ESSENTIAL CIVIL WAR CURRICULUM

Native Americans in the Civil War

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As he lay dying from a mortal wound suffered during the siege of Petersburg in June 1864, Garrett A. Graveraet explained his feelings about his service in the Civil War: "This fighten [sic] for my Country is all right."[1] Graveraet served as a second lieutenant in Company K of the First Michigan Sharpshooters. He survived brutal combat at the Wilderness, Spotsylvania Court House, and Cold Harbor; separation from loved ones; and the death of friends and family, including his father. Graveraet did not live to see that his sacrifice had largely been in vain. Despite the gallant service of Odawa men like Graveraet in the Union army, the United States continued to seize *his country*, the lands of Michigan's Anishinaabek peoples.[2] Historians of Native North America have identified a pattern explaining the motivation of men like Graveraet: many American Indian people saw the Civil War as an opportunity for men's military service to foster diplomatic ties with non-Indians, reinvigorate the value they invested in men's role as warriors in defense of their people, and bring badly-needed resources into American Indian communities. At the same time, the Civil War posed unique challenges to Indigenous people—both those whose homelands lay close to the war's battlefields and those far removed. Those challenges posed threats and opportunities for Natives as individuals and as members of sovereign nations.

Early scholarship about American Indians in the Civil War emphasized the tragic outcomes of this conflict and cast men like Graveraet as victims, but more recently, American Indian scholars and scholars of American Indian societies have seen the period through a different lens. During the war years, American Indians, their allies, and their enemies brought larger issues of power, resource distribution, and political rights to the forefront. In combat and on the home front, American Indian people experienced the war in terms of both opportunities and threats; after all, they possessed a unique status as members of Indigenous nations that had a long history of sophisticated and complicated engagement with non-Indians during times of crisis. Some non-Indian critics of the

[1] As quoted in Laurence M. Hauptman, "Sharpshooters in the Army of the Potomac: The Ottawa," in *Between Two Fires: American Indians in the Civil War* (New York: Free Press, 1995), 142.
[2] Hauptman, "Sharpshooters in the Army of the Potomac," 125-44; Eric Hemenway and Sammye Meadows, "Soldiers in the Shadows: Company K 1st Michigan Sharpshooters," in *American Indians and the Civil War*, edited by Robert K. Sutton and John A. Latschar (n.p.: National Park Service, 2013), 48-65; Graveraet has been identified in the secondary sources as both Odawa and Ojibway.

federal government's Office of Indian Affairs also saw the war years as an opportunity for change and reform. Both United States and Confederate engagement with Indigenous nations highlighted the failures of previous Indian policies, revealed alternatives to the marginalization of American Indian peoples, and foreshadowed post-war policies.

Native Experiences

Historians of the Civil War generally have excluded American Indians from their analyses. A few Native men make cameo appearances but do not change the master narrative. For example, scholars have often provided Stand Watie, a Cherokee Nation citizen who served as brigadier general in the Confederate States Army, as an example of bravery and tenacity—almost always without explaining the specific Cherokee National causes for which he fought. Ely Parker, a Tonawanda Seneca and brevet brigadier general in the U.S. Army, is mentioned for his close association with Ulysses S. Grant. For many of the nearly six hundred sovereign and distinct Indigenous nations in what is now the United States, however, the Civil War was a pivotal turning point with significant outcomes. Geographic location, prior experiences of warfare with non-Indians, economic ties to particular industries, specific political alliances and treaties, cultural values, community needs, and individual preferences all informed American Indian peoples' varied responses. Native North America is tremendously diverse; this essay will not comprehensively treat Native experiences but will identify main themes and provide particularly relevant examples.

Most Americans remember the war as dividing brother against brother. This experience held true in many American Indian communities as well. In southeastern North Carolina, for example, participation in the Civil War first divided and then united American Indian peoples in Robeson County, today home to people who identify as Lumbee and Tuscarora. Lumbees experienced the Civil War not through pitched battles between armies, but as heated, personal conflicts driven by fear, power, and greed. Secession forced people to take sides. Lumbees strategically approached every decision to cast their fortunes with or against their more powerful white neighbors. Since the passage of North Carolina's constitution of 1835, ratified in the wake of the Nat Turner rebellion, political leaders had denied all free non-white people the right to vote, run for political office, serve on juries, or own firearms. As a result, the status of American Indian people in Robeson County had declined and their surviving land base had shrunk, due to legalized predation by powerful local families. For this reason, some Lumbees opposed the Confederacy, hoping to regain freedoms they had lost in the antebellum period. Others focused on a strategy that would allow them to maintain the freedoms they had. Regardless, Lumbees sought to carry on their daily lives without interruption, including worshiping, farming, and sustaining their family ties.[3]

[3] For the service of free people of color in the Confederacy, see Warren Eugene Milteer, "The Complications of Liberty: Free People of Color in North Carolina from the Colonial Period Through Reconstruction" (Ph.D. diss., UNC-Chapel Hill, 2013), 185, 193-94; Joseph Michael and Lula Jane Smith, *The Lumbee Methodists: Getting to Know Them, A Folk History* (Raleigh, N.C.: Commission of Archives and History, North Carolina Methodist Conference, 1990), 61.

