

Transformation through Emancipation: Reconstruction and Africans in the Muscogee (Creek) Nation

By: Wesley Campbell

In 1540, Spanish explorer Hernando de Soto led an expedition of what would become the modern day southeast United States. During this expedition de Soto encountered tribes that would coalesce between the mid 16th and early 17th centuries into the Muscogee or Creek Confederacy.¹ The Muscogee (Creeks) had a syncretic culture as a consequence of the conditions surrounding their political formation.² The Muscogee Confederacy formed amidst widespread death and devastation caused by previously unencountered diseases and the Indian slave trade, both of which contributed to the depopulation and destabilization of Southeastern native civilizations, groups and societies.³ The Muscogee were also highly adaptable because of their cultural syncretism, and this aspect of diversity provides an explanation their accommodation, assimilation and integration of Europeans, Americans, and Africans. Adversely, the increased incorporation and adoption of non-Indians by the Muscogee significantly and permanently altered their culture and society through the introduction of the social practice of racialization or ethnicization. This embrace of European American racial notions and practices by native peoples is indicated in the research of the effects of and reactions to Reconstruction treaty terms and policies such as emancipation.

Broadly speaking, this essay is a social analysis of the racialization of Muscogee (Creek) society and an examination of the introduction and increase of racial tensions that contributed to disunity and a limiting of Creek political self-determination and sovereignty most evident in the Creek Reconstruction treaty terms and policies. To enter Creek Reconstruction into the general debate this study will preview the historiography of Reconstruction in Indian Territory and the

recent substantial developments within the field. This paper will also discuss connections between events in the Muscogee (Creek) nation and developments in Reconstruction history including Greater Reconstruction the context of racialization in Creek society and its association with intratribal tensions that incited the split participation of Creeks in the Civil War. Understanding the racialization and origins of a racial hierarchy within the Muscogee (Creek) social structure provides a foundation for considering how Reconstruction treaties and policies upset that existing racial/social order which provoked another redefining of racial relations within the Muscogee (Creek) nation. Lastly, investigating the negative reactions of Creeks towards increased Black settlement within this essay will demonstrate the similarities between Southern White and Muscogee Creek citizens' sentiments towards African ex-slaves; this sentiment that was reflected in Indian Territory and the South proves that federally imposed emancipation and the relevant protective policies for Blacks were rightfully deemed necessary. By focusing on Reconstruction in Indian Territory and narrowly viewing these events from a Muscogee (Creek) lens this essay supports the assertion that Reconstruction was a part of a larger nation state building project that was intended to create a national multiracial society in the United States. Through revealing the racialization of the Creek Nation before the Civil War and in analyzing Muscogee (Creek) reactions to Reconstruction policies that confused the racial order within the Creek nation, this essay will establish evidence that emancipation of African slaves in Indian Territory, along with other terms, resulting from post-war reconstruction treaties had comparable transformative effects on the Creek Nation specifically, and the Five Tribes generally, as emancipation and related reconstruction legislation had on Southerners.⁴

The North-South narrative has largely overshadowed the field of Reconstruction history, focusing heavily on Reconstruction in Indian Territory can help support the orthodox theory of

Reconstruction's goal of creating an American multiracial society and it can reveal evidence for more nuanced motives including expanding the national state and strengthening federal authority. Indigenous peoples and nations residing in Indian Territory played a significant role in the Civil War and as slave holding groups they were socially and economically affected by emancipation and other post war policies. Historian Eric Foner briefly mentioned the involvement of Indians and the process of Reconstruction in Indian Territory in his book that has become the cornerstone for Reconstruction history.⁵ Nonetheless, the field of Reconstruction in Indian Territory has a historiography dating back to the early 20th century.

In 1925, Annie Heloise Abel published *American Indian and the End of the Confederacy, 1863-1866*. In her foundation book-length work, Abel made connections with the 1865 senate bill no. 459, or the Harlan Bill, and terms in the later Reconstruction treaties with native nations in Indian Territory. In sum, her research regards the Harlan Bill as a plan for consolidating the various Indian nations into a territorial government and a strategy that would prepare the territory for eventual statehood.⁶ The Harlan Bill was not enacted, however, it became the template for negotiating the reincorporation of the Five Tribes after the Civil War.⁷ Abel's work was pioneering because she recognized the consolidation and land cession stipulations included in Indian Territory post-Civil War treaties were designed to help build the American nation state. This conclusion was made before such motives were described in the Greater Reconstruction theory. Abel also identified the Fort Smith Peace Council of 1865 as an important agreement that reestablished diplomatic relations between the United States and the Indian Nations of Indian Territory and the 1866 Reconstruction Treaties formalized the terms enumerated during the Fort Smith Council.⁸ Abel's monograph remains significant because in it she concluded that

regardless of their loyalties, Native Americans in Indian Territory participating on both sides of the war, were coerced to signing of unfavorable treaty terms that diminished their sovereignty.⁹

The land cessions and diminished sovereignty through political consolidation were treaty terms that were deemed punitive measures which negatively affected both loyalist and rebel factions of the Five Tribes. In this sense, Abel's research suggests that meaningful distinctions weren't made by Indian Affairs Commissioners to distinguish loyalist and rebel factions. However, in reviewing the treaty terms I have found evidence that supports a different interpretation. I assert that the loyal Muscogee (Creeks) weren't unjustly penalized for their association with the rebel faction. Instead, they suffered because of prolonged disunity that led to federal intervention that caused the dispossession of Creek tribal lands and restricted sovereignty. I will examine this disunity when discussing the pre-Civil War intratribal divisions and tensions within the Muscogee (Creek) nation. The Muscogee, the entire nation, agreed to unfavorable treaty terms but the loyalist faction and Creek Freedmen who fought for the union during the Civil War were rewarded for their service. These Loyalist Creeks and Freedmen were partially indemnified, compensated for losses and their military service, through the Article 4 term of the 1866 Muscogee (Creek) Reconstruction Treaty.¹⁰ This indemnification was a contentious negotiated point during the 1865 peace conference. The indemnifying treaty term is notable because loyalist Creeks were not overlooked as union allies as they were rewarded for not breaking federal allegiances and fighting for the Union.

