaghan, *op. cit.*, p. 24.
- <sup>77</sup> Abel, *Indian in the Civil War*, pp. 46–8.
- <sup>78</sup> *ibid.*, p. 49.
- <sup>79</sup> *ibid.*, p. 53.
- <sup>80</sup> *ibid.*, p. 55.
- <sup>81</sup> *ibid.*, p. 56.
- <sup>82</sup> *ibid.*, pp. 74–5. Whether such fears about the Indians were genuinely held at the time, or whether this is another racialist gloss by Abel, is difficult to tell.
- <sup>83</sup> *ibid.*, p. 79. Abel cites eyewitness accounts, which do indeed paint an awful picture of misery.
- <sup>84</sup> *ibid.*, p. 81 & fn. 167. One estimate put the number of refugees at 7,600. David A Nichols, *Lincoln and the Indians: Civil War policy and politics*, University of Missouri Press, Columbia, 1978, p. 48.
- <sup>85</sup> Abel, *Indian in the Civil War*, pp. 83–4.
- <sup>86</sup> *ibid.*, p. 84.
- <sup>87</sup> *ibid.*, p. 85. By the time of Abel's writing, the concentration camp had been used by Spain in the Spanish–American War (1898) and by Great Britain in the Boer War (1901), but it was not yet the instrument of industrial-scale genocide that it was later to become. Nonetheless, given the totality of nineteenth-century American policy towards Indians, Abel's usage here is apt.
- <sup>88</sup> *ibid.*, p. 91.
- <sup>89</sup> *ibid.*, p. 99.

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- <sup>90</sup> *OR*, 1, viii, p. 625; cited in *ibid.*, p. 100. Despite the figure in this official order, Abel insisted that the number of Indians to be armed was two thousand.
- <sup>91</sup> *ibid.*, p. 113. Cf. ‘Reports’, *OR*, 1, xiii, p. 89 et. seq.
- <sup>92</sup> *ibid.*, p. 121. This observation would seem to be Abel’s rather fanciful gloss on Colonel Weer’s comment that the Indians ‘were getting the war-whoop all along the way’, *OR*, 1, xiii, p. 434.
- <sup>93</sup> *ibid.*, p. 128.
- <sup>94</sup> *ibid.*, p. 132. In fact, as Abel herself recorded, this was the *third* time that some of Drew’s men had deserted. The two previous occasions were at Chusto-Talasa in December 1861 and at Locust Grove in July 1862.
- <sup>95</sup> *OR*, 1, xiii, p. 473; cited in *ibid.*, p. 137.
- <sup>96</sup> *ibid.*, p. 146.
- <sup>97</sup> *ibid.*, p. 166.
- <sup>98</sup> *ibid.*, p. 201.
- <sup>99</sup> *ibid.*, p. 193. Cf. ‘The Pin or friendly Indians are bitter against the half-breeds and want to exterminate them’; Letter from Colonel Weer, HQ Indian Expedition camp on Grand River, to Captain Moonlight, Assistant Adjutant-General, Ft Leavenworth, Kansas, *OR*, 1, xiii, p. 487.
- <sup>100</sup> *ibid.*, p. 194–5. Cf. Pike to Cooper, 24 October 1862, *OR*, 1, xiii, p. 894.
- <sup>101</sup> *ibid.*, p. 218–19. For fuller descriptions of these battles, see Henry F Hartsell, ‘The Battle of Cane Hill, Arkansas, November 28, 1862’; and Ival L Gregory, ‘The Battle of Prairie Grove, Arkansas, December 7, 1862’, in LeRoy Fischer (ed.), *Civil War Battles in the West*, op. cit. pp. 51–75. Although a Cherokee cavalry regiment was engaged at Cane Hill, according to Hartsell, the battle was primarily a contest of artillery, and personal weapons were rarely used. Gregory does not make mention of any Indian combatants.
- <sup>102</sup> *ibid.*, p. 221. Emphasis in the original.
- <sup>103</sup> *ibid.*, p. 232. Here, Abel made an interesting historical observation in regard to the Delawares, some of whom had sought to move to Washington Territory on the west coast. She noted that, had they gone, ‘within the space of about two and a half centuries’ the tribe would have crossed the entire continent in its ‘desperate effort to escape the avaricious pioneer’.
- <sup>104</sup> *ibid.*, p. 250.
- <sup>105</sup> *ibid.*, pp. 252–3.
- <sup>106</sup> *ibid.*, pp. 257–8.
- <sup>107</sup> *ibid.*, p. 260.
- <sup>108</sup> *ibid.*, p. 268.
- <sup>109</sup> *ibid.*, pp. 273–4.
- <sup>110</sup> *ibid.*, p. 280.
