

5-2007

a struggle for survival and recognition: the catawba nation, 1840-1860

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A STRUGGLE FOR SURVIVAL AND RECOGNITION:
THE CATAWBA NATION—1840-1890

A Thesis
Presented to
the Graduate School of
Clemson University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
History

by
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May 2007

Accepted by:
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ABSTRACT

Like all Americans, the Native peoples were swept into the crucible that was the Civil War. Although under no obligation to participate in the conflagration, many Indian tribes joined one side, some even both factions. The Catawba peoples of South Carolina were, among these, fully committing to the Confederacy. That seemingly contradictory response in the light of their treatment by South Carolina is the subject of this thesis.

Before examining their Civil War response, the Introduction traces their relationship with the white colonists of Carolina from its founding in 1670 through the end of the American Revolution. With this background, the direct antebellum period is explored in Chapter I, especially the watershed Nations Ford Treaty. The Civil War itself and its military and homeland effects on Catawbas is the subject of Chapter II. Finally, the changes or continuity as a result of this experience are examined in Chapter III. At each stage the responses of the other Southeastern Indians to the same circumstances are historiographically reviewed, especially to attempt an understanding of what motivated the Catawbas' unique response to the Civil War and the consequences of that choice.

ACKNOWLEDGEMENTS

During the journey of discovery that led to this thesis—and throughout my graduate program—three patient mentors deserve my respectful gratitude. Dr. Alan Grubb has generously given his insightful assistance to clarity and style with writing. His gift of imparting the range and dynamic essence of history has been very much appreciated. To Dr. Steve Marks, as both a teacher and my graduate guide, a sincere thank you. Your encouragement, opening to me of such a wide range of history, and especially your humor and optimism have helped so much. As my thesis committee chair, Dr. Paul Anderson has always struck the perfect balance between challenge and guidance in the effort to include all aspects and to find sound historical foundations to back my observations. From him I have learned abilities of thinking, research and writing crucial to a historian. I thank you all very much for so many insights.

In a different sphere, but perhaps more significantly, this would not have happened without the understanding, patience and unwavering support of my wife, Katie. To her, I owe the greatest thanks.

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INTRODUCTION

This thesis will explore why the Catawba Indians, a small tribe native to South Carolina, supported and even fought and died for the Confederate States of America in the Civil War. At casual glance, this is essentially a non-question; they were residents of that state, and the Confederacy was overwhelmingly embraced by South Carolinians regardless of whether they owned slaves or not. But when one considers the Catawba Nation's contributions to South Carolina and the treatment they received in response to their loyalty, the obvious answer fades into a study of the complex racial, social, and economic dynamics of the antebellum South.

Specifically, this thesis will argue that the primary motivation for the Catawbas' Confederate military service resulted from the biracial society that was thrust upon them after 1800. This Indian nation was the third racial group in that explosive mix, and how they reacted to those circumstances is the history and connection this paper will relate.

Much has been written about black slaves and white planters and farmers, the two prominent groups in the plantation economy of the colonial and antebellum South. Yet historical research remains an evolving effort, and in the American South it has expanded to include other groups: women, children, immigrants, and frontier pioneers all lived within this overarching biracial framework, as did the Indians.

Within the history of the Indians, the Catawbas of South Carolina appear to have endured a unique experience. The vast majority of native peoples originally in the South have vanished. Some tribes, like the Westo and the PeeDee, became extinct, the victims of disease and war. Others moved from the

area. The Tuscarora ended up in New York, the Savannahs shifted to the Ohio Valley. Others—the Five Civilized Tribes—were forcibly moved west.

The Catawba people stayed (or alternatively were trapped) in South Carolina, the epicenter of the sectional struggles that culminated in the Civil War. Their response of unconditional, unwavering support of the Confederate ideals was not a given however.

Historians have given different interpretations as to why the Catawbas joined South Carolina in the Confederate cause. Still, no one has specifically seen the Catawbas' racial quandary as the primary, overriding motivation. A brief review of the historiography is in order.

Douglas Summer Brown published the first comprehensive studies of the Catawba people. Her 1953 *A City Without Cobwebs* related the history of Rock Hill, South Carolina, the ancestral home of the Catawbas.¹ In an early chapter, Brown discusses the tribe and its relations with the white settlers through 1840. In 1966, she published *The Catawba Indians—People of the River*, the first comprehensive study of the Catawba people, which is considered the classic standard by Catawba historians.² Its detailed examination of Catawba history devotes only three paragraphs to their Civil War experience. She argues that white coercion was the cause of Catawba participation in the war. Chapman J. Milling in his 1969 study of the Catawbas, *Red Carolinians*, writes only one sentence about the Civil War and does not attempt any explanation of their possible motivations.³ Charles M. Hudson in *The Catawba Nation* (1970) presents an anthropologic study of the Catawbas.⁴ He mentions their Civil War

¹ Douglas Summers Brown, *A City Without Cobwebs-A History of Rock Hill, South Carolina* (Columbia: The University of South Carolina Press, 1953).

² Douglas Summers Brown, *The Catawba Indians-People of the River* (Columbia: The University of South Carolina Press, 1966).

³ Chapman J. Milling, *Red Carolinians* (Columbia: The University of South Carolina Press, 1969).

⁴ Charles M. Hudson, *The Catawba Nation* (Athens: The University of Georgia Press, 1970).

experience briefly on only two occasions. Significantly, he attempts to place this chapter of the nation's history in the context of their place and role in antebellum Southern society, finding them an increasingly isolated minority. Their answer was to continue supporting the South Carolina government, which Hudson gives as their reason for Confederate military service.

Later, historians would expand on Hudson's anthropological theme. James H. Merrill has written two books on the Catawbas: *The Indians' New World* (1989), which traces their history from colonial times through the removal period of the 1830s,⁵ and *The Catawbas* (also 1989), which continues his study of the Catawba Nation to the present day, but it only contained one sentence, their Civil War service, stating that sacrifice did not lessen the racial prejudice the Catawbas suffered postwar.⁶ However, in his 1984 article in *The Journal of Southern History*, Merrill traces the "education" of the Catawba people from colonial colorblindness to antipathy toward blacks in the period of slavery and cotton expansion. Especially significant, according to Merrell, was the growing white propensity to link them with blacks, and the Catawbas' desire to fight this association. Unlike this thesis, Merrell never offers this racial antipathy toward blacks as a possible cause for their Civil War service.

Two historians contributed much to our understanding of the Civil War efforts of the Catawba soldiers. Thomas J. Blumer has written several books and articles about the Catawba, having worked with and studied them for forty years. In 1995, he published an article describing their Confederate Civil War service. Blumer specifically attributed their military support to a tradition of helping South Carolina continuously since colonial times.⁷ In *Between Two Fires*, Laurence

⁵ James H. Merrell, *The Indians' New World-The Catawbas and Their Neighbors from European Contact through the Era of Removal* (Chapel Hill: The University of North Carolina Press, 1989).

⁶ James H. Merrell, *The Catawbas* (New York: Chelsea House Publishers, 1989).

⁷ Thomas J. Blumer, "Record of the Catawba Indians' Confederate Service," *South Carolina Historical Magazine* Vol. 96, No. 3, July 1995.

Hauptman masterfully traces the Civil War military experience of every Indian tribe that fought for both the Confederacy and the Union.⁸ In discussing the Catawbas, Hauptman postulates four possible motivations for their participation in the war. One of these is the tribe's economic and psychological dependence by 1860 on South Carolina, but the racial parameters of this dependence remain untouched.

This study covers the period from 1840 through 1890, the fifty years bracketing the American Civil War. By 1890, the census for Catawba Township, York County, South Carolina, enumerated only sixty Catawbas.⁹ They were the remnant of the proud, populous tribe that numbered in the thousands in 1670, when Carolina began to be populated by Europeans and Africans. Analyzing the movements and events of these fifty years will give insight into the decline and dispersal that became a seismic shift for these people.

To explain this seismic shift, we must go back to the 1700s when the process commenced. This prologue will show how the Catawbas interacted with the white man, and how, after 1800, these interactions—resulting from the rapidly increasing settler population—undermined and destroyed their world.

In 1796 George Washington made this entry in his diary:

I have been incommoded, at this place (Mount Vernon), by a visit of several days, from a party of a dozen Catawbas, and should wish while I am at this retreat, to avoid a repetition of such guests. (They) seemed to be under apprehension that some attempts were making to deprive them of (the lands) which were secured for them by Treaty.¹⁰

In that meeting, the Catawba headsmen had come to petition an old and respected friend. Washington was very familiar with the Catawbas. As a young

⁸ Laurence M. Hauptman, *Between Two Fires-American Indians in the Civil War* (New York: Free Press Paperbacks, 1995).

⁹ "Population Schedules of the Tenth Census of the United States, 1880, South Carolina" (Washington, D.C.: Census Office, 1880) Section T-1243: Williamsburg and York Counties.

¹⁰ Merrell, *The Indians' New World*, 276.

colonial British officer in Virginia, he had recruited them to fight against the French and their Indian allies. Subsequently he had witnessed their military skill and loyalty once more in the Revolutionary War.

What was the reason these representatives of an extremely small South Carolina tribe had journeyed to consult with the President, and why would Washington even host them at his home? What of these Catawba lands that Washington alludes to? Most significantly, what are we to make of his annoyed reaction to their visit?

Washington's brief, almost terse entry captures the changes the Catawba Indians had undergone in slightly more than a century of experience with European settlement.

The Catawbas had first encountered the white man in one of DeSoto's expeditions, led by Juan Pardo and his military party in 1540. After this initial contact there was only sporadic contact with inland traders until 1670. At that time two hundred settlers, under the Lords' Proprietor charter from Charles II, established the Carolina colony at the mouth of the Ashley River. From the beginning, the colonists' contact with this native people was mutually cordial. As the colony prospered, the Catawbas proved invaluable in many aspects: as a buffer from potentially hostile tribes, and also from the French and Spanish to the West and South; as trade partners; as hired agents to track and return runaway slaves; and as teachers in understanding this new land. But for the Catawba, there was an increasing downside to white familiarity. The colonists came to want more of the Indians' lands, feared reprisal attacks, and especially became terrorized at the thought of a combined revolt by a rapidly growing slave population in concert with the Indians. Already by 1671 Carolina's early leaders concluded that the key to managing the local Indians was to recruit them as slave catchers by offering guns and ammunition as incentive. To pay for the weapons,

the native clients raided other Indians for captives to sell as slaves, or tracked and returned runaway Africans. The gun trade rendered the natives dependent upon weapons they could neither make nor repair. (Thus) the Carolinians gained mastery over a network of native peoples, securing their own frontier and wreaking havoc on a widening array of Indians.¹¹

Without guns and ammunition, the Indians could not hunt for food or skins to trade, and faced the very real threat of being slave-raided themselves by better armed rivals.

Fortunately, we have a witness to those times. John Lawson lived in the early Carolina colony, and even then recognized the purposeful use of trade to gain mastery over the Indians. Lawson is uniquely placed to our understanding of the Catawbas and the other peoples in this earliest colonial period. In 1701, he set out to observe and record the native peoples and their land. Eight years later he published *A New Voyage to the Carolinas*. Lawson's portrayal of the traditional Catawba life before it was irrevocably changed by European settlement is invaluable. His narrative is the first recorded description of the Catawbas in the English language. He chronicles the abandoned Catawba villages and the greatly reduced numbers of them, decimated by white culture, diseases, and wars. Throughout his description of the Catawbas he knew and observed, he also attempted to interpret their experience. Lawson's admiration for their character and way of life in this early period is telling, as when he wrote:

They are better to us than we are to them. They always give us food at their quarters, and take care we are armed against Hunger and Thirst. We do not do so by them. We look upon them with scorn and distain...though, if well examined, we shall find that, for all our religion and culture, we possess more moral deformities and evils than these savages do, or are acquainted with.¹²

¹¹ Alan Taylor, *American Colonies* (New York: Penguin Press, 2001), 228.

¹² Taylor, *American Colonies*, 426.

Population estimates done by ethnologist James Mooney help place a human face on this devastation. In the earliest colonial period (c.1682) there were as many as six thousand in the tribe. Increasing white contact with the migration of the colonists onto the Piedmont resulted in a drastic drop in Catawba numbers to about sixteen hundred in 1728, a seventy percent (70%) decline in less than fifty years. Twelve hundred remained by the time of the French and Indian War, and by the end of the Revolutionary War, only 250 survived. The Catawba had a staggering 95% mortality in only one hundred years of contact with the white man.¹³ Warfare caused very little of this devastation. Diseases were the most significant cause, but guns, alcohol, and other means from the white culture contributed to it. By Washington's assessment in 1796, the resulting loss of self-esteem and the waning of their influence rendered the Catawbas progressively more peripheral to the emerging white power structure. In 1761, the Catawba were still "as brave fellows as any on the Continent of America," but by 1784 they were "such as would excite the derision and contempt of the more Western savages."¹⁴

By the 1740s the Catawba were already comprehending their ever-more precarious situation and fashioning their own answers. Grim as these numbers are, they would have been much worse except for a social-ethnic phenomenon that was occurring during this period. As the Catawba tribe itself struggled to adapt and survive, it became the nexus for the remnants of other Carolina tribes unable to do the same. The Catawbas in the mid-17th century provided the means of survival for their fellow Southeastern Siouan language peoples, and even for unrelated peoples from other language stock tribes. In Douglas Summers

¹³ Cole J. Blease, "The Catawba Indians of South Carolina," *Congressional Record-Senate*, 72nd Congress, Volume 63, February 26, 1930, 4258. Blease cites Mooney's 1894 monograph "Siouan Tribes of the East."