The next substantial historiographical addition was M. Thomas Bailey's *Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism* published in 1972, this book centered on political and economic developments in Indian Territory. This book is credited by historians as figuring Indian Territory into "the wider context of Civil War scholarship".¹¹

Arguably one of the most consequential modern developments in the study of American Reconstruction history is the redefining of the period's timeline to include the Mexican American War, the Civil War and the Indian Wars. This expanded framework has come to be known as Greater Reconstruction. In the context of Reconstruction in Indian Territory, Greater Reconstruction can be divided into three overarching phases. First, racialization sparked tensions within Creek society. Second, intratribal and to a lesser extent intertribal division boiled over into Civil War hostilities. Finally, in the post-Civil War period, Indian Territory was used as a test ground for centralizing federal authority and imperial state-building as seen through the region's Reconstruction policies.

The term Greater Reconstruction has marked a shift in the historiographic discussion surrounding the Civil War years and Post-War Era. Whereas scholars have historically use terms like the Civil War and Post-War Era to describe events in American History between the 1860s and 1880s, Greater Reconstruction, as defined by Elliot West, occurred during 1846-1877 when "territorial acquisition as well as southern slavery forced a new racial dialogue between West and south...and finally led to a new racial order encompassing western as well as southern people of color".¹² Plainly speaking the majority of the people that were living in the region ceded by Mexico were people of color, Mexicans and Native Americans and the United States was viewed by its citizens as racially and culturally Anglo/White.¹³ The United States absorbing the land and population ceded by Mexico would upset the existing racial makeup and order of the United States. West contends that "in the rhetoric of the acquisition of the west it was explained and justified in terms of racial inferiority".¹⁴ Following this expansion, the American racial order needed to be reconfigured to include the people of color and "inferior races" that were brought inside the nation. The indigenous peoples would be assimilated through reservations and

allotment, Mexicans would be Americanized through capitalism and common cultural mores. A similar process of racial identity being unsettled occurred within Indian Territory, more specifically the Muscogee (Creek) Nation, through the increased adoption of Europeans and Blacks into Muscogee Society.

Historian Joyce Ann Klevitt refers to slaves owned by the Muscogee as bondspople because of the varied forms of slavery within Indian Territory and the Muscogee (Creek) culture.¹⁵ Traditionally native people in the Muscogee Confederacy practiced slavery, in time these captives were adopted into Muscogee (Creek) society, they became clan and tribal members through kinship bonds. Most importantly, their enslaved status was not permanent nor was it transferrable to a bondsperson's descendants. The institution of slavery and Muscogee (Creek) culture itself was altered when trade and cross-cultural interactions with European Americans and their slaves became commonplace. Historically, the Muscogee economy was based on trading deerskins from hunting supplemented by trading surplus agriculture and spoils of war to other indigenous groups and Europeans. As the European population in American increased indigenous peoples became more reliant on trading with European Americans for manufactured goods, primarily guns. The Muscogee's first foray into the European styled slave trade was through the shift from a kinship form of slavery to a chattel form where indigenous war captives were sold as property to Europeans. Thomas Nairne was a prominent Carolinian trader who spent time with the Muscogee, and he observed, "one slave brings a gun, ammunition, horse, hatchet, and a suit of cloathes".¹⁶ The decline of the deer skin trade and Muscogee desire to remain a competitive group in the region also motivated the shift to slave trading. The Muscogee participation in the Indian slave trade is pivotal because when they realized trading war captives was more profitable and less time consuming than hunting, the

Muscogee men largely left the laborious deer hunting trade for opportunities as slavecatcher.¹⁷ Historian Katheryn E. Holland Braund contends, “in exchange for their prisoners, the Creeks received English-made guns, which supported their slavery efforts and made them the best armed and most feared Indians in the southeast”.¹⁸ Holland Brand further asserts that Creek slavecatchers were “obligated to go as far down on the point of Florida as firm land would permit.”¹⁹ Holland Brand’s research is noteworthy because she highlights the Muscogee (Creeks) contribution to the “depopulation of aboriginal tribes in the Florida peninsula” which demonstrates the Muscogee (Creeks) overwhelming acceptance of the Indian slave trade.²⁰ Indeed, the Creeks were economically encouraged to abandon their cultural traditions of kinship slavery for a new institutional model and they adapted accordingly, in turn, this shift towards chattel slavery opened the door to the introduction of European American styled slavery of Black/Africans.

In Muscogee (Creek) oral history, there’s a story that suggest that the Muscogee people’s first Contact with Africans happened before Columbus is 1492 expedition, but these claims are left unsubstantiated.²¹ Thomas Woodward, a Carolina trader, noted that after reading de Soto’s account it was unreliable because of his exaggerated stories.²² The 1540 DeSoto expedition was the first recorded interaction between the Muscogee and non-Indians. Native historian Dr. Gary Zellar points out that the Muskogee called Africans “Este Lvste” which is “Black People” in the Muskogean language, nonetheless, early Creek encounters with Africans and Europeans showed no evidence of racial animosity.²³ In the context of slavery and race relations, the America colonial period marked another shift in Muscogee (Creek) cultural practices. “During the colonial period Creek people primarily encountered Blacks as employees or servants... for White settlers or as refugees seeking protection... And slowly, some Creeks began acquiring their own