- <sup>111</sup> *OR*, 1, xxii (2), p. 1122; cited in *ibid.*, p. 281.
- <sup>112</sup> *ibid.*, p. 288. Cf. the report of Major General James Blunt, *OR*, 1, xxii (1), p. 447.
- <sup>113</sup> *ibid.*, p. 295. The term ‘Fabian’ here derives from Fabius Maximus, the Roman general who employed this strategy against Hannibal in the third century BCE.
- <sup>114</sup> *ibid.*, p. 294.
- <sup>115</sup> *OR*, 1, xxii (2), p. 465; cited in *ibid.*, p. 295.
- <sup>116</sup> *ibid.*, p. 301.
- <sup>117</sup> *ibid.*, p. 327. Cf. the account by Dean A Bohlender in ‘The Battle of Poison Springs, Arkansas, April 18, 1864’, in LeRoy Fischer (ed.), *Civil War Battles in the West*, op. cit., pp. 87–98. Bohlender reminds his readers that during service in the Indian Territory a black regiment, the First Kansas Colored Volunteers, had ‘been instrumental in driving the Choctaws from their homes, killing their families and ravaging the Choctaw countryside’. Thus when they faced superior Choctaw forces at Poison Springs, the Choctaw gave no quarter and ‘reverted to taking scalps from the helpless Blacks who fell into their hands’.
- <sup>118</sup> *ibid.*, p. 331.
- <sup>119</sup> *ibid.*, p. 332.

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- <sup>120</sup> *ibid.* Stand Watie surrendered on 23 June 1865, two months after Lee's surrender, and was one of the last Confederate generals to do so; Laurence M Hauptmann, *Between Two Fires, American Indians in the Civil War*, The Free Press, New York, 1995, p. 41.
- <sup>121</sup> *ibid.*, p. 335.
- <sup>122</sup> Annie Heloise Abel, *The American Indian under Reconstruction*, *ibid.*
- <sup>123</sup> *ibid.*, p. 9. Abel does not explain her use of adjectives.
- <sup>124</sup> *ibid.*, p. 10.
- <sup>125</sup> *ibid.*, pp. 13–14. Emphasis in the original. This assertion, remarkable in the light of her own prejudices, seems to be of Abel's own invention and is, in any case, contradicted by her own cited evidence nearer the end of her account.
- <sup>126</sup> *ibid.*, p. 21.
- <sup>127</sup> *ibid.*, p. 22.
- <sup>128</sup> *ibid.*, p. 23. Emphasis in the original.
- <sup>129</sup> *ibid.*, pp. 23–4.
- <sup>130</sup> OIA, Letter Book, no. 73, p. 434; cited in *ibid.*, pp. 25–6.
- <sup>131</sup> *OR*, 1, xxxiv (3), p. 69; cited in *ibid.*, p. 63.
- <sup>132</sup> *ibid.*, p. 65.
- <sup>133</sup> *ibid.*, p. 74.
- <sup>134</sup> *ibid.*, pp. 74–5.
- <sup>135</sup> *ibid.*, pp. 75–7. Abel also compared the oft-times wasteful destruction of the Indian cattle with similar tales of what happened to the buffalo. Cattle were killed just 'for a few slices of steak' and the buffalo for the 'more dainty morsels like the tongue', fn. 159.
- <sup>136</sup> *ibid.*, p. 85.
- <sup>137</sup> *ibid.*, p. 97.
- <sup>138</sup> *ibid.*, p. 100.
- <sup>139</sup> *ibid.*, p. 104.
- <sup>140</sup> *ibid.*, p. 106.
- <sup>141</sup> *ibid.*, p. 127.
- <sup>142</sup> *ibid.*, p. 142.
- <sup>143</sup> *ibid.*, pp. 142–3.
- <sup>144</sup> *ibid.*, p. 162.
- <sup>145</sup> *ibid.*, p. 163.
- <sup>146</sup> *ibid.*, p. 174.
- <sup>147</sup> *ibid.*, p. 176. The story is related that when Lee entered the tiny courthouse to sign the surrender, he noticed Parker and said 'I am glad to see one real American', to which Parker famously replied, 'We are all Americans'; James S MacPherson, *Battle Cry of Freedom*, Oxford University Press, New York, 1988, p. 849.
- <sup>148</sup> *ibid.*, pp. 186–7.
- <sup>149</sup> In paraphrase these were: a) peace and amity with the United States and among each other; b) the settled Indians to maintain the peace with the plains' tribes; c) the abolition of slavery and the incorporation of freedmen into the tribes; d) slavery to be outlawed except as punishment for crime; e) land to be set aside for the resettlement of the Kansas Indians; f) to transform Indian Territory from a *de facto* to *de jure* entity by creating a consolidated Indian government; g) the total prohibition of white settlement within the Territory except by individuals officially adopted into a tribe. For a complete citation of Cooley's pronouncement see *ibid.*, pp. 187–90.