¹⁴ Blease, "The Catawba Indians," 4258. Again Blease cites Mooney.

Brown's analysis of this melding movement, the Catawba tribe evolved into the Catawba Nation. This amalgamated entity now sheltered, sustained and incorporated these Indians on the verge of extinction.

Thirty known tribes of Indians have resided in South Carolina since the coming of the white man. The Catawbas are the sole survivors. These Siouan tribes, plus fragments of other depleted bands of Indians of mixed origin who took refuge with them following various conflicts with the white men, eventually made up what in historical terms has been called "The Catawba Nation." Twenty-two tribes formed the Catawba Nation as early as 1743.¹⁵

Indeed, this process was noted by James Adair, an Indian trader and agent with the Catawbas during this period. Adair described this blending of diverse peoples into a surviving whole. He noted the cacophony of over twenty dialects being spoken in the Catawba villages, which resulted from the Catawbas making a new composite society with the refugees of other broken tribes. Also, by 1740, the resulting Catawba Nation was increasingly dependent on South Carolina.¹⁶ The other survival mechanism of the Catawba Nation was what had always ensured their existence in the past: their fierce warrior tradition. However, now they fought in diminished numbers. And they fought on two fronts.

The first front was a continuation of the pre-Colonial battles with their Indian enemies. For the Catawba, the 18th century was a period of a constant war against two native enemies: the Iroquois to the north and the Cherokee to the west. The protracted Catawba-Iroquois conflict was, however, the far more consequential. This warfare lasted more than one hundred years. The Catawbas were essentially under siege for this entire period, unable even to venture out in

¹⁵ Brown, *The Catawba Indians*, 1-5.

¹⁶ Charles M. Hudson, *The Catawba Indians of South Carolina* (Athens: The University of Georgia Press, 1969), 47-48.

hunting parties for food. In 1751, King Hagler, the beloved leader of the Catawbas, sought peace. Hagler led a delegation of six aboard a ship from Charleston harbor to New York City, and then up the Hudson to Albany. There this Catawba peace party and the Iroquois leaders spent two months working out a truce, then an acceptable plan to end hostilities. Despite sporadic conflicts over the next fifty years, the Catawba-Iroquois warfare ceased.

The second front was opened as the Catawbas emerged as trusted allies in British colonial rule, and subsequently to the new Federal government and the State of South Carolina. From first white contact, the Catawba willingly aided the South Carolina government, and assisted the settlers in their conflicts. The Catawbas' initial aid was to control hostile native peoples that threatened the early colony. As settlement progressed, the Catawbas fought the Indian allies of Britain's foes, especially the Cherokees who sided with France. This occasioned Washington's recruitment of their aid in that conflict. This alliance culminated with the colonial government rewarding the Catawba Nation an immense 144,000-acre land grant surrounding their ancestral homes near Rock Hill, South Carolina. This was done under the Treaty of Augusta in 1763, the same one mentioned by Washington in his diary. But even service and sacrifice in the American Revolution couldn't preserve this grant; sweeping changes were evident within two generations of its issue. The fear of loss that the Catawbas felt was not without reason.

Lawson, Adair, and finally Washington, had all traveled across the same Piedmont area, seeking to learn about its peoples. But irrevocable changes had occurred in the one hundred years between those travels. Lawson and Adair had found a land where the Catawba exercised influential power and control. By the 1790s that same land was firmly the ascendant white man's world. The Indians—now the intruders—were fading in importance and influence. The former

colonists had secured their own nation, displacing the Indians and any power they might have had previously. This shift had been under way before 1712 and would continue past 1796, but by then the balance had tipped forever away from the Indians.

Washington and his fellow Americans were not ungrateful, but the status of the Catawbas as significant military associates and a useful source of trade and guidance to the new lands had irrevocably disappeared in the rush of these changes. The Catawbas no longer commanded attention or respect. They had become, in the dominant white view, an almost annoying, obstructive, and marginal people.

CHAPTER I

1840-1860—THE NATIONS FORD TREATY: ITS ORGINS AND LASTING EFFECTS

1840 was a watershed year for the Catawba people. On March 13, a treaty was formalized between their Indian Nation and the State of South Carolina. Known as the Nations Ford Treaty, it formalized their deepest fear: after ceding their land, their life-source, they were to be removed. George Washington's diary observation of only fifty years previously proved to be prescient.

This loss of their homeland was not an abrupt event. 1840 may have been the marker, but the process had begun decades before. The Treaty was a direct outcome of the rapid growth of cotton in the South. Cotton had become King after the invention of the gin in 1793, reshaping both the economics and demographics of South Carolina. Planters rapidly moved into the Piedmont, clearing the forests to take advantage of the fertile cotton-growing soil. To produce the cotton they brought their slaves in ever-increasing numbers. Between 1790 and 1810, the Piedmont witnessed a 194% growth in slave population, an increase far greater than any other section of the State.¹⁷ The frontiersmen and traders were pushed to the West, and the remaining Catawba began to be pressured socially and economically. No one thought that the Catawbas' Piedmont land was now fit only for the Indians. These economic pressures and the chain of events they unleashed actually began well before the 1840 takeover of the Catawba lands.¹⁸ Before examining the condition and actions of the

¹⁷ Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Chapel Hill: The University of North Carolina Press, 1990), 251 and 253.

¹⁸ Hudson, *The Catawba Nation*, 61.

Catawbas in this crucible period, we first need to understand the background events and dynamics that precipitated this unparalleled shift for them from 1800 forward.

As the Northeast became increasingly industrialized in the years after the War of 1812, the states of the Southeast intensified their agricultural dependence rather than diversify their economic base. Agriculturalists began an intensive search for a new staple crop that would be lucrative and adaptable to the increasingly settled Piedmont. Cotton was easily grown in the Upcountry, but its economic impact was severely limited by the labor-intensive separation of the fiber from the cotton seed. Around 1800, two factors combined to radically change cotton production. One was the invention of a practical cotton gin. With early gins, a worker could clean five pounds of cotton a week. Whitney's gin, before any modifications, enabled that worker to ready fifty pounds in a single day. Coupled with growth of England's textile industry and the fledgling New England textile industry, the demand for cotton escalated. South Carolina had found and embraced the anchor to her agricultural economy and society. Between 1790 and 1800 alone, the state's cotton exports soared from 9,840 pounds to greater than 6,425,000.¹⁹

Rachael Klein traces how this phenomenal cotton growth in the early 1800s led to the political unification of South Carolina's Lowcountry planters and Upcountry yeoman farmers. Before cotton expansion these two significant political groups and their sections were diverging politically, primarily over slavery. Most Upcountry inhabitants were yeoman non-slaveholders. The plantations that depended upon slave labor were primarily in the Lowcountry. Its leaders feared that the growing yeoman farmers' spirit of republicanism would

¹⁹ Klein, *Unification of a Slave State*, 247-248.

doom support for slavery. Klein notes that in 1800 most of the wealthy planters inhabited the coastal areas, with only a scattering inland. Klein convincingly shows that the spread of the new cotton plantations—and with them slavery—to the Upcountry caused the transformation of these diverse spheres into a cohesive political and economic union, a remarkable phenomenon. The advance of the cotton-slave culture unified the politically divided planters and yeomen farmers, who forged a common ethos and mindset, united South Carolinians, and ultimately led to the state's pivotal role in Secession. As Klein notes:

The inland spread of cotton culture affected the course of South Carolina, and, for that matter United States history, not by creating a class of inland planters, but by increasing their numbers and enhancing their regional power...Throughout the later eighteenth century, the primary cause of sectional tension (in South Carolina) had been the small slaveholders and non-slaveholders who had comprised the inland majority. Opponents of inland demands for political parity...feared that the democratic-republican vision that prevailed in the backcountry might develop, among yeomen, into a more dangerous assault on South Carolina planters.²⁰

The planter classes of both regions united, forging a society that the yeoman farmers of the upcountry bought into, and indeed became dependent upon both economically and socially. With more inland settlers acquiring slaves and more inland areas potentially vulnerable to black majorities, coastal representatives could finally rest assured that backcountry republicanism would not be a spearhead of antislavery. The reapportionment Reform of 1808 both reflected and resolved fundamental coastal concerns by ensuring that Black Belt districts would control the state legislature. All citizens and all areas of South Carolina came together in support of the slavery that drove their cotton economic engine.

²⁰ Klein, *Unification of a Slave State*, 238.

Cotton had not been responsible for the advance of leading inland families to planter status, nor had cotton alone prompted the formation of interregional political alliances. Bound together by their joint involvement in the slave system, inland and coastal leaders had fundamental interests in common even before the Revolution.

What cotton expansion did was to reassure coastal leaders that the backcountry could be a trusted ally in the struggle to protect slavery from any possible interference.²¹

For the Catawbas, this explosive expansion of cotton and slavery was a double-edged sword. In addition to eventually claiming their land, it acutely focused their status and self-consciousness as the third race in a now set biracial society. Catawba historian James Merrell emphasizes the crisis that this created in the Catawba people. “In this color-conscious society, anyone with dark skin was in danger of being classified as ‘Colored.’ No wonder the Catawba were said by one white observer to ‘live in obsessed fear of being regarded as colored and classified with Negroes.’” This association would become a recurring vital concern for the Indians.²² Both Hudson and Merrell raised the issue of racial tension, but never ascribe this fear of identification with blacks as the cause of their Civil War sacrifices.

David Hutchison provides us with a first-hand account of what was happening to the Catawbas as these economic and social forces were evolving. In that period he and his family lived on the Catawba tract with a handful of other white families. There they enjoyed mutual harmony and respect with the Catawbas. Hutchison begins by stating his qualifications. “I am,” he wrote, “one of the oldest settlers on The Indian Land, and one of the commissioners who made the Treaty.”²³ Hutchison then recalled the loyalty, military

²¹ Klein, *Unification of a Slave State*, 267-268.

²² Merrell, *The Catawbas*, 66-67.

²³ David Hutchison, “The Catawba Indians by Request” Columbia: *The Palmetto State Banner*, August 30, 1849, 1. The Draper Manuscript Collection, Vol. 10-“Frontier Wars,” 99-101.

accomplishments, and sacrifice of the Catawba warriors he had personally served with during the Revolution. Because of this experience, he afterwards settled on Catawba land, learning first-hand about all the Catawba people, not just their warriors. Hutchinson had thus befriended all tribal members, had known the Catawbas for over seventy years, and had lived among them for over half a century. He describes these people at that time as follows:

At this time I think they numbered from 150 to 200 fighting men, all temperate, and the women remarkably so. I believe they could not have been persuaded to taste liquor...The women were industrious and made corn.

After the Revolution, there was an influx of white settlers, Hutchison among them. Welcomed to settle by the Catawbas, these white settlers were all Revolutionary War veterans without sufficient land to support their young families. Hutchison noted that during the Revolution these men

...had become acquainted with a number of Indians, and were favorites with them. (these fellow-veterans) were encouraged by the Indians and the whites already settled, to come and live on their land, which most of them did. They commenced poor in property, but rich in independence. The motto was to live sparingly and work hard.

Thus, the initial, few white settlers on the Indian Land were landowners and trusted friends of the Catawbas. When the cotton flood burst on all of them in the early 1800s, the Indians' land became known and the precedent for white settlement had been set. As the number of new settlers mushroomed, the Indians had "given up all idea of farming. The Indians commenced renting their Land, appointing three agents to act for them."²⁴ This development immediately and forever changed the Catawba/white settler relationship, as the formal lease business approach replaced the personal relationships of a few years previously.

²⁴ Hutchison, "The Catawba Indians by Request," 1-2.

By the early 1800s—a mere generation after the Revolution—these dynamics forever changed when South Carolina implemented the “right” of the Catawbas to lease their land for agriculture. Leasing their prime lands for extremely low rates only delayed the inevitable process of the Catawbas losing their homelands. The leaseholders were supposed to pay a substantial bounty bonus up-front when the lease was signed, then significant rent payments each of the ninety-nine years of the term of the lease. The extant lease documents tell a much different story. In reality, the average rent was only a quarter of what the law proscribed, and even fell as low as 12.5 cents. Equally deceptive was the settlers’ version of the bounty. Most were never paid. When it was, the leaseholders viewed the bounty as an advance on future rent due, not up-front money as it was intended.²⁵

As the pressure for more cotton land escalated, so did the debate in South Carolina about the seizure of the territory granted to the Catawbas in 1763-1764. Despite growing pressure to give up their land from Washington’s time, the Catawba had remained adamant. In 1839, the South Carolina House of Representatives authorized a Commission to negotiate with the tribe to cede their now-valuable land.²⁶ Two previous attempts by the Legislature to purchase the Catawba lands failed because the state negotiators were unknown to the Indians. Now the Legislature appointed five with whom the Indians were well acquainted. David Hutchison was named the chief South Carolina negotiator. The personal nature and good intentions of the 1839 negotiators toward the Catawbas is captured when Hutchison relates how he himself consulted with North Carolina authorities about the proposed exchange land to be purchased there. Only when

²⁵ Hutchison, “The Catawba Indians by Request,” 232.