Black slaves.”²⁴ This race-based shift is key to understanding the introduction of a racial hierarchy to Creek society because before Creeks started owning African slaves, Blacks were embraced by Muscogee society. In this time, African-Native relations were near indistinguishable from European-Native relations. The autonomy associated with towns and villages in the Muscogee (Creek) Confederacy contributed to their communities allowing outsiders to be assimilated within their respective local tribes on a wide-ranging basis, nonetheless, the common factor for accepting foreigners was their potential benefit to the community. European Americans settling in and near Muscogee territory facilitated the trade of manufactured goods while Africans who were incorporated into the tribe because they had valuable skills and they worked as interpreters, laborers and warriors.²⁵ In her WPA ex-slave interview Phoebe Banks, an African Creek, talked about various jobs of Blacks in the Creek nation, they were employed in construction, agriculture, and animal husbandry.²⁶ This example shows that African Creeks were well established within the tribes. The foreigners were adopted into Muscogee (Creek) society with rights as tribal members mainly through marriage, the offspring of these unions were mixed blood Black-Creeks and White-Creeks. Thomas Woodward recalled seeing innumerable “half breeds of whites, negroes, and all other that were mixed”.²⁷

Families such as the McIntoshes, Kinnards, and Graysons represented prominent mixed-blood Anglo-Muscogee families. Interestingly, in his monograph, historian Claudio Saunt chronicled five generations of the Grayson family who were Muscogee Indians that intermarried with both Blacks and Whites.²⁸ Their experiences illustrate how ethnicization within the Creek Nation fueled racial tensions which motivated White mixed-blood Creeks to deny kinship ties with Black mixed-blood Creeks. Some of the descendants of European mixed-blood Graysons

became tribal leaders, while many Graysons with African lineage became slaves, some later generations of African Graysons were enslaved by members of their extended family. The mixed-blood Graysons exemplify the traditional Muscogee acceptance of racial diversity. Furthermore, the Grayson family epitomized the extent of acculturation by outsiders, most importantly, their family estrangement underscores the impact of racialized tensions. Freed an enslaved African Creek self-identified as Indian, as Zellar puts it they were “firmly grounded in the Creek cultural milieu.”²⁹ Blacks identified as Indians because they ate Native foods, spoke the Muskogean language, some practiced the native religion and participated in ceremonies. Lucinda Davis used the word “Istilusti” the Creek word for Black man and other native words and phrases throughout her WPA interview³⁰. This is important in illustrating that African Creeks retained their Creek culture and language. African Creeks saw themselves as a native subculture to distinguish themselves from the Black American population. Mary Grayson discussed meeting Blacks who were owned by Whites and their experiences were harsher than hers among the Creeks, she said the slaves of “white folks had to work awfully hard and their masters were sometimes cruel” conversely all the negroes she knew that were owned by Creeks “had plenty of clothes and lots of food to eat”.³¹ Nellie Johnson said “old chief just treat all the negroes like they just hired hands.”³² Despite these accounts slavery in Indian Territory was not a pleasant experience and Blacks showed their discontent by running away. Lucinda Davis remarked she would never forget the day of the Battle of Honey Springs “cause all the men slaves had all slipped up and left out” many of these runaways she recorded had went North to join the fight.³³ Zellar’s work connects the Creek Nation to Greater Reconstruction by stating the Creek Nation was a “racial frontier”. The shift in treatment of Blacks constituted a new racial

frontier because although Creek slavery wasn't as severe as the southern model African slaves still had their rights restricted and were at the bottom of the social and racial hierarchy

Full-Blood Creeks and White mixed-blood Creeks also clashed sparking intratribal conflict which undermined Muscogee (Creek) unity. This is important because these racial conflicts support the Greater Reconstruction theory of an unsettling of racial identity. In her doctoral dissertation, *Trail of Tears to Veil of Tears*, historian Joyce Ann Kievit investigates “how social, religious, and ideological divisions” emerged during the removal era to influence the responses to the effects of the Civil War and reconstruction on the peoples of the ‘Five Civilized Tribes’.”³⁴ Kievit’s research uncovers “the materialistic and individualistic traits” of white mixed-bloods.³⁵ By the 1800s, several generations of European mixed bloods were raised in Creek society, the majority of these mixed blood descendants were the children of white traders and soldiers who married into influential and politically powerful Creek clans. These White mixed bloods formed an elite class and their financial and political success helped many to rise to positions as tribal leaders and chiefs known as Miccos. Phoebe Banks, speaking on her mother’s experiences said they weren’t escorted to Indian Territory, “they came on ahead by themselves and most of them had plenty money too.”³⁶ Her account is key because even as a slave she recognized the considerable wealth that her mixed blood masters had, this provides evidence for White mixed blood Creeks holding an elite status among the Creek racial and social hierarchy. These mixed-blood Creeks often negotiated treaties between the Muscogee and White Americans, and in their role as intermediaries, Kievit notes that they engaged in corrupt activities with federal Indian agents. “Federal officials frequently bribed them [white mixed blood Creeks] with money and land grants.”³⁷ This rampant corruption suggests That the individualistic and materialistic traits attributed to these mixed bloods encourage them to act in their own self-

interest rather than for the communal benefit when negotiating treaties. Land cession was a central issue to the members and leaders of the Creek confederacy, this issue caused the independent towns of the confederacy to come together in 1818 to form the first National Council which expressed the goals of preventing further sales of Creek lands without the authorization and approval of the council. The Creek Confederacy became a unified nation, and this is important because the Muscogee recognize that their existing political structure was ineffective at preventing American incursion and national unity would strengthen their sovereignty.