Lumbees possessed a variety of attitudes about the Confederacy and the war effort. Their actions were also shaped by those of the various parties, pro-Confederate and pro-Union, around them. Technically, Lumbees could not serve in the Confederate Army, because North Carolina state law prevented Indians and free blacks from carrying weapons. However, at least a few Lumbees did serve; some enlisted in units outside Robeson County, presumably passing as white (because local officials did not know their identity). Strikingly, however, a few enlisted in Robeson County units—their local officers undoubtedly understood their Indian identity but ignored the state's restrictions on their carrying weapons. At least four men enlisted in Robeson County regiments. One of them, Thomas Beauregard Sanderson, enlisted as a private, but within a year, his superior officers promoted him to sergeant; later, he survived the battle of Antietam. Assuming Sanderson's immediate officers were from Robeson County, they knew he was Indian, and although nothing survives to indicate his personal motivation for enlisting, Sanderson, like other Lumbee men who served in the Confederate army, surely benefitted from the bonds formed with their non-Indian neighbors.[4]

Other Robeson County Indians supplied the Confederate army with provisions, donating clothing, food, or cash. James Brantley Harris, who spent the first years of the war as a supplier for the Confederate army, likely collected these goods. What looks like Lumbee support for the Confederacy may have in actuality been an attempt to avoid conflict with Harris, a local merchant who had acquired power and influence by defrauding and indebting his less powerful neighbors, including American Indian people. Harris was "feared by all who knew him," according to a local historian. In other words, even when forced or coerced, Indians likely participated in the Confederate war effort to foster ties with important non-Indians.[5]

A core group of Lumbee families remained pro-Union. The most immediate reason for Lumbees' support of the Union may have been Confederate conscription. The Confederate government forced young Lumbee men to work alongside slaves constructing the earthworks around Fort Fisher in Wilmington, about 90 miles from Robeson County. The army designed Fort Fisher to protect the Confederacy's most essential port and provide military defense from Union invasion. Wilmington's severe yellow fever epidemic, coupled with chronic dysentery and malaria, made conscription at Fort Fisher akin to a death sentence. Slaveholders proved largely unwilling to risk losing their most valuable property to that fate, and in 1862 the Confederacy ordered states to

[4] Brian Downey, "46th North Carolina Infantry," *Antietam on the Web.* 1996-2016, http://antietam.aotw.org/officers.php?unit_id=671 (accessed July 2, 2017); Jane Blanks Barnhill, "Sandcutt Cemetery" in *Sacred Grounds: Robeson County NC Indian Cemeteries*, 1997-2009. http://www.rootsweb.ancestry.com/~ncrobcem/RandS.html accessed April 30, 2018.

[5] Milteer, "The Complications of Liberty," 193-194; George Alfred Townsend, *The Swamp Outlaws* (New York: R.M. DeWitt, 1872), 48; Mary C. Norment, *The Lowrie History: As Acted in Part by Henry Berry Lowrie, the Great North Carolina Bandit, with Biographical Sketch of His Associates* (Lumberton: Lumbee Publishing Company, 1909), 47.

conscript free people of color, including the Lumbees.[6] James Brantley Harris joined the Confederate Home Guard and became their conscription officer, and he targeted those families who had opposed him prior to the war. An indeterminate number of Robeson County Indian men were sent to Fort Fisher, against their will, to labor under conditions of no pay, little clothing or food, and rampant disease.[7]

In this context, Lumbees instigated a rebellion of their own, sparked by several wartime killings and the Home Guard's murder of Indian community leader Allen Lowry and his son William in March 1865. For the next seven years, Allen's other sons, their cousins, and several Lumbee, black, and white neighbors embarked on a campaign to take revenge on his killers. Their success expanded into a war in its own right—since nicknamed the "Lowry War." The Lowry War extended North Carolina's Civil War into Reconstruction. The Lumbees' rebellion had political ramifications for Indians as well as for the Republican Party in North Carolina. In particular, the Lowrys' actions exacerbated the divisions within the party. Republican politicians could not square their desire to support non-white political rights with the type of vigilante violence that the Lowrys—and groups like the Ku Klux Klan—seemed to represent. If they supported the Lowrys, as many of their non-white constituents did, then they also found themselves having to explain to their Conservative Democrat opponents why they did not support the Klan. Through treacherous political territory, American Indians in Robeson County asserted a new kind of control over outsiders' interactions with them, clarifying the political impact of their kinship networks and their willingness to meet injustice with violence. One of the most concrete consequences of the Lowry War was the establishment of an Indian-controlled school system and teacher-training institution for American Indians in 1885. These institutions stood apart from those established for freed slaves of predominantly African descent, a sign of the political leverage that American Indians had with the ruling conservative Democratic regime, power which arose from how they articulated their sovereignty during and after the Civil War and backed it up with force of arms.