²⁶ H. Lewis Scaife, “The History and Condition of the Catawba Indians of South Carolina” (Philadelphia: Office of Indian Rights Association, 1896), 10.

satisfied that the tract was “suitable location for the Indians,” and that relocation was both desired by the Catawbas and would benefit them, did Hutchison and his fellow negotiators conclude the 1840 Treaty with their friends and neighbors.²⁷

These five commissioners also wrote a report on their negotiations with the tribe. That Report of the Commissioners documented what life was like for the Catawba at this time. Ironically praising their loyal service in the Revolutionary War, the report then describes the tribe’s current condition. At that time, few Catawbas were still living on their traditional land in York County. “From a once populous tribe,” it noted, “they dwindled down to twelve men, thirty-six women, and forty young ones.” The Treaty negotiators found that “The Catawba have leased out every foot of land they held within their boundary. For the last few years they have been wandering through the country forming kinds of camps without any homes...and destitute of any species of (personal) property save dogs and a few worthless horses.” The Commissioners next related that even this early the Catawba seemed desirous of having a tract of land on which they could again “settle...and build little houses and procure some cattle, hogs, and poultry.” Leasing their lands had essentially made them homeless at home. This report confirmed that the wandering life of the Catawba had been going on since the leasing period began around 1800.²⁸

Even at this stage one can detect stirrings of conscience and obligation. The Commissioners reported that during the negotiations “their Chief (General Kegg) remarked that when they were a strong Nation and the State weak, they came to Her support, and now when the State was strong and the Catawbas weak, She ought to assist them.” This Report of the Commissioners also contains an

²⁷ Hutchison, “The Catawba Indians by Request,” 1-2.

²⁸ “Report of April 3, 1840.” Miscellaneous Records of South Carolina, 235-237. South Carolina Department of Archives and History, Columbia. (Hereafter cited in text as SCDAH.)

undeniable sympathy for the Catawbas and a sense of obligation to look out for their interests. However, in spite of the respect these men had for the Catawbas, the white stereotype of the Indian still surfaces in their report. In their aggregate experience these men had never heard a charge of dishonesty or meddling against any Catawba. They “have always been harmless, peaceable and friendly, but (as is perhaps characteristic of Indians generally) they are indolent and improvident and seem to have little idea of laying up for their future wants.”²⁹ Notwithstanding their military service and being good neighbors, the Tribal members were still viewed as being Indians, that is lazy and lacking any concept or capability of changing themselves for the better. This stereotype proved pervasive and persistent. After Hutchison and the Treaty negotiators the sense of responsibility for the Catawba people also continued, primarily by their white neighbors, by the state Catawba Indian agents, and even by South Carolina’s governors. For their part, the Catawbas were unable to shake a similar sense of obligation to South Carolina, no matter how they were maltreated. This pattern of interdependence and caring suggests paternalism.

Eugene D. Genovese has thoroughly examined paternalism in the antebellum South. His goal was to understand the relationship between planters and slaves.

The Old South, black and white, created a historically unique kind of paternalistic society...Southern paternalism, like every other paternalism, had little to do with Ole Massa’s ostensible benevolence, kindness, and good cheer. It grew out of the necessity to discipline and morally justify a system of exploitation, but it simultaneously encouraged cruelty and hatred. The racial distinction between master and slave heightened the tension inherent in an unjust social order.³⁰

²⁹ “Report of April 3, 1840,” 235-237.

³⁰ Eugene D. Genovese, *Roll, Jordan, Roll-The World the Slaves Made* (New York: Pantheon Books, 1974), 6.

Clearly the Catawba people did not share the same relationship with whites as the slaves did. Nevertheless there were significant similarities to the form of paternalism interactions that Genovese describes.

Genovese stresses the hegemonic role of the planter class in Southern society of this prewar period. Indeed, it is their undue influence over other South Carolinians that made possible the social and political unification chronicled by Klein. The Catawbas, too, seemed to have been entrapped in the social and political domination of this sweeping dynamic. Two factors of Genovese's antebellum paternalism are particularly applicable to the Catawbas. First, Genovese stresses the dual dynamics of the plantation system. It was a social confine in which both slave owners and slaves exerted power or "agency." The slaves had reciprocal power to influence the planters, and they used it. The slaves were forced to accept slavery, but at the same time, they were able to interact within it, especially to be able to exert influence on the "controlling" masters. The Catawbas likewise came to assert an increasing initiative in their relationship with white South Carolina, and, thus, were not content to passively accept the government's treatment of them. Their "agency" is a significant part of the story of this period of 1840 through the outbreak of the Civil War.

The second significant effect of paternalism on the slave as Genovese argues was to make the crushing system seem ironically personal. The whole thrust of events might be destructive to them, but they had a personal history and relationship with their master and his family. The Catawbas, for their part, had a similar strong and binding relationship with white South Carolinians, a relationship that had been ongoing almost two centuries. Significantly, both sides were unable to abandon each other in spite of powerful arguments and attempts to do so.

By 1840, the lines of the South Carolina-Catawba conflict were well-drawn, and the two protagonists were to enter a period from 1840 to 1860 of settling the conditions of the Catawbas' ceding of their land and their removal from South Carolina. The Nations Ford Treaty can be viewed as the opening skirmish of this crucial conflict.

The 1840 Nations Ford Treaty was a single, simple sheet of paper containing three brief paragraphs. At that time its eventual significance could not possibly have been known. The Treaty, however, provided the basis for understanding subsequent events.

A Treaty

Entered into at the Nation Ford, Catawba, between the Chiefs and Head Men of the Catawba Indians of the one part, and Commissioners appointed under a Resolution of the Legislature, passed December 1839.

Article 1st. The Chiefs and Head Men of the Catawba Indians, for themselves and the entire Nation, hereby agree to cede, sell, transfer, and convey to the State of South Carolina all their right, title and interest to this boundry of land, lying on both sides of the Catawba River, situate in the districts of York and Lancaster, and which are represented in a plat of survey of fifteen miles square, made by Samuel Wiley, and dated the twenty second day of February, one thousand seven hundred, and sixty four, and now on file in the office of Secretary of State.

Article 2d. The Commissioners on their part engage, in behalf of the State, to furnish the Catawba Indians with a tract of land of the value of five thousand dollars: three hundred acres of which is to be good arable lands, fit for cultivation, to be purchased in Haywood County, N.C., or in some other mountainous or thinly populated region where the said Indians may desire: and if no such tract can be procured to their satisfaction, they shall be entitled to receive the foregoing amount in cash from the State.

Article 3d. The Commissioners further engage that the State shall pay the said Catawba Indians two thousand five hundred dollars each year thereafter for the space of nine years. In witness whereof, the contracting parties have hereunto set their hands and seals this twentieth day of

March, Anno Domini one thousand eight hundred and forty, and in the sixty-fourth year of American independence.³¹

The Catawbas thus ceded their land to South Carolina. However, the State never allocated the funds nor obtained the required new land for resettlement. This failure unleashed a complex chain of events between the tribe and the State of South Carolina that was played out over the next generation. The Nation struggled to find a new homeland after the Treaty of 1840, and eventually was driven to attempt its own efforts at relocation to the Indian Territory. Previous historians, however, have said very little about how the South Carolina Legislature repeatedly frustrated the Catawbas' endeavors by its continuous refusal to honor the state's obligations under that Nations Ford Treaty. The Legislature's continued course of obstruction was even more reprehensible when one considers the constant reminders and pleas from governors, the Catawba agents, and the local York County white citizens. Being non-literate at this time, the Catawbas themselves were seemingly unable to contribute to the historiography of their experiences during these prewar decades. But they registered their plight by actions rather than words, as evidenced by their efforts to leave South Carolina.

In this drama, the South Carolina State Government and the Catawbas followed radically different courses. The State's goal was clear: to rid themselves of a no longer useful people and take their lands for the new cotton plantation society. Unlike South Carolina, the Catawba seem to have been far from having a determined master plan. They appear rather to have been earnestly searching for what would be best for both the individuals and the tribe as a whole. Clearly, the very fact that they actively explored their own ways for a solution

³¹ "A Treaty," *Reports and Resolutions, South Carolina-1850* (Columbia: I.C. Morgan, 1850), 271.

spoke to their internal conflict and dilemma. Rather than a deliberate strategy of blocking the State of South Carolina's plans for them, the Catawbias attempted independently were attempting to find their own solution.

It took only two years for Hutchison to realize that both he and the Indians were to be betrayed by South Carolina's authorities and Legislature. "As to the Indians, I account the Act both just and generous," he wrote in 1842, "but as to the mode of carrying it out, the reverse."³² By 1844 the Catawba Indians felt the effects of this noncompliance so acutely that they took the unprecedented step of presenting a petition directly to the South Carolina House, "praying for a distribution of the proceeds of the Catawba Lands lately conveyed by their treaty, to enable them to remove to the West."³³ Significantly, this was the first initiative undertaken directly by the Tribe.

South Carolina's recurring failure to satisfy its obligations became a continuous problem for the Indians as they tried to move ahead. The legislators gave the Catawbias neither land nor means for relocation. Thus, despite paying less than 3.5 cents per acre for the Catawbias' prime land, both the payments and the promised replacement land were never funded. The Indian lands were essentially stolen. Even more than in George Washington's time, the Catawba Nation had outlived its usefulness to South Carolina, and South Carolinians thought they had seen the last of the Catawba. "As a nation," Governor David Johnson said of the Catawba in 1847, "they are, in effect, dissolved."³⁴

For the Catawba, The Treaty of 1840 meant immediate upheaval and uprooting. In 1841, the Cherokee of Western North Carolina, who had not previously been removed, unilaterally accepted about half of their old rivals, and

³² Hutchison, "The Catawba Indians by Request," 2.

³³ "Memorial of the Chief and Headmen of Catawba Indians of November 30, 1844," *Journal of the South Carolina House of Representatives*, November 25-December 18, 1844, 43.

³⁴ Merrell, *The Catawbias*, 69.

about eighty Catawbas eventually moved there. They were welcomed by the Cherokee but not by North Carolina government officials. This was hardly surprising, since South Carolina had made no effort to purchase the promised tract for the Catawba, and by late 1841 North Carolina Governor Morehead not only refused to accept the Catawba, but he even sarcastically proposed that the North Carolina Cherokee should instead settle themselves in South Carolina.³⁵ But official resistance was not what doomed this first attempt to solve the Catawba dilemma; rather it was the Catawbas themselves who rejected the generous offer of their neighboring Cherokees since they could not put aside their past conflicts. Moreover, the Catawba balked at giving up their customs and language, feeling they were being subsumed into the Cherokee culture. Long accustomed to assimilating other tribes, they could not negotiate a complete role change. Gradually most moved back to South Carolina, squatting on their former lands or rejoining the Catawba who had remained behind. South Carolina officials finally placed the Catawbas on six hundred and thirty acres of the original lands granted in 1763 near Rock Hill. This was but a small, unproductive section of their former holdings, and even this land was intended to be a transient holding area pending removal.³⁶ This land, today known as the Old Reservation, remains the Catawba home.

The vacillation of South Carolina continued through the 1840s. The Executive Branch realized the need for an equitable solution, and repeatedly urged the Legislature to honor its obligations. Governor Hammond, in his Legislative Message of November 28, 1843, informed the recalcitrant lawmakers of his personal interest in the Catawbas' plight resulting from the legislators'

³⁵ "Letter from Morehead to White, September 8, 1841," Indian Affairs, Governor's Correspondence, South Carolina Department of Archives and History, Columbia

³⁶ Scaife, "The History and Condition of the Catawba Indians," 13.

inaction. Hammond had, he noted, made “very particular enquires into the condition of the Catawba Indians. I visited their neighborhood myself and conversed with most of their head men.” Governor Hammond concluded his Message by acknowledging that relocation to North Carolina was not an option unless South Carolina reversed its inaction. He proposed a plan for resolution of the stalemate that had been getting wide attention by both the Catawbans and the State, which was to allow and aid “the Catawba...to be removed beyond the Mississippi.”³⁷

In 1847, South Carolina’s new Governor David Johnson in his turn reported to the Legislature on the Catawba. He confirmed that many had left North Carolina to return to their native area, while a few had gone to Tennessee and others wanted to go to Georgia to join the Chickasaws. The failure to implement the Treaty of 1840, originally intended to secure them a new homeland, was now causing the further dispersion of the tribe. Johnson urged action, but the Legislature responded that they had insufficient information to act and recommended yet another commission and inquiry.³⁸ South Carolina was caught in an endless cycle of inquires and procrastination.

Johnson renewed his efforts the next year. Another investigation was not needed, he argued, as the Catawbans’ condition had been well documented. In another message to the Legislature Johnson relayed the substance of Catawba Agent Joseph F. White’s 1847 annual report. “They still remain in a wandering and unsettled condition,” White declared. “The sums annually distributed amongst them do not contribute in any essential degree to their comfort or convenience.” This first-hand report on the Catawbans’ needs exactly echoed the

³⁷ J.H. Hammond, “Message of November 28, 1843,” *Journal of the South Carolina Senate-1843* (Columbia: A.H. Pemberton, 1843), 12-15.

³⁸ David Johnson, “Message No. 7, December 14, 1847,” *Reports and Resolutions of the South Carolina General Assembly-1847*, 179-181.