William McIntosh was a Lower Creek military leader and a spokesman in negotiations with the federal government. He was a mixed blood White Creek who was well-connected, he was the son of a British military officer in a high-ranking Creek woman. His white relatives were politically powerful, they included a half-brother, also named William, who was a member of the Georgia legislature and a cousin named George M. Troup who was a US senator and governor of Georgia.³⁸ In 1816, David B. Mitchell, a former acquaintance of McIntosh, became a federal indian agent appointed to the Creeks. Mitchell and McIntosh went into business together with aims “to defraud Creeks out of their money”, they own a store and sold overpriced goods and “encouraged their Creek patrons to buy on credit”.³⁹ Mitchell, in his role as an Indian agent, was responsible for distributing the annual annuity payments to the Creeks and he authorized McIntosh to take money off the top of the annual annuity... to pay the bills of the Creek credit customers.”⁴⁰ This kind of exploitation upset many full blood creeks who were surviving off of subsistence. Furthermore, during the 1824 removal discussions, McIntosh, now spokesman on the national Creek council, publicly denounced land cessions but in private he negotiated with federal officials curious he was later dismissed when the council found out he was negotiating in

secret. Macintosh was motivated by his belief that federal desire for Creek land combined with U.S. military action would eventually lead to the force relocation of the Muscogee (Creeks). McIntosh was undeterred by his dismissal and the national council's ban on unauthorized treaty making. McIntosh committed treason by resuming negotiating with federal officials in 1825 and signing the Treaty of Indian Springs which ceded all the Muscogee historic southeastern homelands in Georgia and Alabama to the federal government, treaty terms also included the acceptance of relocation to Indian territory west of the Mississippi in modern day Oklahoma. Leaders within the Creek nation were outraged by McIntosh's actions, and in response the Creek council had William McIntosh tried and convicted of treason and on April 30, 1825 McIntosh was executed. McIntosh's corruption, and self-interested actions demonstrated deep racial, social, and political tensions within Muscogee society that mirrored the American sectional crisis and unsettling of racial identity described by Elliot West's first stage of Greater Reconstruction. McIntosh's treason and execution are also significant because it led to further destabilization and factionalization within the Creek nation, for example McIntosh supporters split from the Creek national council many made their way to Indian Territory. Mary Grayson's mother was most likely a slave who made it to Indian Territory travelling with this band.⁴¹

McIntosh's politically powerful relatives were also upset by his execution, and they influenced the US government send special agent to investigate the Creek crisis. These agents concluded that "McIntosh had indeed swindled the nation" and "ninety eight percent of Creeks opposed McIntosh's actions and supported the national council's decision"⁴² This federal investigation is noteworthy because it could be interpreted as an infringement upon Creek sovereignty, as they had the right to punish McIntosh for his treason without federal oversight or interference. McIntosh's treason had already done its damage, the Creeks were compelled to

negotiate a new treaty and in the 1825 Treaty of Indian Springs the previous treaty was deemed “nullified and void” which is remarkable because it represent the only time in American Indian History where the federal government would “nullify a treaty made with Native Americans.”⁴³ Conversely, McIntosh’s treaty still paved the way for further land cession and eventual relocation. Citing “national security reasons” President Jackson ordered the removal and forced relocation of all southeastern tribes to Indian Territory and in 1837 the Creeks relocated to Indian Territory. “It is estimated that out of 21,762 Creeks and 502 slaves removed, 3500 died during their journey.”⁴⁴ Creek removal and its relationship to mixed-blood full-blood intratribal tension is significant because when discussing Creek cultural integration of American racial practices and the denigration of African Creek slaves intratribal relations between full blood Creeks and mixed blood European Creeks is easily overlooked but McIntosh’s treason highlights the underlying issues and the scope of rising racial tensions between all the present ethnic groups in the Creek nation. Moreover, McIntosh’s corruption, and self-interested actions demonstrated deep racial, social, and political tensions within Muscogee society that mirrored the American sectional crisis and unsettling of racial identity described by Elliot West’s first stage of Greater Reconstruction. Factions formed splitting the Creek nation between a powerful minority of wealthy planters who were largely mixed-blood White Creeks and favored progressive policies modeled after the United States and the majority of full blood Creeks who still practiced subsistence farming and hunting and preferred their traditional cultural ways. Lucinda Davis observed that “lots of the Upper Creeks didn’t have no white name”. This observation demonstrates that the Upper Creeks were adamantly traditional, they retained native names. Before Reconstruction and in its early stages the full blood members supported African Creeks because a political alliance between the Africans and Creeks would strengthen their combined

influence over the nation. The strained intratribal relationships undermined Creek sovereignty allowing for federal officials to exploit such divisions leading to culturally devastating events like removal and relocation. African Creeks enduring the long walk of the trail of tears is notable because it illustrates African participation in one of the darkest events in Creek history.

Muscogee (Creek) society and culture had thoroughly been racialized by the early nineteenth century and the next stage of Greater Reconstruction as defined by Elliot West was the eruption of racial tensions that caused the American Civil War. The Muscogee (Creeks) also experienced outbursts of racial tensions that resulted in violence. By 1860, the Muskogee nation was just as divided over slavery as the people of the United States, this division was a continuation of an existing factional split between mainly full-blood traditionalist Upper Creeks led by chief Opothleyaholo and mixed-blood progressivist Lower Creeks led by Rowley McIntosh. Intriguingly both factional leaders were slaveholders. Some Indian slaveholders saw union victory as a threat to their sovereignty and some felt a sense of allegiance to The United States. When Lower Creeks signed a treaty confirming their southern allegiance it angered other leaders with the nation because they “weren’t consulted in pro-confederate treaties.”⁴⁵ Creek Indians fought in several key battles in Indian territory which results it in an Indian-on-Indian conflict which they sought to prevent since the onset of the war.⁴⁶ Many Black Creeks joined with Opothleyaholo’s band on their journey north. These Blacks included Lower Creek runaways who the union's first Indian regiment included 30 Black Creeks, “the first black soldiers officially mustered into the union army during the civil war.”⁴⁷ Mary Grayson stated that the Creeks were “all split up over the war” and “she recalled a lot of bushwacking”. Indeed, the Civil War led to widespread lawlessness in Indian Territory which contributed to the devastation. Indian Territory saw widespread death and destruction, the most consequential engagement was

the Battle of Honey Springs in July 1863, this battle was mainly fought by native forces.