Other American Indian people participated to fulfill their ongoing alliances with their non-Indian neighbors. By the outbreak of the Civil War, the Catawba, for example, had been closely aligned with the government of South Carolina and its planter class for nearly a century and a half. As colonial and then federal officials pressured the Catawba for even more of their land base, Catawba people survived in their homeland because of their economic ties to prominent local settlers. By the 1700s and in the aftermath of the Stono Rebellion, the largest slave rebellion in the colonial period, Catawba men sometimes worked as slave catchers for their wealthier neighbors. Catawba women made

[6] Townsend, *The Swamp Outlaws*, 47; William McKee Evans, *To Die Game: The Story of the Lowry Band, Indian Guerillas of Reconstruction* (Syracuse, NY: Syracuse University Press, 1996), 34-36, Milteer, "The Complications of Liberty," 190.

[7] As a comparison to Fort Fisher, see description of Fort Roanoke offered in W. Buck Yearns and John G. Barrett, eds., *North Carolina Civil War Documentary* (Chapel Hill: University of North Carolina Press, 1980), 253; U.S. Congress, Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, *Report…on the Condition of Affairs in the Late Insurrectionary States*, 42nd Cong., 2d Sess., S. Rep. No. 41, Part 1, vol. 2, at 284 (1872).

and sold pottery to those who had settled near their reservation. The Catawba economy was intimately intertwined with that of upstate South Carolina, and nearly all Catawba men of military age enlisted and served in several regiments during the war. Historian Laurence M. Hauptman estimated that total to be approximately nineteen men, almost all of whom were injured or killed.[8] The Catawba Nation's population had plummeted to approximately 100 before the war, magnifying their wartime loss to well beyond that experienced by many other non-Indian communities. Despite the white supremacy of Lost Cause ideologists, however, Catawbas' sacrifice did not go unnoticed; their non-Indian neighbors erected a statue to honor Catawba men who served. That statue, located in Fort Mill, South Carolina, was dedicated in 1900 in a ceremony in which Catawba leaders recounted and celebrated their long military alliance with South Carolina. It still stands today. As in the case of the Odawa, however, South Carolina's gratitude did not extend to restoring land seized in the fraudulent Treaty of Nations Ford. That agreement, through which Catawba leaders ceded 144,000 acres of land to South Carolina in 1840, led to a series of land claims cases finally resolved in 1993.

Even though they lived far away from the battlefields, many Native people in the North also saw their service in the war as an opportunity to improve the conditions faced by their communities. Those American Indian nations not relocated west of the Mississippi River under President Andrew Jackson's removal policy were aware of their vulnerability. Men from those communities saw military service as an opportunity to gain power in their ongoing struggle to remain in their homelands. Odawa men such as Garrett A. Graveraet exemplified this sense of purpose. In the summer of 1863, he and other Anishinaabek men enlisted in the First Michigan Sharpshooters. Most of them served in Company K.. Approximately one hundred and fifty of them would enlist before the war's end. These men were Odawa, Ojibway, and Pottawatomie. With some of the bloodiest battles of the war already fought, these recruits possessed no illusions about the profound risks they faced. They also joined the U.S. Army after it and its colonial antecedent had repeatedly burned their villages and pushed them west for generations. Odawa people in Michigan had signed treaties ceding land in 1836 and 1855. As the non-Native population of Michigan surged in the decades immediately before the war, pressure on their remaining land base increased and Odawa leaders again envisioned themselves at the negotiating table. Service in the war provided an opportunity to create relationships with non-Indian leaders and secure their support for maintaining land, hunting, and fishing rights for their people. Further, American Indian men sought the right to vote, which the state of Michigan had denied them. Many of these men, including Graveraet, belonged to influential and prominent families long tied into the region's vibrant fur trade. They were multilingual, educated, and skilled laborers who understood their peoples' past prosperity as a product of their adaptability; they participated in the Union army as part of this tradition. The Anishinaabek had fought against the United States in the War of 1812 and the American Revolution, and against the British and her American colonists in the French and Indian War and Pontiac's War. Now, however, military service on behalf of the United States served the interests of their communities,

[8] Hauptman, "Sharpshooters in the Army of the Potomac," 94 and 102.

and so these Odawa men fought with distinction in some of the bloodiest battles of the war. By 1865, only a third survived to be mustered out and return to their Michigan homeland.

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The Civil War exacerbated fissures created by generations of colonization and previous U.S. Indian policies, particularly in Indian Territory (now Oklahoma). Earlier generations of scholars focused on the decisions of Native leaders who seemed assimilated to Anglo-American society, but more recently, historians have looked broadly at the impact of European and U.S. colonialism on the societies to which those leaders belonged. Their analysis has focused less on how Indigenous societies conformed to the mainstream U.S. and more on multi-generational developments within those societies around class, region, gender, and racial boundaries. Increasingly, historians have recognized that the deep roots of conflict in this bloody period lay in U.S.-Indian relations more than in debates over slavery and states' rights.[10] In this way, Indian Territory's war within the Civil War continued previous trends of colonialism.

[9] Hauptman, "Sharpshooters in the Army of the Potomac," 94 and 102.