Treaty Commissioners' Report of 1840. In a promising departure, Johnson proposed an innovative solution. William H. Thomas, the North Carolina Agent for the Cherokee, "has for some time had under his paternal care a portion of the Cherokee Indians remaining in the western part of North Carolina." Thomas noted how an appropriation from the State of North Carolina had allowed him to purchase land for his Cherokee people. He proposed and invited the Catawba to settle there on their own section of that tract. Thomas intended a two-year trial period, and the Indians would need continued support from South Carolina until they achieved self-sufficiency. Thomas, who had worked tirelessly for the Cherokee, added a qualifier for Catawba participation, indicating that even those who worked closely with the Indians couldn't escape prejudice.

If here, they must quit their dissipation, which if continued, would soon cause them to become extinct, and like the Cherokees, support themselves and families by labor. Learning Indians to live without work and to depend upon annuities, has a bad effect on them. The only aid they should receive is to support them selves by labor."³⁹

This innovative approach apparently died in committee, for no mention of its development can be found in the South Carolina legislative records.

Johnson was succeeded as Governor by Whitemarsh B. Seabrook. In his 1849 Governor's Message, he too chastised South Carolina for not complying with its obligations under the Treaty of 1840. Seabrook feared the very real possibility of the Catawba extinction as a result of the Legislature's intractable inaction, noting that "only one woman and her six children were at that time living on the tract of traditional homeland in York County that had been set aside as a temporary expedient." Seabrook specifically ascertained that the amount due the Indians at \$11,800, and since almost ten years that had passed with no

³⁹ David Johnson, "Message No. 3, December 11, 1848," *Reports and Resolutions of the South Carolina General Assembly-1848*, 116.

payment, Seabrook calculated the true debt, with interest, was almost twice that amount. Further, Seabrook declared:

When the debt of twenty-one thousand dollars shall be discharged, our obligation to minister to the wants of the Catawba Indians will by no means have ceased. To guard with paternal affection these children in disposition and intellect is at once dictated by humanity and gratitude. The period is perhaps not too remote, when the last sod will be thrown on the grave of a people who, individually and collectively, have been faithful to the land of their adoption, and in times of peril, zealous in the protection of its honor and interests.⁴⁰

At this juncture a new agency with a new approach entered the picture: the Federal government. In his same 1849 Legislative Message, Governor Seabrook recalled that North Carolina had been proactive in seeking Federal aid for removal of the remnant of the Cherokee. That Federal grant of five thousand dollars, however, only applied to North Carolina. Seabrook reasoned that if his state also applied for aid, the means to solve their dilemma could similarly be obtained from the national government. Seabrook quickly asked the Legislature to seek United States Government help.

I recommend that an application be made to Congress for an appropriation equivalent to the amount set apart for North Carolina, to defray the expenses of the removal of the tribe; also, that an agent be appointed ...to superintend their emigration to the West.⁴¹

Seabrook next appointed a commission to visit the Catawbans and determine their condition. This 1850 report had four findings. First, the commission indicted previous policy, stating bluntly that South Carolina had failed its Indians. Next, members recommended that the tribe be removed to the West together with the North Carolina Cherokee. Thirdly, the members

⁴⁰ Whitemash B. Seabrook, "Message No. 1, November 27, 1849," *Journal of the South Carolina House of Representatives*, November 26-December 19, 1849, 22.

⁴¹ Seabrook, "Message No. 1, 1849," 23.

recommended that all the monies due the Catawba be used to create annuities, which would be issued to individuals, not paid out as before in cash and supplies. Citing the Legislature's non-compliance, they acknowledged that

The whole amount undertaken to be paid the Indians by the State is now past due, and should be funded for their benefit. The obligation is perfect and complete.

Finally, Seabrook's commission endorsed the Governor's earlier idea of involving the Federal Government. For the first time South Carolina sought help from Washington, D.C. The legislators hoped to package the Catawbas with the Cherokee, or another Federally-protected tribe, in order to get them totally out of the Carolinas. Again, no actual monies would leave the state treasury. Removal of the Catawba to the Indian Territory necessitated the approval and agency of the United States Government.⁴² This new proposal led to a dialogue with the Bureau of Indian Affairs over the next few years, but efforts to effect a joint removal of both the Cherokee and Catawba were once again frustrated by the Indians, as the Catawbas refused to move to the Indian Territory and the Cherokee there refused to accept them.⁴³

Consideration next turned to placing the Catawbas with another tribe already removed to the West. For the first time, the Catawba stated directly what they wanted: they petitioned the Federal government in an attempt to overcome South Carolina's failures. John Mulla, with the Bureau of Indian Affairs, had completed a census of the Catawba remaining in North Carolina, during which Catawba Chief William Morrison had "desired me to make it known to the Dept. that his people preferred a home with the *Chickasaws* west; and stated that at one

⁴² C.G. Memminger, "Report of the Committee of Ways and Means Concerning the Catawba Indians to Which is Appended the Correspondence, Commissioners' Report, and Treaty," *Reports and Resolutions-South Carolina-1850* (Columbia: I.C. Morgan, 1850), 249-271.

⁴³ James W. Covington, "Proposed Catawba Indian Removal 1848," *South Carolina Historical and Genealogical Magazine*, Vol. 54, 1954, 42.

time the Chickasaws had given the Catawba an invitation to settle among them...I suggested to *Morrison* that he should write freely to the Department.”

Instead, in October 1848, Morrison wrote directly to President Polk:

We the undersigned Catawba Indians...having been badly treated, cheated and defrauded...humbly beg His Excellency the President ...to remove us west of the Miss. under an act of the late Congress. With the hope His Excellency will grant our request we remain your most o.b.svts.⁴⁴

In response, William Medill, the Commissioner of Indian Affairs, instructed the Chief of the Chickasaw Agency, A. Upshaw, to gauge the willingness of the Chickasaw to accept the Catawbas. On January 8, 1849, Agent Upshaw responded that the Chickasaw chiefs were willing to accept the Catawbas providing that they receive the Catawba annuity payments.⁴⁵

Seabrook's successor John H. Means continued this effort with the Bureau of Indian Affairs. In his First Legislative Message in November 1851, Means reported and strongly recommended, that funding “to grant them the means of emigrating to the West, with the view of settling near the Chickasaws.”⁴⁶ This time it was the Chickasaw Council that voted it down. This rebuff by the Chickasaw did not deter a few of the frustrated Catawbas from making another independent effort. Aided by tireless agent Joseph White, twenty-three of them left South Carolina in December 1851, and those that survived the journey settled with the Choctaw in Arkansas. In November 1853, the Choctaw Council admitted them as full citizens of the Choctaw Nation.⁴⁷ After two hundred years of adopting other tribes on the brink of extinction, the Catawba were themselves

⁴⁴ Covington, “Proposed Catawba Indian Removal,” 42-43.

⁴⁵ Covington, “Proposed Catawba Indian Removal,” 45.

⁴⁶ John L. Means, “Message No. 1 of November 25, 1851,” *Journal of the South Carolina House of Representatives-1851* November 24-December 16, 1851 (Columbia: I.C. Morgan, 1851), 19-20.

⁴⁷ Covington, “Proposed Catawba Indian Removal,” 46-47.

now the refugees. Those new Choctaw citizens bore the familiar Catawba names of Morrison, Heart, Kegg, and Ayers.⁴⁸

The Choctaws' acceptance of this group enhanced the efforts of both the state and national governments to achieve a Choctaw solution over the latter half of the 1850s.⁴⁹ South Carolina successfully involved the Bureau of Indian Affairs, and the Catawba made their assent known. The only stumbling block was finding a "congenial tribe" willing to accept them. Despite all these efforts to reverse past policy, the Legislature in 1852 seemed ever determined to undermine even this plan. Once again, the legislators refused to vote any monetary support, and in 1856 the South Carolina House called for yet another commission to explore union with the Choctaw Nation. Instead of funding these promising relocation efforts, the Legislature claimed it owed even less.⁵⁰

By 1859, most Catawbas began to doubt the prospect of any Western plan. Yet another Governor, William H. Gist, again reminded the Legislature of South Carolina's obligations. Gist had personally visited the Indians and found them to be divided on the question of emigration. He suggested an appropriation to allow some tribal leaders to visit the Choctaws and report back, with the hope of convincing the uncertain ones to relocate.⁵¹ The funds to explore this new option were allocated, and Chief Allen Harris and Headman John Harris journeyed to visit the Choctaw Nation in late 1859. The negotiations proved mutually acceptable. The Catawba leaders were warmly received, and most of the families

⁴⁸ "An Act Naturalizing Certain Persons Therein Named"-Section 11-November 9, 1853, *Constitution and Law of the Choctaw Nation* (New York: William P. Lyon and Son, 1869), 125.

⁴⁹ Scaife, "The History and Condition of the Catawba Indians," 13.

⁵⁰ "Resolution of December 15, 1852," *Journal of the South Carolina House of Representatives*-November 22-December 16, 1852 (Columbia: R.W. Gibbs, 1853), 266

⁵¹ William H. Gist, "Message No. 1, November 29, 1859," *Journal of the South Carolina House of Representatives-1859* (Columbia: R.W. Gibbs, 1859), 17-18.

remaining agreed to move west. The Choctaw appeared willing to accept the Catawba.⁵²

In 1860, Governor Gist reported on the Harris's journey of exploration.

Harris was so pleased with the country, and the reception he met with, that he determined to remain, and has written such a flattering letter to his tribe...that forty-seven out of the fifty-five of the Indians living in the nation in this State, have agreed to remove.⁵³

But even this close to resolving the stalemate the question of South Carolina's financial backing resurfaced. Due to South Carolina's inaction, Federal appropriations had lapsed and South Carolina needed to fund the move alone. Once again, no decision by South Carolina proved to be a decision as two outside events in 1859-1860 scuttled these plans. The first was the death of Chief Allen Harris, the prime motivator and architect of the plan. More significantly Secession now loomed large, as the Southern states sensed active Federal opposition after John Brown's raid and the election of Lincoln.

The Catawba people did not endure these antebellum struggles in isolation. All the Indian tribes of the Southeast faced intense pressure to cede their lands in the new economic order. But the Catawbas' experience stands in sharp contrast—even uniqueness—when compared to that of their fellow Southeastern Indian neighbors. The exile of the Five Civilized Tribes began in 1830 with the Choctaws and ended with the Cherokee Trail of Tears in 1838-1839, coincidental with our study period of the Catawbas. These other Southeastern Indian peoples were pried out by the lever of Federal law and force. In significant contrast, the Catawbas, who wanted to emigrate, were stymied by South Carolina but also ignored by the Federal government. How and why this

⁵² William H. Gist, "Message No. 1, November 29, 1859," *Journal of the South Carolina House of Representatives-1859* (Columbia: R.W. Gibbs, 1859), 17-18.

⁵³ Gist, "Message No. 1-1860," *Journal of the South Carolina House of Representatives-1860* (Columbia: R.W. Gibbs, 1860), 14.

complete reversal of state and Federal roles operative for the other tribes occurred is a matter that is at the heart of this thesis. There are no specific agreements or documentation that proclaimed this Federal policy reversal with the Catawbas. The explanation proposed here lies in the dynamics of the early national period. The right, even the obligation, of the Federal government to handle Indian affairs was established in the Constitution. The third power granted to Congress under Article I, Section 8, included that of regulating commerce with the Indian tribes. Very early in Washington's first term Congress and the Executive passed legislation to implement this prerogative. "An Act to Regulate Trade and Intercourse with the Indians Tribes" was enacted on July 22, 1790. It established the power of the new national government to negotiate Indian treaties. Section Four of that "non-intercourse act" as it came to be known specified

That no sale of lands made by any Indians, or any nation or tribe of Indians in the United States, shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.

Subsequent revisions of this Act clarified and expanded that sole authority and mechanism. Clearly the states were to have no dealings with Indian tribes.

The Supreme Court upheld this Federal control of Indian affairs in 1832 in *Worcester v. Georgia*. Chief Justice John Marshall declared the opinion of the Court. The Constitution

confers on Congress the powers of war and peace, of making treaties, and of regulating commerce with foreign nations, and among the several states, and with the Indian tribes. These powers comprehend all that is required for the regulation of our intercourse with the Indian tribes. They

are not limited by any restrictions on their free actions; the shackles imposed on this power, in the confederation, are discarded.⁵⁴

This landmark decision was the basis for subsequent Indian land claims and other redress efforts down through the present day.

Undoubtedly what South Carolina did in the 1830s, culminating in the 1840 Nations Ford Treaty, was unconstitutional. But other concerns were operative during this period, primarily the sense of a humanitarian obligation to provide for the Indians. The idea of relocation gained ever more consideration as assimilation and civilization efforts faltered. According to historians Theda Perdue and Michael D. Green

Clearly, however, the issue was more complicated than the lust for land. No state could demand all the land owned by Indians and ignore the question of what was to happen to them after they sold out. By 1820 the popular ideology denied the possibility of “civilization” and assimilation (of the Indian peoples), the only logical alternative was expulsion. No one seriously suggested the third possibility, extermination. Expulsion, or removal as it came to be known, was an idea that dated back to 1803 when President Thomas Jefferson had contemplated the acquisition of Louisiana...with the notion that eastern Indians might exchange their lands for comparable tracts west of the Mississippi.⁵⁵

Indeed, Jefferson’s years as President marked a watershed shift in national Indian policy, when the attitudes, ideas, and mechanisms of Federal Indian policy were debated and retooled. Anthony F.C. Wallace has thoroughly explored this in his study *Jefferson and the Indians-The Tragic Fate of the First Americans*.