Recounting the aftermath of the battle Phoebe Banks said there were “dead all over the hills and her uncle Jacob said, “it was the most terrible fighting scene he had ever seen.”⁴⁸ The Battle of Honey Spring was a Union victory and Indian Territory remained under Union control until the end of the war. The death toll experienced in Indian Territory underscores how disruptive the events were to the region, “overall the casualty rate for Indian Civil War soldiers was higher per capita than the casualty rate for Northern or the Southern State soldiers.”⁴⁹ The American Civil War was officially concluded when Native American General Stand Waite surrendered the last confederate forces on June 23, 1865 and on September 8th leaders from all the native nations in Indian Territory were summoned to the Fort Smith Council to discuss terms for peace

The final stage of Greater Reconstruction was the post war period. The Peace Council at Fort Smith opened in September 1865 with the goals of formally ending the war and incorporating Indian Territory into the greater United States. Elliot West contends that 1856 - 1880 represented a time where the United States government used federal power to forge new racial arrangements “some people it excluded, some it left on the edges, and some it integrated on terms of its choosing including some cases by conquest and coercion.”⁵⁰ The Native lands were long coveted by Americans, they viewed communal lands as wasteful and anticipated allotment by severalty where the surplus plots would be sold to American settlers. Secretary of the Interior James Harlan gave the commissioners the mission of organizing Indian territory for future settlement by Americans, these aims were based on senate bill no. 459, commonly known as the Harlan Bill.⁵¹ Only Creek loyalist attended the peace council, the absence of the Confederate faction was not based on ill will, the secessionist were delayed by travel. The loyal Creeks attended the peace talks only to listen and give their point of view; they were not

authorized to make decisions for the entire tribe. They reviewed and negotiated the terms that would appear in the 1866 Reconstruction treaty when talks reconvened. Meaningful treaty stipulations included the unconditional emancipation and incorporation of ex-slaves into the tribe, Creek land cession of about half their holdings, and the consolidation of all tribal governments into one. Under these treaty terms the commissioners did not make any distinctions between the unionist and confederate factions. Granted the loyalist faction did fight for the union but after decades of intratribal turmoil the federal officials decided to deal with all the native nations in Indian territory as one because explicit goal was prepping the territory for integration in the United States. Commissioner Dennis Cooley addressed the council by identifying the nations that entered into the treaties with the rebel government and he informed the council that the confederate treaties nullified any prior arrangements between the nations and the United States and resulted in the nations and tribes forfeiting and losing their rights to the annuities and lands. Article 1 of the 1866 Treaty called for reestablishment of diplomatic relationships between the Creeks and United States and the Creeks also agreed to stop intertribal warfare in exchange for protection by the United States. The Second article of the treaty emancipated the slaves and granted them “all rights and privileges of native citizens.” This is significant because although the language in the treaty is vague. The Creeks took this to mean that Blacks were granted equal citizenship and they complied with this understanding. The fourth term detailed the indemnification paid to loyal Creek members. This is important because it proves that the loyal Creeks weren’t overlooked in their service, they were rewarded for their Civil War participation. In reading the 1866 Treaty I found that Harry Island, a freedman was the interpreter who is referenced in the document, and this is noteworthy because it shows the presence of the African Creeks serving in important roles. After the 1866 treaty was signed, Lower Creek Daniel

McIntosh said that “we can never recognize them as our equals” in a letter.⁵² His remarks are telling in that the war did not erase the existing racial prejudices.

The Creek nation is credited for being a group that largely accepted their ex-slaves as citizens. However, in the case of Lucinda Davis she didn't know when the war had ended or exactly when she was granted freedom, she remained with her master and assuming she continued to do work her status as a slave remained unchanged, at least in practice.⁵³ Lucinda was eventually able to enjoy freedom when her family located her. Her experience of a delayed emancipation is reminiscent of Texas freemen accounts who found out the war was over late, their slave owners exploited them until word of emancipation came around. Creek freedmen enjoyed political participation, educational opportunities and they were able to socially interact with other tribe members, evident in their acceptance of intermarriage with people of African descent. After getting news of emancipation, Nellie Johnson's father said, “we all free now and can take up some land for our own selves.”⁵⁴ This quote demonstrates the optimism that African Creeks had in light of their new freedom, and they began to exercise it. When Mary Grayson's mother found out they would be granted equal rights she set out to collect her allotment.⁵⁵ Creek Freedmen represented four out of the forty-six towns in both houses of the Creek national legislature. This is significant because it reflects similar instances of political participation of southern ex slaves in former Confederate states. Blacks in the former confederacy and in Indian Territory were willing and able to represent their interests in national political bodies. The example of Jesse Franklin is striking because as a Creek Freedmen he wielded great political influence by being elected judge in the tribal supreme court in 1876. The Creek nation benefitted from Reconstruction through federal funding of boarding schools. By 1877 the Creek tribe had three boarding schools, one of which was for freedmen. The school for freedmen represented the

strength of the Freedmen community within the Creek nation because they were able to successfully lobby the national Creek government for educating their children. Intermarriage between freedmen and Creek Indians also demonstrated the willingness of Creek society to assimilate their former slaves. Blacks and Indians in Seminole and Creek nations “were intermingling freely until the 1890s.”⁵⁶ In reference to intermarriage, Nellie Johnson said that “some of the negro girls I know of mixed up with the poor Creeks...and some got married.”⁵⁷ This is a clear example of Blacks being able to freely mix with Creeks again. This quote is key to understanding race relations in Indian Territory because it shows that throughout most Reconstruction in Indian Territory the Creeks generally accepted Blacks as equals. However, an important factor changed this progressive sentiment, and the racial tolerance did not persist into the early twentieth century.