[10] Annie Heloise Abel was the first professional historian to write extensively on American Indian people during the Civil War, beginning with her book on American Indian slave owners in Indian Territory published in 1915. Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist* (1915; Lincoln: University of Nebraska Press, 1992); *The American Indian in the Civil War, 1862-1865* (1919;

For instance, consider the long-term outcomes of the "Civilization" Policy, the U.S. government's first articulated policy towards American Indian nations initiated under President George Washington. Civilization policy advocates encouraged Indigenous people to adopt Anglo-American ways of thinking and living. Some American Indians, particularly among the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles (commonly referred to as the Five Tribes) took advantage of aspects of this policy, particularly material resources that assisted their adjustment to the Southeast's changing economy and their shrinking land bases. Most people adapted by selectively including new foods and technologies into their subsistence domestic economies, such as raising cows for dairy products and keeping pigs rather than solely hunting for meat. A small group of others incorporated chattel slave ownership into their ways of life. Others still vehemently opposed such changes. Most Indians adopted elements of non-Indian cultures far more sparingly than advocates of acculturation would have liked. Further, Indians' adaptations did not make a material difference in their refusal to agree to Jackson's removal policy, a policy motivated by settlers' desire to make their region the epicenter of global cotton production. Despite Indians' selective embrace of "civilization," the U.S. had to forcefully and sometimes violently coerce Indian nations to leave their homelands, while creating or intensifying deep divides within those nations. By the outbreak of the Civil War, the Indigenous nations in Indian Territory included citizens who rejected further accommodation to white culture and those who believed their survival as a people depended upon it, provided they could embrace it on their own terms without becoming subsumed by the United States.

Among the Five Tribes, slavery proved to be particularly divisive. Although only a very small percentage of American Indian people in Indian Territory owned slaves (historian Theda Perdue has estimated their percentage of the population at 2.3%),[11] slave-owning Indians had a disproportionate influence on politics among the Five Tribes. Contemporary controversies about the rights of descendants of those slaves have prompted historians to ask more specific questions about the nature of slavery among the Five Tribes. Scholars now generally agree that slavery in Indian Territory was not an enlightened or less intense form of bondage. American Indian owners treated their slaves as property, and people of African descent, even those with Indian ancestry, suffered the same experiences as other enslaved people in the South. And as in the Southern states and the United States, slavery intertwined with other heated political issues in Indian Territory, including religion and the potential costs and benefits of Christian conversion. Native peoples practiced a range of Christianities and divided along the same denominational lines as elsewhere. The views of missionaries and ministers, most of whom were non-Native Northerners who opposed slavery, conflicted with Indian agents, who tended to be Southerners and, later, Confederate sympathizers. American Indian leaders cultivated support among the diverse allegiances and views of powerful non-

Lincoln: University of Nebraska Press, 1992); and *The American Indian and the End of the Confederacy* (1925; Lincoln: University of Nebraska Press, 1993).

[11] Theda Perdue and Michael D. Green, "Native Southerners in the West," in *The Columbia Guide to American Indians of the Southeast* (New York: Columbia University Press, 2001), 104-05.

Indians as well as their own tribal members, exacerbating divisions within Indigenous societies.[12]

Accordingly, the Civil War brought a variety of responses from the Five Tribes. Previous scholarship has suggested that their reactions fell along blood quantum lines (such as full blood vs. mixed blood), or that they simply caved to the seductive diplomatic strategies of the Confederacy when the Union withdrew from the region in 1861. Neither of these conclusions holds up to deeper scrutiny. Rather, the complicated history of colonialism, political factionalism, and cultural adaptation shaped decisions. The Chickasaws were the first of the Five Tribes to formally ally with the Confederacy. Along with the Choctaws, they chose sides for a variety of reasons, including their slaveholding history, geographic pressure from bordering states, and the U.S. government's abandonment of their treaty responsibility to protect the Choctaws from invasion.[13] Violent conflicts—wars within the war—erupted among the Cherokees, Creeks, and Seminoles. The Cherokees divided along lines largely consistent with political factions that had existed since the removal era of the 1820s and 1830s, during which time the federal government forcibly relocated these tribes from the Southeast in order to open land for cotton cultivation by whites. The Creeks and Seminoles likewise divided into groups reflecting pre-existing cultural schisms; many of those who characterized their spiritual, political, and social affiliations as "traditional" sought neutrality or continued alliance with the Union.[14] In other words, men from the Five Tribes fought—or refused to fight—with respect to their Indigenous national political loyalties rather than from a sense of devotion to the Union or Confederate causes. While Stand Watie led a cavalry regiment of Cherokees who supported the Confederacy, many Cherokee men had deserted the rebel cause and allied with the Union by the fall of 1862. Although Watie and his men fought at the Battle of Pea Ridge in Arkansas in March 1862, most combat involving tribes occurred in Indian Territory and its immediate proximity; it was characterized by attacks on supply lines and skirmishes with other American Indians, including civilians.