In the 1790s many prominent Americans, including Jefferson initially, favored a civilizing policy toward these aboriginal people. Education, efforts to shift their livelihood from nomadic hunting to settled agriculture and “household

⁵⁴ Francis Paul Prucha, *American Indian Policy in the Formative Years-The Indian Trade and Intercourse Acts 1790-1834* (Cambridge: Harvard University Press, 1962), 43.

⁵⁵ Theda Perdue and Michael D. Green, *The Cherokee Removal-A Brief History with Documents* (Boston: Bedford Books of St. Martin’s Press, 1995), 16.

arts” production, and cultural assimilation would provide a better life, even survival for them within the new white order. Jefferson’s first message to Congress in the spring of 1801 placed Indian affairs in a core position for his Presidency and emphasized these noble goals. However, at the same time Jefferson called for white settlement of the vast, open lands “now vacant.” They were vacant except for their Indian inhabitants. The conflict inherent in these two ideas would prove the subject of much subsequent discussion and revision.⁵⁶

Thus, in his first two years in office, Jefferson, guided by “civilizing” principles, moved to obtain Indian lands by treaty and voluntary emigration, particularly in the Southeast. However, significant difficulties enforcing the “Trade and Intercourse” acts, the escalating westward migration and its demands for new settlement lands, and concerns about the surrounding presence of the British, French, and Spanish and the threats they posed for the fledgling nation, caused a rethinking of these early ideals. Jefferson’s mature policy was elucidated in the first half of 1803, coinciding with the Louisiana Purchase. This revised national Indian policy sought a peaceful coexistence with the Indians, increased trade (to make them dependent), and relocation. The Louisiana Purchase lands were originally seen as the sole alternative to extinction for Indians rejecting white assimilation and “civilization.” Relocation also evolved into the preferred method to accommodate the western migration and Manifest Destiny.⁵⁷ Interestingly, Jefferson even drafted a proposal for a constitutional amendment to effect this plan. All whites—and their slaves—would be removed from Louisiana to the East, and all Indians, in exchange for their Eastern lands, would have the trans-Mississippi to themselves. Congress failed to act on his

⁵⁶ Anthony F.C. Wallace, *Jefferson and the Indians-The Tragic Fate of the First Americans* (Cambridge: The Belknap Press of Harvard University Press, 1999), 206.

⁵⁷ Wallace, *Jefferson and the Indians*, 225.

proposed amendment, but Jefferson's idea of Indian removal to Western lands became the centerpiece of Indian policy.⁵⁸

Removal as central to solving the "Indian problem" was expanded to new significance by Andrew Jackson. Jackson had gained fame as an Indian fighter and negotiated many of the first treaties with the tribes. He was elected in 1828 with overwhelming Southern support, especially for his ideas on Indian expulsion. Jackson proposed removal in his first Inaugural Address in 1829 and discussed his ideas in every annual Message to Congress from 1829 through 1836. No other issue was so consistently emphasized during his Presidency. The Indian Removal Act of 1830, enacted very early in Jackson's first term, became the final piece of the Federal Indian policy.

Our two-part question—why did South Carolina handle the Catawbas on its own, and why did the government in Washington allow that to happen?—poses intriguing possibilities. Multiple factors were operative in South Carolina's treatment of the Catawbas being ignored in Washington. They were an insignificant tribe of around sixty individuals. Their land was entirely within South Carolina, and did not border any other state or Federally-held territory. As such the Federal government had no direct cause to intervene. Alternatively, the Federal failure to follow through on national Indian policy could have happened by default, and been a chance, random situation resulting from the circumstances of that time. The principal reason, however, had to do with the evolving process of establishing national governmental authority over the former essentially independent colonies as they transitioned to statehood in a union.

This transition occurred in the late 1700s and early 1800s as the Articles of Confederation, which were found unworkable in practice, were superseded by

⁵⁸ Wallace, *Jefferson and the Indians*, 275.

the Constitution. Specifically, the Articles of Confederation were ambiguous with regards to whether the states or the national government were to control Indian affairs, and the resulting confusion caused a hybrid system of regulation. Indian affairs thus became an early issue in the ensuing pivotal struggle over the exact delineation of state and Federal rights and obligations that characterized the antebellum period. Two authors have studied this issue.

The first is Timothy Vollman, an attorney with over thirty years of experience in American Indian law, who has represented both the Indian tribes and the Bureau of Indian affairs. When contacted, he postulated on why South Carolina was allowed to negotiate a treaty with the Catawbas outside the Federal Constitution and law and suggested that the answer

may lie in the language of the Articles of Confederation. The Articles contain very confusing compromise language on the relative roles of the state and confederated governments in the area of Indian affairs. One explanation for state treaty-making is that state officials may have labored under the presumption that the Indian Commerce Clause and Non-intercourse Act did not change the law much from the 1780s when states were legitimately negotiating with tribes.⁵⁹

Vollman concludes with reference to the studies of Paul Prucha, who has examined the complex and changing relationship of the national government and the Indians in the formative years. Prucha particularly cites the Articles of Confederation as the prime source of confusion over control of Indian affairs. John Marshall, in *Worcester vs. Georgia* emphasized that the shackles the Articles of Confederation imposed on this Federal control of Indian affairs, were thus discarded. Prucha emphasizes that a careful reading of the Articles of Confederation shows the ambiguity that led to the confusion over state-tribal treaties. The first paragraph of Article VI covering treaties, he notes, reads “No

⁵⁹ Timothy Vollman, email to the author, May 31, 2006, in author’s possession.

State, without the consent of the United States in Congress assembled, shall...enter any conference, agreement alliance or treaty with any King, Prince or State.” No mention is made of Indian treaties or even defines the political status of these peoples. The final paragraph of Article VIII states, “The United States in Congress assembled shall also have the sole and exclusive right and power of...regulating all affairs with the Indians, *not members of any States, provided that the legislative right of any State within its own limits be not infringed or violated.*” The relative federal and state power over Indian treaties was thus unclear. Further complicating this was Article II, which at the start declared that “each State retains...every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.”

When one examines the course of Indian affairs through the periods of the Articles of Confederation, the Constitution, and the first few decades of the 1800s, it was the Southern states, especially South Carolina, that voiced the main resistance to acquiescing to the Federal control. John Dickinson’s draft of the Articles of Confederation in July 1776 included central regulation of trade and management of all Indian affairs. This provision engendered strong debate, with a decided split among the states. South Carolina adamantly wanted to manage its tribes internally, and that opposition led to the final compromise language as above. This confusing phrasing in the Articles of Confederation led to most Southern states continuing to directly deal with their Indians, interpreting the Articles in their own interests.⁶⁰

Thus, the principle of Federal control existed but was seriously clouded by the issue of states’ rights. This ambiguity led to uncertainty about who had the power to manage Indian matters, and Congress had to continually reassert its

⁶⁰ Francis Paul Prucha, *American Indian Treaties-The History of a Political Anomaly* (Berkeley: The University of California Press, 1994), 37-38.

dominance on this issue. James Madison characterized the resulting confusion about Indian management under the Article of Confederation as obscure, contradictory and incomprehensible in *The Federalist* when he was urging adoption of the more definitive Constitution. The final, unanimous wording of that blueprint stated that the Federal government had the power of war and peace, treaties, and to regulate trade and commerce, including foreign nations, among the states “and with the Indian tribes.” In Prucha’s view these five words proved significant.

These five words would seem to be scant foundation upon which to build the structure of Federal legislation regulating trade and intercourse with the Indians. Yet through them, plus the treaty making and other powers, Congress has ever since exercised what amounts plenary power over Indian tribes.⁶¹

That phrase was the basis of John Marshall’s decision in *Worcester vs. Georgia*. Marshall held that the powers granted by the Constitution in those words comprehend all that is required for the regulation of intercourse with the Indians. The Federal government asserted this Constitutional prerogative in the Non-intercourse Acts, the Indian removal legislation, and with military actions and treaties to secure control of Indian affairs.

⁶¹ Francis Paul Prucha, *American Indian Treaties*, 31.

CHAPTER II

1860-1866—THE CIVIL WAR EXPERIENCE OF THE CATAWBA PEOPLE

Within weeks of secession, the Catawbas volunteered to serve in the South Carolina Militia, and their offer of military assistance was gratefully accepted. This development was noted by *The New York Times* in an editorial published on January 26, 1861, which couldn't resist ridiculing the Catawbas' action. Under the heading "Whoop!" they derided the military ability—and even the commitment—of the Catawbas to this or any cause. But before Northerners panicked, especially "little old ladies" who had heard tales from their grandfathers of the Catawbas' fierce fighting in the Revolutionary War, the paper assured its readers that these were not the same Catawbas of their grandfather's day and they posed no danger:

...perhaps they gloomily thought of the terrible scenes that might again be enacted when myriads of scowling Catawbas should bend their bows against New York, or sharpen their tomahawks on the steps of St. Nicholas. We beg to reassure the dear old ladies. For, according to the last census, there was a grand total of but 200 Catawbas-men, women, and papooses in the whole empire of South Carolina; and, according to the accounts whilom given of these by Carolina authorities, no very great dangers need to be anticipated from their incursions at present.⁶²

The "accounts whilom"⁶³ given...by Carolina authorities" were taken from a study in 1826 by Mills in his "Statistics of South Carolina." *The New York Times* editorial used the following passage from Mills' report to prove its point, noting that the Catawbas were

⁶² "Whoop!," *The New York Times* January 26, 1861.

⁶³ Whilom is an archaic adverb, defined as meaning "at times" in *The Merriman-Webster Dictionary* (Springfield, Massachusetts: Merriam-Webster, Incorporated, 1997), 840.

so addicted to the habits of indolence and intoxication that they are fast sinking into oblivion. (Despite rents of \$20 per annum from white settlers on each 300 acres of their vast lands) these wretched Indians live in abject poverty in consequence of their dissipated habits. *They dun for their rent before it is due.* (editor's italics) Any money received is squandered, and they suffer for the remainder of the year in miserable poverty as beggars.

To further support its sarcastic editorial, the newspaper repeated, unchanged, the description Mills had made of the Catawbas thirty-five years earlier:

The annual income from this source must be at least \$5000, which, if prudently managed, would soon place the Indians in a state of comfort; for the whole number of families does not exceed 30, or about 110 individuals. These wretched Indians, though they live in the midst of an industrious people and in an improved state of society, will be Indians still. Let Gov. Pickens take into solemn consideration that sentence of Mills which we have italicize, before he finally decides to enroll the Catawbas in the grand army of South Carolina; for, with an empty treasury and no pawnshops, what *would* he do with himself, should these dusty warriors, true to their historic reputation *dun him for their pay before it is due?*⁶⁴

“Will be Indians still.” Those were Mill’s original words. Significantly, whites in the North and the South shared preconceived ideas and prejudices about the Indian. What is interesting is the blind acceptance by the editorial writer of what Mills had written thirty-five years previously, along with his statement that the Catawbas hadn’t collected any rent in a generation. Both sides in the new conflict betrayed the same facile assumptions about the Indian as indolent and drunken. The repetition of this stereotype is curious in this instance. One can understand the editor’s desire to reassure his readers by minimizing the South’s military threat, but the disparaging of the Catawbas is suggestive of the pervasive view, in both the North and South, that whites were better and more deserving of

⁶⁴ “Whoop!,” *The New York Times*.

the land and even had an obligation to make the land productive and halt the Indians' abuses.

Such a mindset was, of course, not unique to this place or time. In 1896 H. Lewis Scaife, a college professor at Trinity Hall in Louisville, Kentucky wrote a monograph entitled "The History and Condition of the Catawba Indians of South Carolina." He also shows this pervasive impression of the Indian even in educated men, but then relates his own experience with the Catawbas to claim that they were an exception to the stereotype. After discussing Mills' article, Scaife quoted Theodore Roosevelt, who after serving as Federal Civil Service Commissioner during which he had toured reservations in the West, remarked:

The one thing to be impressed upon the average Indian is that...above all he must work, just as a white man does. One of the most pernicious things that can be done is to pet too much the Indians.⁶⁵

Like Scaife, Roosevelt was an educated man and someone who had experience of the Indians of the Northeast and West. Drawing from his own experience with the Catawba people, Scaife observed how little the Catawbas fit Roosevelt's description:

Mr. Roosevelt probably knows as much about the Indian character as any man in America, and this observation is, no doubt, well founded. But as far as the Catawba Indians are concerned it does not apply...indeed, the Catawba present an exception to the Indian character...

The Catawba Indians have never been "petted;" they always have been and still are mistreated and neglected. As to their condition, the writer knows whereof he speaks, as he has often visited the tribe and has had ample opportunity to study their condition.⁶⁶

Scaife, however, was exceptional in his view that Indians were not necessarily lazy and dissolute.

⁶⁵ Scaife, "The History and Condition of the Catawba Indians," 15-16.

⁶⁶ Scaife, "The History and Condition of the Catawba Indians," 16.