When Creeks and other Five Tribe Indians were compelled to cede the western portion of their lands, the federal government had the intention of settling other native populations and former slaves in the newly created Oklahoma territory. Peoples who had inhabited Indian Territory since the time of removal experienced an influx of American migrants into the region, White and Black. This influx was largely comprised of white settlers. Nonetheless, Black immigrants into Indian Territory tripled the areas Afro American population.⁵⁸ This surge of immigration is significant because these immigrants sparked fear of Natives being overran in their own homeland. The inflated freedmen population fueled Indian fears that they would be overrun by Blacks. In 1870 most Blacks in the territory were local ex-slaves but by 1890 most Blacks were from outside the region⁵⁹. The locals began referring to these newcomers as “State Negroes”. “African Americans were invited into the territory as laborers, drovers, and as tenant

farmers for Indian landholders.”¹ Blacks didn’t come from other states until opportunities were presented to them. The Black immigrants took advantage of Reconstruction policies in Indian territory by claiming to be from the region and therefore entitled to benefits of native freedmen and others married Indian and ex slave women to remain in the area. The native freedmen considered themselves racially different from the “state negroes” and distinguished themselves from the other group by calling Black migrants “wachina” meaning white man. These racial distinctions by African Creeks to separate themselves from American Blacks highlights their belief that they were separate, this racialized sentiment provides evidence for a history of Blacks claiming native heritage, a cultural rather than racial identity. Native freedmen disliked the newcomers because they feared political and economic domination by the outsiders. “Creek freedmen briefly imposed social sanctions against marriage with state negroes.⁶⁰ This is noteworthy because native freedmen adopted negative views of ex slaves that reflected white southern racial ideology. The native freedmen tried distancing themselves from other ex-slaves under superficial pretenses. By the end of Reconstruction and when Oklahoma was granted statehood, those distinctions were no longer recognized by other populations, to Indians and Whites what defined a colored person was any African Ancestry and under Jim Crow all Blacks would be regarded as second-class citizens. Blacks moving into the Indian territory actively tried to take control of region through the Black state movement of the 1890s. This movement was seen by Indians in the territory as an action that threatened their sovereignty. The Black State Movement exacerbated native fears stemming from the expanding Black population. During the Civil War Union leaders openly discussed settling the ex-slave population to Indian territory. The lands ceded by Indians in the 1866 treaties were “initially set aside for Afro-American

¹ Grinde and Taylor 218

settlement⁶¹. In 1889 Black Kansas politician Edwin P. McCabe became the most notable leader for the Black State Movement. Nationally recognized Black leaders such as Frederick Douglas did not support Black state effort. However, McCabe managed to oversee the establishment of twenty-nine towns and one colony, “four of these towns and the colony were in Oklahoma Territory and the other twenty-five were in Indian Territory.”⁶²

By 1890 racial tensions between Indian and Blacks were boiling over. A newspaper reported a race war between Creeks and Blacks in November 1889. This is important because tensions rose during allocation when communal tribal land was divided into individual plots and distributed amongst the tribal members. “Each tribe member would receive an allotment of land (usually 160 acres) and the remainder returned to the federal government.”⁶³ Federal officials for the first time in Native history would determine a tribe’s citizenship without internal considerations. The goal of the Dawes commission was to make roles recording tribal membership and they wanted to be equitable by including plots for ex slaves. “Thirty-six percent of the allottees in the Creek Nation were freedmen including those not descendants of Indian Territory ex-slaves”.⁶⁴ Creeks did not approve of Blacks receiving allotments, in fact some were upset by this program. One of the reasons Creeks were upset that Freedmen were getting allotments was because “many Afro-Americans advanced questionable claims of citizenship to secure allotments that were promptly turned over to land speculators.”⁶⁵ Essentially some Freedmen who weren’t eligible to receive these allotments were approved and they sold the land for fast money rather than settled on it. Although this fraud wasn’t widespread Creeks used these incidents as justification for their hostile actions towards Blacks. Underlying this issue was the increased settlement of Americans which made the Creeks feel as if they were being pushed out of their own territory. The influx of whites provides a partial explanation for Creek violence. I

asset they reacted with hostility because racial tensions had long been established in the Creek nation. African Creeks coopted white views of “state negroes” and they also engaged in discrimination by refusing “state negroes” burial services, admission into African Creek churches, and banning intermarriage. Creeks both African and Native did not want to be viewed as racially Black because they knew they would be put at the bottom of the social hierarchy. When Oklahoma became a state Jim Crow laws were quickly introduced. This period represents another redefining of the racial order because now anyone with African ancestry would be considered Black, the Creeks and Freedmen alike. As a result of Jim Crow Black Creeks lost access to tribal education and were forced to attend segregated schools and they were disenfranchised. Allotment and Oklahoma statehood is key to understanding Creek racialization because African Creeks who tried to preserve their identity were stripped of the very thing they were trying to protect. The Native American last-ditch effort to prevent further diminished sovereignty was through the 1905 Sequoyah constitution which sought to create an Indian State in Oklahoma. This measure was never seriously considered by the federal government and Oklahoma was admitted as a state in 1907.