The Civil War devastated the Five Tribes' economic self-sufficiency, partly because of fraud and theft committed against Indian peoples—sometimes by other Indians.[15] Unionists and Confederates raided one another's farms, devastating the productive agricultural economy that the nations had built in the decades since their removal. Deserters and guerilla warriors seized the crops and livestock that were not commandeered by soldiers. American Indian women and children particularly suffered. Women were challenged to care for their families and farms without the labor of their

[12] Clarissa W. Confer, *The Cherokee Nation in the Civil War* (Norman: University of Oklahoma Press, 2007), 17-41.
[13] Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970* (Norman: University of Oklahoma Press, 2007)58, 71.
[14] Christine Schultz White and Benton R. White, *Now the Wolf Has Come: The Creek Nation in the Civil War* (College Station: Texas A & M University Press, 1996).
[15] H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty in Indian Territory, 1865-1907* (Norman: University of Oklahoma Press, 1989) 4-5.

men, and crises often required them to serve soldiers. Bloomfield Academy, for example, the school for girls that Chickasaws had established to "control their own transformation" as a society, closed its doors as a school and reopened them as an army hospital.[16] Violent conflict between political factions also created a refugee crisis, particularly among Cherokees, Creeks, and Seminoles. Union supporters and those who sought neutrality fled across the border into Kansas, while some Confederate sympathizers among the Cherokees and Creeks relocated south into the Choctaw and Chickasaw Nations, and further into Texas. Non-combatants in Kansas survived the war in refugee camps where the lack of shelter and food proved deadly. They stayed, however, for the minimal protection provided by the Union Army, especially after men of fighting age joined Union home guards.[17] Their numbers included some Wichita, Caddo, Tonkawa, and Peneteka Comanche peoples from the Wichita Agency located to the west of the Five Tribes. Historians are just beginning to write about the experiences of southern Plains peoples during this period, but initial scholarship suggests that the catastrophes resulting from the transition to reservations were intensified when the U.S. government ceased providing material support and protection from settler violence to these wartime refugees.[18]

Reconstruction treaties negotiated in Washington, DC further devastated the Five Tribes, but Native nations strategized to protect their economic resources and sovereignty. Having signed treaties of alliance with the Confederacy, the U.S. government forced the tribes to concede land and right of access to railroads in order to reestablish formal diplomatic relations after the war. When the Chickasaw Nation signed a new treaty with the United States, it acknowledged defeat but refused to concede its autonomy. The treaty stated that the Chickasaws did not recognize U.S. authority over "local affairs or national organizations" and that rather than considering them conquered allies of the Confederates, the U.S. should treat them as a sovereign entity that fought the war for their own reasons, namely "as a means of preserving our independence and national unity."[19] The Chickasaw and Choctaw governments were eager to maintain their autonomy and increase their self-sufficiency by creating conditions under which their economies could thrive.[20]

The Cherokees also reaffirmed their sovereignty by sending two political factions to negotiate with the United States. Confederate Cherokees and those who had wanted to remain part of the Union each possessed a distinct political and economic vision for the

[16] Amanda Cobb, *Listening to Our Grandmothers' Stories: The Bloomfield Academy for Chickasaw Females, 1852-1949* (Lincoln: University of Nebraska Press, 2000), 46-51.
[17] Mary Jane Warde, *When the Wolf Came: The Civil War and the Indian Territory* (Fayetteville: University of Arkansas Press, 2013)
[18] F. Todd Smith, "'The Most Destitute' People in Indian Territory: The Wichita Agency Tribes and the Civil War," in *The Civil War and Reconstruction in Indian Territory*, edited by Bradley R. Clampitt (Lincoln: University of Nebraska Press, 2015): 88-109.
[19] Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma Press, 1972), 273-5.
[20]Malinda Maynor Lowery, "Kinship and Capitalism in the Choctaw and Chickasaw Nations," in *Legacies: Essays on the Native South*, ed. Tim Alan Garrison and Greg O'Brien (Lincoln: University of Nebraska Press, forthcoming).

future of their nation, so both groups sent delegates to the treaty negotiations. Previous generations of historians discussed the treaty as a step towards increased non-Indian intrusion that ultimately led to allotment and Oklahoma statehood, but more recently, scholars have emphasized that Cherokee leaders executed strategies to meet their immediate goals of national survival and the reestablishment of their thriving pre-war domestic economy. The final version of the Treaty of 1866 favored those who had supported the Union and sought to restore the Cherokee government and tribal institutions supported by communal land ownership. One article stipulated that the Cherokee Nation would extend citizenship to its former slaves, which entitled them to the common domain and social services. This provision caused discord in the long term, but in the short term, the treaty accomplished the Cherokee government's need to focus on reunification and providing for its people.[21] The U.S. government's insistence that that Five Tribes extend citizenship rights to their former slaves has resulted in divisive and controversial litigation. While some advocates of tribal sovereignty understood (and still understand) this treaty provision as an unlawful intrusion in matters of citizenship, descendants of freedpeople emphasize a connection that extends from having "shared certain cultural patterns and practices with their Indian masters and … lived and labored, often for successive generations, in the nations," according to historian Barbara Krauthamer.[22] The debate raises important issues about the nature of citizenship in the aftermath of slavery and war for Native and non-Native nations; the status of freedpersons remains an emotional and fraught issue into the twenty-first century.