What was the experience of the Catawba people in this all-consuming conflict that was the American Civil War? Like their fellow Confederate citizens, the war significantly affected both the soldiers and those on the home front. We will first examine the military experience, and then the civilian response, emphasizing in both the similarity of both to what all Southerners caught up in the Civil War endured. The Catawbas' experience serves as a microcosm of the shared Confederate sacrifice and suffering. Indeed, this idea of universality extends to Union combatants and citizens, even to those caught in all warfare. Our second effort will focus on the central mystery of why the Catawbas supported the Confederate war effort at all, considering their treatment prior to 1861 by South Carolina detailed in the prologue. With this second examination we move sharply from shared experience to a unique dynamic only the Catawbas faced.

Two new historiographical emphases are made in this chapter. First, since these Indian soldiers did not record their battle and war experiences, we have had to rely on the memoirs of two white Confederate soldiers from South Carolina who fought alongside the Catawbas. These were Edward McCrady, an officer in the 1st SC Volunteers, who fought that day with the 12th SC (Gregg's Brigade), and recorded the action faced by both units at Second Manassas,⁶⁷ and F.W. McMaster, in the SC 17th Volunteers (Brig. General Stephen Elliott Jr.'s Brigade) who gives his eye-witness account of the Battle of the Crater at Petersburg.⁶⁸ Regarding the Catawba home front, it has not been explored at all; with the exception of Thomas Blumer's inclusion in his work of Catawba agent John R.

⁶⁷ Edward McCrady, Jr., "Gregg's Brigade of South Carolinians in the Second Battle of Manassas," *Southern Historical Society Papers* Vol. XIII (1885), 3-39.

⁶⁸ F.W. McMaster, "The Battle of the Crater, July 30, 1864," *Papers of the Southern Historical Society* Vol. 10 (1882), 119-130.

Patton's 1864 Report.⁶⁹ There Blumer explores the life of the Catawbas left at home.

Following the initial victories at Fort Sumter and then First Manassas there was a rush throughout the Confederacy to join the cause. The Catawba warriors were no different. The first enlistments were on December 9, 1861, when four Catawbas entered the CSA at Charleston's Camp Hampton. Jefferson Ayers, William Canty, John Scott, and Alexander Timms joined Company K, 17th South Carolina Volunteers (later Infantry). Less than two weeks later the brothers James and John Harris enlisted with Company H, 12th South Carolina Infantry. Over the next four years almost all of the Catawbas able for military duty joined in small groups, serving in the three South Carolina Infantry Regiments: the 5th, Company G; the 12th, Company H; and the 17th, Company K. By volunteering in small groups of friends and siblings, the Catawbas reflected the recruitment pattern throughout the Confederate States Army. Soldiers joined in personal groupings, usually from the same town, same family or some other bond that personally connected them to each other.⁷⁰

The exact number of Catawba Confederate soldiers remains disputed, and it will probably never be known due to incomplete or lost records. Estimates range between seventeen and twenty Catawba men who volunteered. Thomas J. Blumer, who lists eighteen, observed that this was the entire male population capable of fighting.⁷¹ For Blumer the exact number is unimportant. His emphasis is on the complete embrace and the costly sacrifice of the Catawbas in the Civil War of the Confederate cause.

⁶⁹ Thomas J. Blumer, "Record of the Catawba Indians' Confederate Service," 222-224.

⁷⁰ Thomas J. Blumer, "Record of the Catawba Indians' Confederate Service," 224-226.

⁷¹ Thomas J. Blumer, "The Catawba Indians in the War Between the States," Civil War Roundtable, Front Royal, Virginia, February 24, 2004, 4.

When John Harris enlisted early in the war, he had just returned from his journey to the Choctaw Nation, where he and Chief Allen Harris had negotiated a new homeland for the Catawbas. John Harris immediately had begun to recruit his people and work with South Carolina authorities to fulfill these aspirations when the war abruptly cut short their plans and hopes. The initial Confederate euphoria and patriotic fervor were soon replaced by the reality of war, as the number of combat wounds and deaths mounted. John and Peter Harris were both wounded at Antietam, where the South Carolina 12th played a crucial role. Their wounds were noted in the October 8, 1862, edition the local York County newspaper, the *Yorkville Enquirer*, which published “A list of killed and wounded in the Battle of September 17, 1862, in Maryland,” listing as casualties from Company H “John Harris (Indian) severely in the leg; James Harris (Indian) slightly in the foot.” The Harris brothers were among the one hundred and two soldier casualties from the 12th Regiment.⁷² Both were serving as cooks for Company H at the start of September 1862, but with the ever-changing action of battle, were forced into being combatants. John Harris had suffered a near-fatal wound in his left leg and pleaded with his fellow soldiers to shoot him to prevent capture. He was taken as a prisoner of war, one of the thousands of soldiers captured during the Civil War.⁷³ John Harris was more fortunate than many other POWs. He received treatment at Union hospitals in Frederick, Maryland, and recovered sufficiently to be exchanged in May 1863. Eventually he returned to duty, but the wound persisted and he remained crippled for the rest of his life.⁷⁴ In spite of this, John Harris served as Catawba Chief from 1869 through 1871.

⁷² “12th Regiment,” *Yorkville Enquirer*, October 8, 1862, 2.

⁷³ Blumer, “Record of Catawba Indians’ Confederate Service,” 226.

⁷⁴ “Indian Warriors,” *Rock Hill Herald*, December 10, 1885, 3.

Thus, he was one of numerous disabled war veterans who served with distinction in later civilian life.

John Harris's brother, James, was also wounded at Antietam but less severely, and returned to duty in early 1863. He fought at Gettysburg, and he saw combat action at The Wilderness and Spotsylvania the following year. James Harris survived to witness Lee's surrender at Appomattox in April 1865.⁷⁵ Like his brother John, he returned to the Catawba reservation and lived another nineteen years to the age of forty.⁷⁶

Two other Catawba Confederate volunteers spent the duration of the war in prison camps. Peter Harris also was wounded at Antietam and then recovered at Confederate Hospitals in Williamsburg and Farmville, Virginia. Subsequently he served in the Petersburg trenches in defense of Richmond, where he was captured by Union forces on April 2, 1865. He was sent to Hart's Island in New York City harbor and was not paroled until June 16, 1865.⁷⁷ Likewise, Nelson George was taken prisoner, most likely at the Battle of Reams Station and spent the duration of the war in a POW camp until he was released at Charlotte, North Carolina on May 16, 1865.

At least three Catawbas were directly killed in action. Blumer notes these soldiers have no extant service records, but tradition identifies Franklyn Canty and family members John and William Sanders as also having died.⁷⁸ Disease, like combat, was a significant cause of death and disability for Civil War soldiers. The service records of Catawba volunteers bear this out. William Canty fought at Second Manassas, Boonsboro, and then at Antietam without wound or injury. It was disease, not warfare, that sidelined him. Stricken at camp in Culpeper,

⁷⁵ "James Harris", Record Group 109, Compiled Military Service Record, December 20, 1861. (Hereafter cited in text as CMSR.) SCDAH.

⁷⁶ Blumer, "Record of Catawba Indians' Confederate Service," 225-226.

⁷⁷ "Peter Harris," CMSR, SCDAH.

⁷⁸ Blumer, "Record of Catawba Indians' Confederate Service," 227-228.

Virginia, Canty was hospitalized at Richmond, suffering with a jaundice that was probably secondary to hepatitis. Troops who had never been outside their home area were fodder for the numerous viral and bacterial infections that ravaged war camps. Canty recovered sufficiently enough to be discharged home at the end of his enlistment on February 3, 1863.⁷⁹

Fellow Catawba Robert Mush's service record lists no battle engagements or wounds, only disease. He enlisted in 1863 and his service record lists only furloughs home to recover from illnesses. By June of 1864, Mush was hospitalized in Williamsburg, Virginia, with chronic diarrhea, most likely from the rampant strains of dysentery. Unable to do anything for him, Mush was furloughed home again, where he died shortly thereafter.⁸⁰

William Canty reenlisted on March 11, 1864, this time with a different unit. From May to June 1864 Canty saw action resisting Grant's offensive at The Wilderness, at Spotsylvania, and finally at Petersburg. His service record ends abruptly on July 7, 1864.⁸¹ He was never heard from again, and there is no official notice of his fate, although Catawba tradition has long held that he died in combat at Petersburg.⁸²

After enlisting together in 1862, Robert Crawford and Robert Head both shared the fate of the thousands of Confederate soldiers who were lost in action and presumed dead. Robert Crawford's service is largely unknown. He disappeared after December 31, 1862, in the vicinity of Fredericksburg following the battle there, and was most likely killed in action.⁸³ Robert Head was furloughed home in 1863 to recover after hospitalization for "chronic diarrhea." He returned, but an undated notation lists him as "among the Officers and soldiers

⁷⁹ "William Canty," CMSR, SCDAH.

⁸⁰ "Robert Mush," CMSR, SCDAH.

⁸¹ "William Canty," CMSR, SCDAH.

⁸² Blumer, "Record of Catawba Indians' Confederate Service," 227.

⁸³ "Robert Crawford," CMSR, SCDAH.

of the Army of the Confederate States who were killed in action or who died of wounds or disease.”⁸⁴

The Confederate service of Catawba Jefferson Ayers is particularly poignant. He endured battlefield wounds on at least two separate occasions, suffered from disease, was captured, and died of complications of his wounds and disease as a POW. After enlisting with the first group of Catawba volunteers in 1861, Jefferson Ayers was wounded at Boonsboro on September 14, 1862, just prior to Antietam. After recovering at home, Ayers served in the Petersburg trenches and then suffered a gunshot wound to his head at Hatchers Run during Lee’s April 1865 retreat. Stragglers behind, he was captured and imprisoned at the USA Hospital, Point Lookout, Maryland. While there he was initially treated for his head wound, but soon the additional diagnosis of chronic diarrhea ominously appeared on his chart. Either would have been serious, but together these conditions proved fatal. Jefferson Ayers died on July 2, 1865. He had served four years of warfare, only to die from his wounds and complicating disease after the war was over. Many other soldiers died months and years after April 1865 of disease and wounds they contracted during the war. Like countless other Civil War soldiers, he was buried a long way from his home and family.⁸⁵

Jefferson Ayers’ Civil War record also contains insights into other aspects of a Confederate soldier’s life. On October 3, 1862, Ayers affixed his mark at Richmond to notary Edward Scott’s printed form. In doing so he declared that he had not been paid the \$119 due him for serving since joining in December of 1861. Only his name, unit, date, mark and Scott’s signature were filled in, indicative of a large number of similar affidavits to require a printed form. Filing

⁸⁴ “Robert Head,” CMSR, SCDAH.

⁸⁵ “Jefferson Ayers,” CMSR, SCDAH.

this legal action was the action necessary to be paid.⁸⁶ In a similar pay issue, both Nelson George and William Canty were never paid the promised enlistment bounty.⁸⁷

Undocumented stories of personal valor, exploits and sacrifice are common to all wars, and the combatants of the Civil War, including the Catawbas, are not exceptions. Ann Evans has indicated that there was an additional Catawba veteran, James Patterson, who was only twelve when he served. Patterson survived the war.⁸⁸ Douglas Summer Brown includes a Catawba named Billy George, who was probably the brother of Nelson George. Although his military career is likewise shrouded in uncertainty, he is thought to have been wounded at Gettysburg and subsequently killed at the siege of Petersburg. However, stories survive in traditional tribal lore that he returned home after the war.⁸⁹ The only surviving artifact of the Catawbas' actual Confederate service is a grainy, faded photograph of Robert Head that supposedly was taken in Rock Hill when he was absent without leave, having left to see his newborn son.

The unselfish service of these Catawba Confederate soldiers was first noted by Catawba Agent and advocate John R. Patton. In November 1864, he wrote of their grim sacrifice:

All of the males Except 3 is now or have been in the Service of the Confederate States Five of whom have died in the Service, one or Two Discharged from Physical Disability. Two or three have been Severely Wounded and one of them a cripple for Life.⁹⁰

⁸⁶ "Jefferson Ayers," CMSR, SCDAH.

⁸⁷ "William Canty," "Nelson George," CMSR, SCDAH.

⁸⁸ Ann Y. Evans, "The Catawbas in the Civil War," (unpublished, 1997), 3-4.

⁸⁹ Brown, *The Catawba Indians*, 330.

⁹⁰ John R. Patton, "Annual Report of 1864," Indian Affairs Reports, SCDAH.

The overall significance of the Catawbas' war record is expressed by Laurence Hauptman:

The Catawba were the most committed of all Indian groups that sided with the Confederacy. Although the number of Catawbas in gray was not large, it represented fully one-third of their population—at least 19 men from a total of 60 people. This dedication stemmed from the Catawbas' perception of themselves as Southerners as well as Indians, even though contact with white men obviously had decimated them. They went off to fight as “good neighbors,” having volunteered their services to South Carolina even before the war began. And although they would be exposed to the worst of war and practically destroyed, the Catawbas would remain loyal to the end.⁹¹

If the Catawbas thought of themselves as good neighbors and wanted to help the white cause, they also knew that they were not white themselves, nor that they were like the other Southerners that volunteered.

No surviving war records specifically mention battle action by the Catawba, and of course they never left records of their own. But the two regiments in which they primarily served—the 17th and the 12th South Carolina Infantries—were engaged at many of the war's significant conflicts. Three of these were Second Manassas, Antietam, and Petersburg, and we have eyewitness collaboration of the actions of these two units. This testimony is presented in an effort to glimpse what the Catawbas experienced and endured.