In conclusion the theory of greater reconstruction is supported by events in Indian territory. Reconstruction a federal intervention was necessary for protection and enforcement of emancipation. Reconstruction was successful in its goals of strengthening the national state and creating a multiracial society. Views of race and racial issues persisted even though the status of Blacks was improved by emancipation and citizenship. Although federal goals of creating a multiracial society seem successful on paper and practice a transform system of inclusion and exclusion allowed for prejudice to persist in America an Oklahoma. African Americans in Oklahoma were successful people at the start of the 20th century, black Wall Street was located

in Tulsa a city where most of its modern-day area was within the Creek nation. The racialization Anne prejudice revealed in this essay can provide a foundation for uncovering the history of racially motivated violent episodes that potentially influence the Tulsa race riots of 1919. another implication of this research is in court cases, much of Oklahoma is being returned to tribal nations and placed under their jurisdiction period many Blacks who couldn't prove their Creek heritage and were turned away by the Dawes Commission can now use modern methods like genealogy to prove claims of citizenship. This research shows Africans made positive contributions to Creek culture and they were historically accepted as equals. I hope the information in this essay can provide a basis for reexamining possible membership for Africans with Creek heritage.

Bibliography

Primary Sources

(1866) US Treaty with the Creek Nation June 14, 1866, Ratified July 19, 1866, quoted in Charles J Kappler, *Indian Affairs: Laws and Treaties*, Vol. II, Treaties (Washington: Government Printing Office) 931-933.

Woodward, Thomas Simpson. *Woodward's Reminiscences of the Creek, or Muscogee Indians: Contained in Letters to Friends in Georgia and Alabama*. Mobile, Ala.: Southern Univ. Press, 1965.

Baker, T. Lindsay, Baker, Julie P.. *The WPA Oklahoma Slave Narratives*. Norman: University of Oklahoma Press, 1996.

Secondary Sources

Ethridge, Robbie, and Shuck-Hall, Sheri M. *Mapping the Mississippian Shatter Zone*. UNP - Nebraska Paperback, 2009.

Foner, Eric. *Reconstruction: America's Unfinished Revolution, 1863-1877*. New York: Perennial Classics, 2014.

Abel, Annie Heloise. *The American Indian and the End of the Confederacy, 1863-1866*. Slaveholding Indians ; Vol. 3. Lincoln: University of Nebraska Press, 1993.

Clampitt, Bradley R., ed. *The Civil War and Reconstruction in Indian Territory*. London: University of Nebraska Press, 2015.

West, Elliott. "Reconstructing Race." *Western Historical Quarterly* 34, no. 1 (2003): 6-26.

Kievit, Joyce Ann. *Trail of Tears to Veil of Tears: The Impact of Removal on Reconstruction*. PhD Diss., University of Houston, 2002.

Bailey, Minnie Thomas. *Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism*. Series in American Studies (Port Washington, N.Y.). Port Washington, N.Y.: Kennikat Press, 1972.

Dupre, Daniel S. *Alabama's Frontiers and the Rise of the Old South*. Bloomington, Indiana: Indiana University Press, 2018.

Braund, Kathryn E Holland. "The Creek Indians, Blacks, and Slavery." *The Journal of Southern History* 57, no. 4 (1991): 601-36.

Zellar, Gary. *African Creeks: Estelvyte and the Creek Nation*. Race and Culture in the American West, v. 1. Norman: University of Oklahoma Press, 2007.

Littlefield, Daniel F.. "Africans and Creeks: From the Colonial Period to the Civil War." *Contributions in Afro-American and African Studies*; No. 47. (1979).

Saunt, Claudio. *Black, White, and Indian: Race and the Unmaking of an American Family*. New York: Oxford University Press, 2005.

Green, Michael D., and American Council of Learned Societies. *The Politics of Indian Removal: Creek Government and Society in Crisis*. Lincoln: University of Nebraska Press, 1985.

Grinde, Donald, and Taylor, Quintard. "Red vs Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907." *American Indian Quarterly* 8, no. 3 (1984): 211-29.

Warde, Mary Jane. *When the Wolf Came: The Civil War and the Indian Territory*. Civil War in the West. Fayetteville, AR: University of Arkansas Press, 2013.

Saunt, Claudio. "The Paradox of Freedom: Tribal Sovereignty and Emancipation during the Reconstruction of Indian Territory." *The Journal of Southern History* 70, no. 1 (2004): 63-94.

¹ The Muscogee are also referred to as Creeks

² The ancestors of the Muscogee were a part of the Mississippian culture that thrived between 800 and 1500 AD along the Mississippi river and its tributaries.

³ Robbie Ethridge and Sheri M. Shuck-Hall, *Mapping the Mississippian Shatter Zone* (UNP- Nebraska Paperback, 2009).

⁴ The Five Tribes or the Five Civilized Tribes include Creek, Chickasaw, Choctaw, Cherokee, Seminole

⁵ Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-187* (New York: Perennial Classic, 2014).

⁶ Annie Heloise Abel, *The American Indian and the End of the Confederacy, 1863-1866, Slaveholding Indians*; Vol. 3, (Lincoln: University of Nebraska Press, 1993) 227.

⁷ Annie Heloise Abel, *The American Indian and the End of the Confederacy, 1863-1866, Slaveholding Indians*; Vol. 3, (Lincoln: University of Nebraska Press, 1993) 219.

⁸ Ibid 197.

⁹ Ibid 302.

¹⁰ (1866) US Treaty with the Creek Nation June 14, 1866, Ratified July 19, 1866, quoted in Charles J Kappler, *Indian Affairs: Laws and Treaties*, Vol. II, Treaties (Washington: Government Printing Office) 931-933.