Indian Policy

The Civil War represented a breakdown of civil society and exposed the inability of the United States government to solve fundamental issues of racial equality and regional social and economic differences. The war years also provided an opportunity for reformers such as anti-slavery and abolitionist groups to gain a foothold in federal policymaking. These developments during the Civil War manifested themselves in a period of drastic and intense Indian policy reform immediately following the war.

While Indian affairs seemingly received little attention during Abraham Lincoln's presidency, Lincoln as well as several other prominent leaders recognized that there had been systemic graft, mismanagement, and corruption in the Office of Indian Affairs throughout the 1850s, and they made its reformation an important priority. Sectional conflict, the administration of the Union war effort, differences of opinion among Congressmen, and the President's support of white western settlement, however, impeded these efforts. Historian Edmund J. Danzinger, Jr. asserted that mid-nineteenth-century corruption in the Indian Office stemmed from a long list of structural phenomena: "accelerated territorial expansion, the nation's preoccupation with the slavery question,

[21] Julie L. Reed, *Serving the Nation: Cherokee Sovereignty and Social Welfare, 1800-1907* (Norman: University of Oklahoma Press, 2016).
[22] Barbara Krauthamer, "In Their 'Native Country': Freedpeople' s Understandings of Culture and Citizenship in the Choctaw and Chickasaw Nations," in *Crossing Waters, Crossing Worlds: The African Diaspora in Indian Country* (Durham: Duke University Press, 2006), 117.

the 'Indian Ring,' whiskey hucksters, fraudulent records, disagreements with the war department, cultural clash, race hatreds and the political power of frontiersmen in Indian matters."[23] While Lincoln devoted his attention to the warfront, several events in Indian Country during those years illustrated these severe and systemic problems in Indian Affairs.

The 1862 United States-Dakota War in Minnesota thrust the failure of the current system of managing relations with Indigenous nations into the public eye. In particular, the U.S. government had failed to deliver promised annuities to Indigenous communities who depended on them; instead, the Indian Office diverted those supplies to meet the endless needs of the Union army. The federal government's failure to provide the food and goods stipulated by treaties dating from 1851 motivated Dakota soldiers, mostly Mdewakanton and Wahpekute, to attack local settlers around the Lower Sioux Agency near St. Paul between August and September of 1862. Their families were starving, and their suffering intensified a situation already made volatile by dispossession and environmental changes resulting from white settlement. The U.S. Army and Minnesota militia regained control by the end of September and established a military tribunal. In a gross violation of the U.S. constitution's principals of due process, the military court tried and convicted 303 of the 393 Dakotas accused of participating in the hostilities. The tribunal condemned all 303 men to execution, but Lincoln pardoned 265 of them. On December 26, only a few days prior to the issuing of the Emancipation Proclamation, the United States Army hanged 38 Dakotas in the largest mass execution in U.S. history. The Army interred most surviving Dakota peoples in Fort Snelling and then expelled them from Minnesota to Dakota Territory.[24] These events counteracted the progress made towards equal rights for other Americans during the Civil War era, and they demonstrate how the Civil War was another engine of conquest and colonialism in the United States.

Non-Indians had different opinions about how the United States should treat Indigenous peoples. Newspaper writers and other commentators, especially those in Minnesota, supported the army and militia. Some even criticized Lincoln's leniency. Other outspoken commentators, however, took this opportunity to argue for reform in the Office of Indian Affairs. Commissioner of Indian Affairs William Dole concluded that the crisis in Minnesota emerged from the government's inability to control non-Indian settlement, and he predicted that this problem would extend into other areas west of the Mississippi where Indigenous peoples came into close contact with whites. Even those directly impacted by the Dakota War possessed diverging views. One of the non-Indian women taken captive by the Dakota, Sarah Wakefield, published a short book entitled *Six Weeks in the Sioux Tepees*, in which she criticized the government's policies. She stated that the Dakota had suffered greatly and only fought for what was rightfully theirs. I "listened to their tales of suffering and distress until my heart bled for them," she wrote;

[23] Edmund J. Danziger Jr., *Indians and Bureaucrats: Administering the Reservation Policy during the Civil War* (Urbana: University of Illinois Press, 1974), 12.

[24] For more on the U.S.-Dakota War, see Scott W. Berg, *38 Nooses: Lincoln, Little Crow, and the Beginning of the Frontier's End* (New York: Vintage, 2013) and Gary Clayton Anderson, *Through Dakota Eyes: Narrative Accounts of the Minnesota Indian War of 1862* (Minneapolis: Minnesota Historical Society Press, 1988).

"I pray God they may for the future be more mercifully dealt with by those that are in authority over them."[25] The Civil War raged on, however, preoccupying reformers and policymakers alike.