Company H, 12th South Carolina Infantry was commanded by Captain Cadwalader Jones and included men from the Rock Hill area. They were attached to General David Maxcy Gregg's Second Brigade, 1st Corps of the Army of Northern Virginia. At Second Manassas on August 29, 1862, they found themselves in the middle of the action. Around ten on that morning, despite Jackson's order not to engage the enemy, Gregg advanced his Brigade and

⁹¹ Laurence M. Hauptman, “Into the Abyss,” *Civil War Times Illustrated*, Vol. XXXV, No. 7, February, 1997, 49.

effectively broke through at the center of the Union line. Thereupon Union General John Pope sent troops under Kearney to repulse this incursion. Jones himself describes the response of his men.

Wheeling these companies again into line, the Twelfth charged in the most gallant manner, firing as it advanced, and putting the enemy completely to rout, pursued them with heavy slaughter through the woods and until they crossed the field and ran out of sight...Very soon fresh column of the enemy, probably three regiments, were seen advancing. Just at this time the First Rifles, most opportunely, were also seen advancing through the woods to our support. Forming a line with and on the left of this regiment, together we gave them battle, and without much difficulty or loss again drove back the enemy.⁹²

Two weeks later at Antietam, the 12th was part of A.P. Hill's Light Division, which had just help captured Harper's Ferry and then hurried north. Gregg's Brigade arrived around four in the afternoon, providing a critical counterattack as Union forces threatened to break the Confederate right flank. The 12th was deployed just north of the Burnside Bridge. Hiding behind a stone wall they inflicted heavy losses directly on the 16th Connecticut Volunteer Infantry. Suffering more than three hundred casualties in a matter of minutes, the Federal troops were forced to retreat.⁹³ It was in this engagement that James and John Harris, the two Catawbass serving in the 12th at that time, were wounded.

There is other evidence of the Catawbass' battlefield experience. The January-February 1885 issue of the *Southern Historical Society Papers* published an address by Lieutenant-Colonel Edward McCrady, Jr. McCrady's speech was given at Walhalla, South Carolina for a meeting of the survivors of the 12th Regiment. In this speech he quotes Robert E. Lee concerning Second Manassas:

⁹² Hauptman, *Between Two Fires*, 97.

⁹³ Hauptman, *Between Two Fires*, 98-99.

General Lee in his report after mentioning a threat made on Longstreet says:

... a large force advanced to assail the left of Jackson's position, occupied by the division of General A.P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury. The enemy was repeatedly repulsed, but again pressed on the attack with fresh troops...General Gregg, who was most exposed, and successfully and gallantly resisted the attack of the enemy until the ammunition of his brigade being exhausted, and all its field officers but two killed or wounded, it was relieved, after several hours of severe fighting.⁹⁴

Catawba troops were also present at the Battle of the Crater in 1864. At 4:44 AM on July 30, 1864, miners serving in the 48th Pennsylvania Infantry at Petersburg exploded a gaping wound, measuring 170 feet long, 60 feet wide and 30 feet deep, in the Confederate defensive works at Petersburg. Defending this section was the 17th South Carolina Infantry, Brigadier General Stephen Elliott's Brigade, which included several Catawbas. This was the second Union effort in what would be six attempts to breach the defenses, and the Catawbas participated—and paid dearly—in helping counter each of these assaults between July 1864 and April 1865. But the Battle of the Crater would become for “The Indians fighting for the North and South ...their bloodiest face-to-face meeting.”⁹⁵

The subject of Catawba home front conditions during the Civil War has been largely ignored by Catawba historians. Only Thomas Blumer, quoting Catawba Agent John Patton, makes any reference to those left behind. This is striking in view of the attention that has been paid recently in Civil War studies to conditions on the home front. An example is *Virginia's Private War: Feeding Body and Soul in the Confederacy*, William Blair's recounting of the home conditions in Civil War Virginia. In contrast, since the Catawba Nation had

⁹⁴ Edward McCrady, Jr., “Gregg's Brigade of South Carolinians in the Second Battle of Manassas,” *Southern Historical Society Papers*, Vol. XIII, January-December, 1885, 7.

⁹⁵ Hauptman, “Into the Abyss,” 48.

become obscure and insignificant, their domestic story is a mere footnote, evidently not worthy of a detailed study. There was only one literate and concerned witness to this aspect of the Civil War for the Catawbas. Fortunately, we are left with accurate descriptions of the Catawbas at home in Agent Patton's annual reports.

In January 1861, the South Carolina House resolved that only those Catawbas actually living on the Old Reservation were to receive any portion of that year's support. By the fall of that year the hardship in the Nation, in large part resulting from the war service of their prime men, had become serious. In November a full forty white citizens of York County petitioned the Assembly, asking for aid to the Catawbas at home:

That a number of the Catawba Indians, resident in this District, have not shared any portion of the last appropriation made in their behalf, by reason of their being non-residents of their Nation proper...we regard them as possessing equal virtue and consideration...and entitled to like bounty at your hands.⁹⁶

It is unclear whether the whites of York County were totally altruistic here, or whether self-interest was involved, since more state aid would require less help on their part.

Also in November 1861, the newly-appointed Catawba Agent, J. R. Patton, submitted his first Annual Report to the South Carolina Senate and House of Representatives. He describes them as generally

very well satisfied with their present condition. They are a somewhat indolent and careless people living in small Log Houses...scattered over a considerable portion of the land they occupy...as a general thing they do not make anything like a support.

⁹⁶ "Petition of York District Residents, November 1861," Indian Affairs Accounts-1860, SCDAH.

I would further say that there is still some accounts yet-unsettled in consequence of the holders being absent in the Army. There is also a portion of the Indians which have not Rec'd their full amounts.⁹⁷

This is the first record of wretched conditions endured by the Catawbias at home at very the start of the Civil War, and of the early, significant impact of having their men away in service.

Just a year later, when Patton submitted his second Annual Report, he indicated that the home situation and conditions had deteriorated markedly in only one year of war. Patton wrote:

Many of whom are at this time in very destitute circumstances a few of them are quite old & unable to do much for themselves. An other (sic) portion are in great want in consequence of their Husbands being absent in the Army nearly or quite all of them has children to support. There is fifteen males fit for military duty Eleven of whom are now in the Service of the Confederate States. Several of them have been wounded in the late Battles near Sharpsburg. I would simply say to Your Honourable Body that I visited the Tribe a few days since for the purpose of inquiring into there condition. I asked many of them if they got plenty to eat. They Frankly told me they did not, that they were not able...often...to procure bread.⁹⁸

In 1863, Patton emphasized the dire poverty of the Catawba at home, and the continuous worsening food situation for them. Some, he noted, tend small gardens and have a cow or some hogs, but

many of them have none of either. There (sic) little farms are decidedly worse managed this year than they have ever been since I have been acting as agent for them. Perhaps for the simple reason that nearly All the Males are in the service of the Confederate States. The Tribe will be greatly dependent upon the charities of the State or upon the charities of the communities around where they live as many of them are making no support whatever.⁹⁹

⁹⁷ John R. Patton, "Indian Agent's Report for 1861," John R. Patton Papers, Indian Affairs Reports, 1861 and 1863. SCDAH.

⁹⁸ John R. Patton, "Mr. John R. Patton, Agent for Catawba Indians, 1862, Indian Affairs Reports," SCDAH.

⁹⁹ John R. Patton, "Report of Catawba Agent 1863," Reports from the Folder of D.F. Rice, Indian Affairs Reports, 1860 and 1861. SCDAH.

Apparently the citizens of the York District did come to the assistance of their Catawba neighbors at this time, and it appears that Agent John R. Patton's personal attention was instrumental in assisting the Tribe. When Patton was summoned to military service in 1863, both the white citizens and the Indians petitioned Governor Banham to exempt him from service to continue his work. The York community had interceded for the Catawba two years previously. Now the Catawbas joined their neighbors in petitioning for help. The only previous Catawba entreaty to any government body was to the Federal Government twenty years before to help them in relocating to the West.

On October 10, 1863, sixteen Catawbas pleaded their case for Patton to stay.

Owing to the necessities of our people, and the scarcity of provisions, it is necessary to have the Agent near to us...and owing to a turbulent spirit which prevails among many of our people, the presence of our Agent is necessary.¹⁰⁰

In an accompanying petition the York residents declare they know the situation of the Indians and confirm that the conditions stated in their petition are true.

The attachment of the Indians to him (Patton) is such as to give him entire influence over them, not only to govern their supplies, but to keep down any difficulties which may arise.¹⁰¹

Patton himself wrote directly to Governor Banham stating that he had been exempted by the Governor and Council from military service as the bonded agent for the Catawba. Despite this, he had been called into service, and he now

¹⁰⁰ "Petition From Catawba Indians, October 10, 1863," "John R. Patton," CMSR, SCDAH..

¹⁰¹ "Petition From the Citizens of York District, October 10, 1863," "John R. Patton," CMSR, SCDAH.

asked the Governor to intercede “for the purpose of attending to the wants of the Tribe.”¹⁰²

Patton’s Civil War records show that he enlisted in Company K of the 5th South Carolina State Troops at Ebenezer, on August 1, 1863, but had been furloughed by order of Gen. Beauregard until the end of the year. Although Patton did report on January 13, 1864, he was furloughed home one week later. Apparently the pleas to Governor Banhom proved effective.¹⁰³

On January 6, 1864, the *Yorkville Enquirer* had as its lead story a report of a measure recently passed by the Legislature. This concerned the Soldiers’ Boards of Relief; it read:

The Soldiers’ Boards of Relief ...are hereby notified that, under the requirements of the Act of December 17, 1863, entitled “An Act to make provisions for the support of the families of soldiers from this State in the Confederate and State services,” the amount appropriated by said Act has been apportioned upon the basis of the white population, shown by the census of 1859.¹⁰⁴

The plight of those at home struggling with the war deprivations had been recognized, even if very late. However, no mention is made of inclusion of the Catawbas in this assistance. But Patton’s late 1864 summary captures the Catawba home front situation at the end of the war. Most likely because of the chaos after April, no Indian Agent report was submitted in 1865.

There has been a great deal of Sickness in the Nation during the present year and several have died. I am at present unable to report any change in the condition of the Tribe for the better...as a matter of course, many of them are at Times considerably Straightened to get food enough to Satisfy

¹⁰² John R. Patton, “Letter From John R. Patton to Banhom, October 10, 1863,” “John R. Patton, CMSR, SCDAH.

¹⁰³ “John R. Patton,” CMSR, SCDAH.

¹⁰⁴ “Circular,” *Yorkville Enquirer*, January 6, 1864, 1.

the Natural Cravings of hunger...There is but very few who have made anything in the way of provisions.¹⁰⁵

Given such conditions, one wonders why the Catawbas, after nearly two centuries of economic deprivation, mistreatment, and fraud by the whites, continued their support of the white government by fighting for the Confederacy. This is a crucial question, not only because of their earlier mistreatment, but because they had no obligation to do so. The difficulty of answering that question is complicated because the Catawba were a non-literate society at this time, and no self-written record of their actions and aspirations, their hopes and fears, is available. There is, however, their oral tradition, which carried the Catawbas' experience and history from generation to generation.

Why, then, did the Catawbas so completely embrace the Confederate cause? Hauptman summarizes four significant reasons why the Catawba, as a sovereign nation with no obligation to fight, joined the Confederate war effort: 1) the enlistment bounty and regular soldiers' pay; 2) their warrior and military tradition; 3) intimidation by white neighbors; and 4) most significantly, their economic and psychological dependence and identity with the white power structure of South Carolina.¹⁰⁶ Historians have expressed differing views as to the significance of each of these possible explanations.

The Confederacy paid up to fifty dollars as an enlistment bonus. Coupled with the security of regular pay, this was a significant draw for the impoverished Catawbas trying to live by subsistence farming and hunting on a mere 630 acres. Assistance from the state was minimal. Agent Patton's annual report for 1861 shows that a total of \$888.61 had been expended on supplies and services, or

¹⁰⁵ John R. Patton, "Annual Report of November, 1864," Indian Affairs Reports-1860 and 1861, SCDAAH.

¹⁰⁶ Hauptman, *Between Two Fires*, 92-93.

about ten dollars a year for each tribe member. Military bonuses and pay would have been critical to the Indians.¹⁰⁷

The Catawba had been a warrior people throughout their existence. Much of their personal and tribal self-identity derived from this focus. As we have seen from Washington's experience, they had a well-earned reputation as fierce and loyal combatants. From the beginnings of the Carolina Colony in the 1670s, they had allied themselves with the white settlers. The first significant threat to Carolina came in 1670 from another local tribe.

Efforts to keep the Westo out of the colony reached the state of open warfare. The friendly Catawba had been approached in this first war of any consequence in which the colony was engaged. They would be approached again and again as the settlers took root and the nation took form.¹⁰⁸

The only exception to white loyalty occurred in 1715, when the Catawbas joined the Yamasee War against the colonists over trade and land grievances.

In addition to this alliance with South Carolina, the Nation had a longer history of conflict with other tribes. The height of their military power was in the first half of the 18th century, when they waged almost unrelenting war against their primary rivals, the powerful Iroquois and Cherokee. These conflicts continued in the French and Indian War, known as the Cherokee War to the Catawba, and during the Revolution, when the Catawba continued the bitter feud with the Iroquois. A strong military consciousness and tradition was central to the Catawbas.