- <sup>150</sup> Commissioner of Indian Affairs, *Annual Report*, 1865, p. 320; cited in *ibid.*, p. 190.
- <sup>151</sup> Commissioner of Indian Affairs, *Annual Report*, 1865, p. 325; cited in *ibid.*, p. 193.
- <sup>152</sup> *ibid.*, p. 202.
- <sup>153</sup> *ibid.*, p. 210.
- <sup>154</sup> *ibid.*, p. 212.
- <sup>155</sup> *ibid.*, p. 216.
- <sup>156</sup> *ibid.*, p. 219.



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- <sup>157</sup> Interior Department, Record of Letters Sent, 'Indian Affairs', no. 5, 1864–1865, 1 July to 12 December, pp. 335–44; cited in *ibid.*, pp. 224–5.
- <sup>158</sup> *ibid.*, p. 227. Emphasis added.
- <sup>159</sup> *ibid.*, p. 243.
- <sup>160</sup> *ibid.*, p. 244. Abel's citation of the debate extends, with footnotes, to twenty-two pages!
- <sup>161</sup> Abel stated in a footnote: 'This was a gross exaggeration. The Creeks were the only southern Indians that ever mixed freely with the negroes', *ibid.*, p. 253, fn. 498.
- <sup>162</sup> *Congressional Globe*, 38th Congress, 2nd session, 23 February 1865, p. 1306; cited in *ibid.*, pp. 253–4.
- <sup>163</sup> *ibid.*, p. 254, fn. 500. This also contradicted Abel's recent statement that the Indians' civilization was only a veneer.
- <sup>164</sup> *Congressional Globe*, 38th congress, 2nd session, 23 February 1865, p. 1309; cited in *ibid.*, p. 263.
- <sup>165</sup> *ibid.*, p. 267. The Harlan Bill never passed and future attempts at Territorial consolidation also failed. See Curtis L Nolan, 'The Okmulgee Constitution: A Step Towards Indian Self-determination', *Chronicles of Oklahoma*, LVIII, 3, Autumn 1980, pp. 264–81.
- <sup>166</sup> *ibid.*, pp. 270–2. Emphasis added.
- <sup>167</sup> *ibid.*, p. 273. As evidence for this claim, Abel cited one report of 'five colored men ... in one place piled together, killed by the Indians', fn. 518.
- <sup>168</sup> OIA, General Files, Southern Superintendency, 1865, S101; cited in *ibid.*, p. 279.
- <sup>169</sup> *ibid.*, pp. 283–4. According to the circular issued by Sanborn, and footnoted by Abel, the abolition of polygamy applied only to freedmen who had adopted the practice from the Indians and not to the Indians themselves.
- <sup>170</sup> *ibid.*, p. 292.
- <sup>171</sup> *ibid.*, p. 294.
- <sup>172</sup> *ibid.*, p. 295–6. Emphasis added. This was a remark from an historian whose next published piece would appear in the *Journal of Negro Studies*! See below, chapter five.
- <sup>173</sup> *ibid.*, p. 298.
- <sup>174</sup> *ibid.*, p. 301.
- <sup>175</sup> *ibid.*, p. 309.
- <sup>176</sup> *ibid.*, p. 315. Among Pike's initial recommendations were the abandonment of tribal land-holding and the adoption of individual leases held in severalty; *ibid.*, p. 317, fn. 589.
- <sup>177</sup> *ibid.*, p. 319.
- <sup>178</sup> *ibid.*, p. 323.
- <sup>179</sup> *ibid.*, p. 325.
- <sup>180</sup> *ibid.*, pp. 325–6
- <sup>181</sup> *ibid.*, pp. 326–7.
- <sup>182</sup> *ibid.*, p. 331. Abel further noted that the main portion of Choctaw and Chickasaw country eventually became subject to the land survey and its 'necessary concomitant, allotment in severalty and the capitalization of public funds'; *ibid.*, p. 333.
- <sup>183</sup> *ibid.*, pp. 342–3.
- <sup>184</sup> *ibid.*, p. 346. Ross had been in exile in Philadelphia and living off government largesse.
- <sup>185</sup> *ibid.*, p. 348.
- <sup>186</sup> *ibid.*, p. 358, fn. 630. On the following page Abel does note the death of Ross' deputy in April 1866.
- <sup>187</sup> *ibid.*, p. 362.
- <sup>188</sup> *ibid.*, p. 367.
- <sup>189</sup> Anonymous, review of *The American Indian as Slaveholder and Secessionist*, by Abel, *AHR*, XXI, 2, January 1916, pp. 359–60.