As Dole predicted, the failure to act led to more bloodshed in other regions. Since the discovery of gold in 1858, more than 100,000 non-Indians had invaded the homelands of Cheyenne, Arapahoe, and Ute bands in what became Colorado Territory. After settlers established the territory in 1861, leaders sought statehood and recognized that their efforts hinged on continued settlement and economic development, including the planned extension of a transcontinental railroad through the region. As stated, this vision was incompatible with the continued existence of the regions' Native people and their use of the land and its resources. As regular army forces withdrew to the East, local militias rose in influence, comprised of those same local leaders and settlers who believed their political ambitions and prosperity to hinge on the extinction of the territory's Native inhabitants. To clear land titles and reduce chronic skirmishes between some Native people and settlers, the territorial governor, John Evans, sought to confine all Cheyenne and Arapaho people to reservations; Native people objected to this policy. Eschewing further diplomacy, Evans issued a statement in June 1864 ordering "peaceable" Indians to move to designated locations and calling for volunteer troops to arm themselves and force those unwilling to move. One group of Cheyenne and Arapaho Indians, led by Black Kettle and Left Hand, assembled at Sand Creek in southeastern Colorado Territory to distinguish themselves from others in the region who actively pursued military engagements against the United States and its citizens. Black Kettle and other leaders traveled to Denver to meet with Evans in an overture of peace. Following those negotiations, Colonel John M. Chivington of the Colorado militia, an avowed racist and rogue officer, led more than 700 volunteers to attack Black Kettle's diplomatic envoy while they were encamped at Sand Creek on November 29, 1864. At dawn that day, Chivington and his volunteers assaulted sleeping families in their village, and even though Black Kettle, a proponent of peace with a long record of diplomacy with both United States and Colorado leaders, raised an American flag and white surrender flag above his lodge, soldiers relentlessly pursued and killed the fleeing Cheyenne and Arapaho. More than 150 Indian people, mostly women, children and the elderly, died.[26]

This massacre again brought the ineffectiveness of federal Indian policy into the public consciousness and, coupled with the earlier events in Minnesota, inspired reformers and journalists across the nation. Sand Creek and the Dakota War were not the only episodes of mass killing in the West during the war years, however. U.S. citizens, sometimes organized into militias and other times acting as vigilantes, perpetuated other massacres against American Indian civilians. In January, 1863, for example, California militiamen attacked Shoshone people at Bear Creek and murdered an estimated 400 men, women, and children. But this episode and others went largely unnoticed by Eastern

[25] Sarah F. Wakefield, *Six Weeks in the Sioux Teepees: A Narrative of Captivity*, ed. June Namias (Norman: University of Oklahoma Press, 2002), 110.

[26] For more on the massacre and its legacy, see Ari Kelman, *A Misplaced Massacre: Struggling over the Memory of Sand Creek* (Cambridge: Harvard University Press, 2014).

officials and media and therefore did not figure into debates over policy reform. In 1865, the *New York Times* argued that "civilization was not working, and extermination was not civilized."[27] *Frank Leslie's Illustrated Newspaper* asserted that the Sand Creek massacre was the government's fault, particularly the Department of the Interior and the Office of Indian Affairs. Critics noted the corruption involved in military actions against Indians; private companies that supplied war materials obtained lucrative contracts, and government officials grew rich when contractors bribed them in exchange for preferential treatment.[28] The *Times* also argued that because "Indian matters…have been horribly bungled" under civilian control, they should "turn over the Indian affairs to the army."[29] Throughout 1867, the *Times* opinion page concluded that Indian policy in its current form was both incredibly costly to the government and resulted in "frightful wrongs to the Indians."[30] The articles and public discussions that surrounded the Minnesota and Colorado events increased pressure for federal reform and paved the way for new Indian policies in the post-war years.

These new policies struck out towards reforming the extermination approach to Indian affairs, advocated by settlers an western politicians, but their disparate motivations and contexts led to a philosophical ambiguity that has puzzled historians. A series of peace commissions and federal investigations, including the 1865 Fort Smith commission, the 1867 Fort Philip Kearney investigation, and the 1868 Peace Commission in the Great Plains, had a variety of purposes. Negotiations at Fort Smith intended to reintegrate the Confederacy's American Indian allies into the United States; the Fort Kearney investigation sought to determine how and why Lakota, Cheyenne and other Native soldiers regularly routed the U.S. Army; and the 1868 Peace Commission brought several other Great Plains Native nations to the table with the U.S. government. The unifying factor in all of these diverse events was Ely S. Parker, a Tonawanda Seneca leader whose wartime roles had included acting as General U.S. Grant's military secretary and informal advisor on Indian affairs. Parker served on the Fort Smith commission and co-led the Kearney investigation; further, his suggestions helped guide the 1868 commission. Parker took a lead role as reformers prepared to reshape Indian policy throughout the late 1860s. From these various diplomatic efforts came a constellation of laws passed by Congress and policies administered by the Office of Indian Affairs; historians refer to them by several different names, including the Peace Policy, the Quaker Policy, or Grant's Policy.