¹¹ Bradley R. Clampitt, ed., *The Civil War and Reconstruction in Indian Territory* (London: University of Nebraska Press, 2015)

¹² Elliot West, "Reconstructing Race", *The Western Historical Quarterly*, 34, no1 (2003): 7.

¹³ Ibid

¹⁴ Ibid

¹⁵ Joyce Ann Kievit, *Trail of Tears to Veil of Tears: The Impact of Removal on Reconstruction*, PhD Diss., (University of Houston, 2002).

¹⁶ Daniel S. Dupre, *Alabama's Frontiers and the Rise of the Old South*. (Bloomington, Indiana: Indiana University Press, 2018), 26.

¹⁷ Braund, Kathryn E Holland. "The Creek Indians, Blacks, and Slavery." *The Journal of Southern History* 57, no. 4 (1991): 605.

- ¹⁸ Ibid 607
- ¹⁹ Ibid 605
- ²⁰ Ibid 605
- ²¹ Gary Zellar, *African Creeks: Estelvste and the Creek Nation, Race and Culture in the American West*, v. 1. (Norman: University of Oklahoma Press. 2007), 3.
- ²² Thomas Simpson Woodward, *Woodward's Reminiscences of the Creek, or Muscogee Indians: Contained in Letters to Friends in Georgia and Alabama* (Mobile, Ala.: Southern Univ. Press, 1965), 28.
- ²³ Gary Zellar, *African Creeks: Estelvste and the Creek Nation, Race and Culture in the American West*, v. 1. (Norman: University of Oklahoma Press. 2007), Daniel F. Littefield, "Africans and Creeks: From the Colonial Period to the Civil War," *Contributions in Afro-American and African Studies*; No. 47. (1979) 8.
- ²⁴ Braund, Kathryn E Holland. "The Creek Indians, Blacks, and Slavery." *The Journal of Southern History* 57, no. 4 (1991): 607.
- ²⁵ Braund, Kathryn E Holland. "The Creek Indians, Blacks, and Slavery." *The Journal of Southern History* 57, no. 4 (1991): 607.
- ²⁶ Lindsay T. Baker, Julia P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996), 9.
- ²⁷ Woodward 32
- ²⁸ Claudio Saunt, *Black, White, and Indian: Race and the Unmaking of an American Family* (New York: Oxford University Press, 2005).
- ²⁹ Gary Zellar, *African Creeks: Estelvste and the Creek Nation, Race and Culture in the American West*, v. 1. (Norman: University of Oklahoma Press. 2007), 114.
- ³⁰ Lindsay T. Baker, Julia P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996), 55, same as "Estelvste" different spelling.
- ³¹ ibid 117
- ³² ibid 157
- ³³ Lindsay T. Baker, Julia P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996), 59.
- ³⁴ Joyce Ann Kievit, *Trail of Tears to Veil of Tears: The Impact of Removal on Reconstruction*, PhD Diss., (University of Houston, 2002) 2.
- ³⁵ Kievit 5.
- ³⁶ Lindsay T. Baker, Julia P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996), 115.
- ³⁷ Kievit 5
- ³⁸ Joyce Ann Kievit, *Trail of Tears to Veil of Tears: The Impact of Removal on Reconstruction*, PhD Diss., (University of Houston, 2002) 24.
- ³⁹ Ibid 25
- ⁴⁰ Ibid 25
- ⁴¹ Lindsay T. Baker, Julia P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996), 115.
- ⁴² Joyce Ann Kievit, *Trail of Tears to Veil of Tears: The Impact of Removal on Reconstruction*, PhD Diss., (University of Houston, 2002) 30.
- ⁴³ Ibid 30
- ⁴⁴ Michael D. Green and American Council of Learned Societies, *The Politics of Indian Removal: Creek Government and Society in Crisis* (Lincoln: University of Nebraska Press, 1985) 82-83.
- ⁴⁵ Donald Grinde and Quintard Taylor, "Red vs Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907" *American Indian Quarterly* 8, no. 3 (1984):211.
- ⁴⁶ Joyce Ann Kievit, *Trail of Tears to Veil of Tears: The Impact of Removal on Reconstruction*, PhD Diss., (University of Houston, 2002) 87-94.
- ⁴⁷ Gary Zellar, *African Creeks: Estelvste and the Creek Nation, Race and Culture in the American West*, v. 1. (Norman: University of Oklahoma Press. 2007) 55; when the wolf came
- ⁴⁸ Lindsay T. Baker, Julia P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996) 10.
- ⁴⁹ Joyce Ann Kievit, *Trail of Tears to Veil of Tears: The Impact of Removal on Reconstruction*, PhD Diss., (University of Houston, 2002) 123.
- ⁵⁰ West 6

⁵¹ Abel 177

⁵² Claudio Saunt, "The Paradox of Freedom: Tribal Sovereignty and Emancipation during the Reconstruction of Indian Territory," *The Journal of Southern History* 70, no. 1 (2004):74.

⁵³ Lindsay T. Baker, Julia P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996) 63.

⁵⁴ Ibid 159

⁵⁵ Ibid 119

⁵⁶ Donald Grinde and Quintard Taylor, "Red vs Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907" *American Indian Quarterly* 8, no. 3 (1984) 216.

⁵⁷ Lindsay T. Baker, Julia P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996) 159.

⁵⁸ Grinde and Taylor 218

⁵⁹ Donald Grinde and Quintard Taylor, "Red vs Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907" *American Indian Quarterly* 8, no. 3 (1984):218

⁶⁰ Grinde and Taylor 218

⁶¹ Grinde and Taylor 219

⁶² Grinde and Taylor 220

⁶³ Grinde and Taylor 220

⁶⁴ Grinde and Taylor 221

⁶⁵ Grinde and Taylor 221