- <sup>190</sup> Charles Ambler, review of *The American Indian as Slaveholder and Secessionist*, by Abel, *MVHR*, II, 4, March 1916, pp. 602–4.
- <sup>191</sup> Jessie Fauset, review of *The American Indian as Slaveholder and Secessionist*, by Abel, *Journal of Negro History*, I, 3, June 1916, pp. 339–40.

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- <sup>192</sup> Charles W Ramsdell, review of *The American Indian as Slaveholder and Secessionist*, by Abel, *Political Science Quarterly*, XXXII, 3, September 1917, pp. 498–500.
- <sup>193</sup> Anonymous, review of *The American Indian as Participant in the Civil War*, by Abel, *AHR*, XXV, 1, January 1920, pp. 323–4.
- <sup>194</sup> Charles Ambler, review of *The American Indian as Participant in the Civil War*, by Abel, *MVHR*, VI, 4, March 1920, pp. 578–9.
- <sup>195</sup> Reprint of Abel, *Slaveholding Indians*, 3 vols, Scholarly Press, St Clair Shores, Michigan, 1972.
- <sup>196</sup> Michael Green & Theda Perdue, ‘Introduction’ in Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist*, University of Nebraska Press, Lincoln, 1992, pp. 1–11.
- <sup>197</sup> Michael Green & Theda Perdue, ‘Introduction’ in Annie Heloise Abel, *The American Indian in the Civil War, 1862–1865*, University of Nebraska Press, Lincoln, 1992, pp. 1–9.
- <sup>198</sup> Michael Green & Theda Perdue, ‘Introduction’ in Annie Heloise Abel, *The American Indian and the End of the Confederacy, 1863–1866*, University of Nebraska Press, Lincoln, 1993, pp. 1–8.
- <sup>199</sup> Charles Kenner, review of *The American Indian as Slaveholder and Secessionist*, & *The American Indian in the Civil War, 1862–1865*, by Abel, *Arkansas Historical Quarterly*, LII, 2, Summer 1993.
- <sup>200</sup> John K Mahon, review of *The American Indian in the Civil War, 1862–1865*, by Abel, *American Indian Quarterly*, XVII, 3, Summer 1993.
- <sup>201</sup> Kimberly Hanger, review of *The American Indian as Slaveholder and Secessionist*, by Abel, *Ethnohistory*, XLI, 4, Fall 1994, pp. 676–8.
- <sup>202</sup> Wilcomb E Washburn, review of *The American Indian in the Civil War, 1862–1865*, by Abel, *Ethnohistory*, XLII, 1, Winter 1994, pp. 174–5.
- <sup>203</sup> Kimberly Hanger, review of *The American Indian and the End of the Confederacy*, by Abel, *Ethnohistory*, XLII, 3, Summer 1994, pp. 676–8.
- <sup>204</sup> For example, see Angie Debo, *Rise and Fall of the Choctaw Republic*, University of Oklahoma Press, Norman, 1935; Theda Perdue, *Nations Remembered, an oral history of the Five Civilised Tribes*, Greenwood Press, Westport, Connecticut, 1980.
- <sup>205</sup> Leslie Hewes, *Occupying the Cherokee Country of Oklahoma*, University of Nebraska, Lincoln, 1978, p. 6; US Department of Commerce, Bureau of the Census, *Historical Statistics of the United States: colonial times to 1970*, Norman Wattenburg (ed.), Government Printing Office, Washington, DC, 1975, part 1, pp. 18 & 22.
- <sup>206</sup> Henry M Rector to Ross, 29 January 1861, cited in Perdue, 1970, op. cit.
- <sup>207</sup> See below, chapter five.
- <sup>208</sup> Nichols, op. cit., p. 1, fn. 1.
- <sup>209</sup> For a full account see *ibid.*, chapters VI–VIII.
- <sup>210</sup> For example, Alvin Josephy, *The Civil War in the American West*, Alfred Knopf, New York, 1992.
- <sup>211</sup> Walter L Brown, ‘Albert Pike and the Pea Ridge Atrocities’, *Arkansas Historical Quarterly*, XXXVII, 4, Winter 1979, pp. 345–59.
- <sup>212</sup> *ibid.*, p. 358.
- <sup>213</sup> Abel, *Slaveholder and Secessionist*, p. 104.
- <sup>214</sup> Michael Green & Theda Perdue, ‘Introduction’ in Abel, *The American Indian in the Civil War 1862–1865*, op. cit.
- <sup>215</sup> Philip Weeks, *Farewell My Nation*, Harlan Davidson, Arlington Heights, Illinois, 1990, p. 89.
- <sup>216</sup> Wilcomb E Washburn, review of Laurence Hauptman, *Between Two Fires, American Indians in the Civil War*, *Pacific Historical Review*, LXVI, 1, February 1997, p. 105.