When Grant became president in 1868, he tapped Ely Parker to serve as his Commissioner of Indian Affairs. From that position, Parker shaped the early Peace Policy according to several key tenets. First, he echoed other reformers' insistence that the Office of Indian Affairs (OIA) had employed corrupt agents and bureaucrats and

[27] *New York Times*, 29 July 1865, 1, cited in Patricia Curtin, "From Pity to Necessity: How National Events Shaped Coverage of the Plains Indian War," *American Journalism* 12, no. 1 (winter 1995): 3-21, 7.
[28] *Frank Leslie's Illustrated Newspaper*, 1 February 1868, 306, in Curtin, "From Pity to Necessity," 10.
[29] *New York Times*, 19 January 1867, 2, cited in Curtin, "From Pity to Necessity," 10.
[30] *New York Times*, 10 January 1867. See also *New York Times*, 23 April 1867, and *New York Times*, 28 April 1867.

therefore needed an oversight committee. In 1869, Congress created the Board of Indian Commissioners to monitor the purchase and distribution of goods for Indian agencies across the country. To address corruption, Congress also placed church organizations at the head of the local agencies. Parker, on the other hand, argued that army officers should direct affairs at the agencies (and that the OIA should return to the War Department instead of the Interior Department, where it had been since 1849). In Parker's mind, army officers would be bound by a sense of honor not necessarily felt by civilian agents and furthermore, from his experience, the War Department offered a more efficient and effective bureaucratic home for the OIA. Despite their different approaches, both Congress and Parker believed that the federal government should remove as many civilian agents as possible. By 1872, predominantly Protestant (and especially Quaker) organizations headed 73 of 78 Indian agencies, but Catholics directed some agencies as well. The early Peace Policy also used peace commissions and diplomatic visits to the nation's capital to help clarify tribal land titles and treaty language, but Parker and others ultimately advocated an end to treaty making. From Parker's perspective, tribal nations could not benefit from treaty making since they lacked the military might and political influence to force the United States to uphold its promises. Indeed, Congress formally ended treaty making in 1871, a move that considerably reduced the legal standing of tribes compared to that of states and territories. Finally, and perhaps most importantly, Parker used the reform impulse and early Peace Policy years to provide money, goods, and opportunities for Native peoples, especially in the form of education; he wanted to create a mechanism to compensate tribes for the dispossession and ongoing colonialism they faced. In significant ways, these latter components connected post-Civil War federal Indian policy to the Reconstruction programs designed to help former slaves.

Like Reconstruction in the South, however, the optimistic possibilities surrounding the early Peace Policy were fleeting and the programs short-lived. Cataclysmic warfare and intensified settlement in the West made Indian assimilation seem inevitable and desirable to many reformers, and Parker and others fought to provide time, capital, and opportunities for Native people to assimilate on their own terms and their own timelines. Meanwhile, other legislators and activists pursued white settlement and economic development in the West as a way for Northerners and Southerners to share a mission and vision for the re-United States. During the Civil War, Congress passed laws such as the Homestead Act, the Morrill Land Grant Act, and the Pacific Railroad Act to motivate western emigrants and to provide them incentives for moving. In the later 1870s and 1880s, this influx of white settlement resulted in violent clashes with Native nations. Despite its best efforts in its earliest iteration, the Peace Policy failed to create any kind of lasting peace.

While lawmakers debated how to bring needed reform to Indian-white relations in the post-war years, Native people reconstructed their communities. Their stories of resilience and survival predominate in popular memory in Indigenous communities today. In addition, many Native nations are actively preserving the documentary record of the Civil War and telling the story of the war from their perspectives. For example, the letters of Stand Watie's Cherokee family are part of the larger Cherokee Nation Papers at

the Western History Collection at the University of Oklahoma in Norman; historians who seek to understand the Cherokee Nation and Indian Territory in the Civil War now turn to these papers in addition to records authored by United States and Confederate officials. The vibrant correspondence among the Waties and their kin demonstrate not just how profoundly the Civil War shaped affairs in a Native community but also how Indigenous people sought to skillfully use the Civil War as an opportunity to attain other goals, including resolving internal political disputes and protecting land and resources. As documented in their letters, the Watie family also seamlessly shifted from wartime aims to post-war agendas, including rebuilding their homeland and shaping the economic development of the region.

Above all, attention to Native-authored sources reveals the depth and range of human experiences and emotions that characterized the Civil War among Native peoples. In June 1864, Sallie Watie, a citizen of the then-divided Cherokee Nation, wrote to her husband, Stand. The couple had maintained regular correspondence throughout the war, and although practical needs dominated their letters, Sallie also regularly expressed her deeper thoughts: "I would," she said, "like to live a short time in peace just to see how it would be. I would like to feel free once in life again and feel no dread of war or any other trouble."[31] Her words convey the extent to which the Civil War had consumed her life, one already shaped by the devastating violence of the Removal Era. The Civil War, for many Native people, was a significant event with a tremendous impact felt for decades and magnified because of the history of colonialism that preceded it. The Civil War experience of Native Americans remind us that Civil War history is American Indian history, and American Indian history is central to the story of the United States.

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[31] As quoted in James W. Parins, "Sallie Watie and Southern Cherokee Women in the Civil War and After," *Native South* 2 (2009): 56.