The third possible factor, white coercion, is controversial. Douglas Summers Brown suggests that this was a significant motivation for the Catawba. She notes that Frank Speck, a cultural anthropologist at the University of

¹⁰⁷ John R. Patton, "Indian Agent's Report for 1861."

¹⁰⁸ Brown, *The Catawba Indians*, 67-68.

Pennsylvania who studied the Catawbas extensively from 1913 through 1950, reported that several tribal members had related to him that they had been threatened with death if they failed to enlist.¹⁰⁹ Hauptman, however, faults this explanation:

Although South Carolina-Catawba relations were often tense and the state frequently attempted to remove the Indians, the explanation given to Speck appears to be a concocted postwar rationale for Catawba involvement in the Civil War. The Catawba had an outstanding military record, one that can't simply be rationalized by "impressment" into the South's military service.¹¹⁰

Blumer also argues that the Catawba enlistments were in five separate small enlistment groups spaced over three and one half years, which does not seem to suggest a pattern of coercion. However, in talking with present-day tribal members this subject brings a smile of doubt. There remains a deeply held tradition that perceived threats were at least a motivating factor in the enlistments.

Perhaps the fourth possible explanation, the interconnection and interaction with both white and black South Carolina, has the most significance in providing insight into the Catawba situation. Hudson's examination of the declining status of the Catawba in the pluralistic Southern plantation society captures their plight as the Civil War approached. That society was increasingly polarized between white and black, with the Catawba and other Indians caught in the middle. Hudson's "obscure enclave" of Catawbas was thus confronted with an identity crisis: "They faced a dilemma: were they to be a race or a nation?"¹¹¹ No longer a Nation, when forced to choose which of the two races in biracial South Carolina they were to be identified with, they chose the white one.

¹⁰⁹ Brown, *The Catawba Indians*, 330.

¹¹⁰ Hauptman, *Between Two Fires*, 92-94.

¹¹¹ Hudson, *The Catawba Nation*, 67.

The great other in that social network were the blacks, and by identifying with the white power faction, the Catawba both saw and positioned themselves as distinct from the slaves or freedmen. What had started in colonial times as economic dependency had now evolved to include psychological dependence on South Carolina as well. Hauptman credits this identity and dependence on South Carolina as the cause of the Catawbas' support of the Confederacy:

In this respect, they had much in common with poor Confederate recruits, who owned no slaves but nevertheless identified with the "Stars and Bars." The Catawba could not match the power of the planter class. Although they were considered to be on a lower plain in the social hierarchy of the South than their poor white neighbors, both groups saw themselves as distinct, more powerful, and superior to local blacks, slave or free. As "good neighbors," each deferred to the leadership of the planter class, their so-called "betters" on whom they were dependent.¹¹²

Being "good neighbors," or "casting their lot with the home state as they had (always) done"¹¹³ as Blumer describes it, is different than the idea that in this war they were now trying to keep their identity as a distinct race. Their physical survival had been threatened for generations, but now their existence as a people was precarious: in the period before the Civil War they were losing their separate Indian identity and becoming people of color. This thesis argues that the specific root cause for this unqualified support was the Catawbas' identity with *white* South Carolina, since this preserved their status as a distinct race, which now was in great peril. Survival for the Catawbas after 1800 meant it was necessary to show identity with the white majority that supported them, and therefore to separate themselves from the black slaves and freedmen. The ultimate support would be sacrificing their lives to sustain the Confederacy's avowed racial views. They weren't white, but they were not black either, and had a different

¹¹² Hauptman, *Between Two Fires*, 93.

¹¹³ Blumer, "The Catawba Indians in the War Between the States," 4.

relationship with the dominant race of South Carolina. The Catawbas' continued existence as a distinct people depended on this specific psychological identity and dependence on white South Carolina. Further examination of the Catawbas' changing relationship with the blacks, and their eventual embrace of Christianity, are both significant factors that lend support for this thesis.

The Catawbas' complex relationship with blacks dated back two centuries. Tribal members were the third, and definitely the minor, race in a predominately biracial society. The Catawbas' viewpoint was also conditioned by their interaction with both the concept and the actual institution of slavery itself. In colonial times the Catawba served as slave hunters, tracking, capturing, and returning runaway slaves for bounty. As such they controlled the slaves, even if temporarily, and unlike the slaves, they had bargaining power with the whites. Significantly, even then, more than one hundred years before John Brown, Carolinians feared slave uprisings aided by outside help, especially a combined slave-Indian insurrection.

Making a plantation colony in a frontier setting, the Carolinians feared that their African slaves might combine with defiant Indians to merge slave rebellion with frontier war—a combination almost certainly fatal to the new Colony. The colony needed, at a minimum, to keep the Africans and the Indians apart. Ultimately, the colonists hoped to pit the Africans against the Indians, the better to exploit both.¹¹⁴

The Catawbas also had the experience of being slaves themselves, captured and carried into servitude by other tribes. Indian warfare had for centuries involved taking prisoners who were forced into slavery by their captors. However, some tribes, including both the Iroquois and Catawba, had a different need for captives. As the result of their prolonged conflict, large losses of young warriors were sustained on both sides. A few captives became not slaves but

¹¹⁴ Taylor, *American Colonies*, 223.

replacement tribal members, being adopted into the captor Indian society to replace those tribal members lost. Often raids were made with this express goal and were known as mourning wars. The Catawba before 1800 had both Indian slaves and mourning adoptees.

In the French and Indian War, the Catawba saw first-hand their British allies giving supportive whites and Indians captured Cherokee warriors to be used as slaves. This graphic experience of seeing Indians used as slaves was not lost on the Catawba. They had seen it earlier too, when white traders sometimes took Indians to be sold as slaves. Distancing and distinguishing themselves from the black slaves became paramount. The Catawbas' increasing diminution in the biracial society of South Carolina after 1800 was the major factor fueling their changed views on blacks. The Catawba found themselves both isolated from their fellow Indians and dismissed by the white majority. They faced the ever-growing specter of being considered on the same level as slaves. Perhaps most significantly we have the words of the people themselves at this juncture in their struggle. "We have no home..." the Catawbas said in a petition to the South Carolina Legislature in 1844, "we feel lost without a home."¹¹⁵

With Secession, the Choctaw plan and any hopes of the Catawbas to escape their social quandary in South Carolina abruptly ended. They were now forced to find a place, to make their stand, where they were. By joining the Confederacy, they declared their choice: the white majority over the ignominy and shame of being considered dark-skinned, inferior, even as potential slaves.

In 1984, James H. Merrell traced this racial education of the Catawba in *The Journal of Southern History*. His arguments appear to be compelling and historically sound. The Catawbas' perception of the increasing black population

¹¹⁵ Merrell, *The Catawbas*, 69.

changed dramatically over time, conditioned by their concurrent evolving relationship with the whites. “In order to understand the origins and development of this relationship,” Merrell writes, “it is necessary to venture into the cultural frontier where Indian met African.”¹¹⁶ From the first white contact in 1540 through about 1800, geographical remoteness limited Catawba contact with explorers, traders, and finally the coastal plantation society. When contact did occur, the Catawba responded in seemingly contradictory ways, displaying both prejudice and tolerance. But Merrell argues that this seemingly contradictory response of the Indians to the blacks at this early time should not be unexpected. At that time the tribe controlled the interior; outsiders were all collectively “the other,” whether English, Spanish, African, or French.

These dynamics drastically changed in the early 1800s when the burgeoning cotton economy directly invaded the Catawbas’ Piedmont homeland. For the first time they observed directly the master-slave relationship. In 1800, seeing a black person on the Catawba 144,000-acre tract would be extremely rare. By 1840, over two thousand blacks “lived on the Catawba land as slaves of white people who rented the Indians’ land.” According to Merrell, “settlement of the Piedmont lifted the curtain shielding Catawbas from American culture. For the first time talk of black inferiority must have reached Catawba ears as their white neighbors began to articulate a powerful and pervasive racial philosophy in the early nineteenth century.”¹¹⁷ Blacks were to be feared and avoided, lest the Catawbas became equated with the slaves in the white power structure’s eyes. Thus, Merrell agrees with Hudson that the Catawbas were the minority third race caught in the racial dynamics in the new cotton-slave economy. Merrell expands

¹¹⁶ James H. Merrell, “The Racial Education of the Catawba Indians,” *The Journal of Southern History*, Vol. 50, No. 3, August, 1894, 364.

¹¹⁷ Merrell, “The Racial Education,” 377-378.

on Hudson's foundation by elaborating on the origin and consequences of the Catawbas' precarious status.

By 1800 then, Catawbas had become an anomaly. Neither useful or dangerous, neither black nor white, they did not fit into the South's expanding biracial society. To make matters worse, white fears of an Indian-black alliance faded and were replaced by a propensity to lump native Americans with Afro-Americans in a great "colored" underclass. No official policy arose that forced Catawbas to become blacks; but in a culture that recognized only two colors, the danger was always present, and the Catawbas became acutely sensitive to it.¹¹⁸

A parallel might be drawn with the Lost Cause mystique of the defeated Confederacy. Although vanquished by 1865, the Confederacy's military legacy endured and was a significant dynamic after the Civil War for both veterans and citizens. That legacy was preserved by Civil War remembrance ceremonies and organizations, and the continuation of the military tradition in Southern education. The Spanish-American War served as the opportunity for the former Confederates to demonstrate their commitment to fully rejoining the United States. A similar dynamic can be seen with regards to the Catawbas' total commitment to the Confederacy in 1861. Proving their martial skill and attempting to forge stronger bonds in their estranged relationship with South Carolina, the Catawbas anticipated the same impulse that the former Confederates showed thirty-seven years later in the Spanish-American War.

Another possibility that could have occurred to the Catawbas in 1861 was the potential reward for their service and loyalty, the precedent being the 1763 land grant after the Cherokee War. In 1861, the Catawba might have felt, along with the rest of the South, a cautious optimism that their war for independence could succeed. In that eventuality they would be in on the beginning of the new nation. Redress of their land issues, direct monetary or material gain, even

¹¹⁸ Merrell, "The Racial Education," 379.

possible political gains or improved status would make their service worthwhile and especially distinguish them from the slaves. No proof exists for this but the early optimism of the people of the Confederacy.

The Catawba Civil War soldiers were a part of the estimated twenty thousand American Indians who participated in the Civil War. These Native Americans served in both the Union armed services and those of the CSA. The families of those in the Confederate service suffered hardship and deprivation like the civilians of the South. However, unlike the Catawba who served the Confederacy unswervingly, the other Southeastern Indian combatants and civilians showed a more nuanced reaction in that epic North-South conflict.

The Cherokee people in western North Carolina were the tribe most similar to the Catawbas. Most of the Appalachian Cherokee were removed under the Treaty of New Echota in 1835, a part of the Trail of Tears.¹¹⁹ Those that remained were the same Cherokee who offered refuge to the Catawbas immediately after 1840. They were known as the Oconaluftee Cherokee since their main encampment was at Quallatown, on the Oconaloftee River. Today, they are known as the Eastern Band of the Cherokee. Article 12 of the New Echota Treaty had provided that those Cherokees who wished to remain would receive annuities provided they became citizens of the state in which they resided. At a period when no Indians enjoyed citizenship, this was thus impossible.

These North Carolina Cherokee had a strong advocate and protector in Colonel William Holland Thomas, however. Born at Waynesville in 1805, his Revolutionary War father had died just before Thomas's birth, and he was adopted by Cherokee Chief Yonaguska, who essentially became his surrogate father. Taught the Cherokee language and culture, Thomas had the Cherokee

¹¹⁹ Rex T. Jackson, *A Trail of Tears: The American Indian in the Civil War* (Westminster, MD: Heritage Books, '2004), 1-7.

name Wil-Usdi, or “Little Will.” Thomas built a prosperous trading company and acquired wide landholdings. He also read law, and in 1830 became attorney for these Cherokee and served as their agent during the Removal period. His advocacy for his people continued to the end of his life. In the North Carolina Legislature from 1848 through 1861, he tirelessly fought for their assistance and citizenship.

Thomas was one of only three legislators chosen as delegates to North Carolina’s secessionist convention, where that state left the Union on May 20, 1861. He then returned home to raise a company of mountain white and Cherokee soldiers. At peak enrollment, this force numbered twenty-eight hundred, including over four hundred Cherokees and was known as Thomas’s Legion of Indians and Highlanders. Their contribution to the Confederate War effort was crucial. From 1862 on they controlled the mountain passes into Confederacy, effectively stopped Union spying and enlistment efforts in the area, and enforced the Confederate Conscription Act. Thus they secured the Eastern theater of the South.¹²⁰ On May 9, 1865, the Thomas Legion was the last Confederate unit east to surrender east of the Mississippi. Eastern Cherokee historian John R. Finger emphasizes Thomas’s lifelong efforts:

Without his assistance (the Cherokee) would never have remained in North Carolina. Without his constant support they would never have acquired the lands they were fighting to retain. Despite a normal measure of shortcomings, he was the best friend the Indians ever had.¹²¹

Unlike the Catawbans however, North Carolina Cherokee military support for the Confederacy was not unanimous. An estimated thirty of them served in the Federal forces. Some deserted after being captured as prisoners of war, while

¹²⁰ Hauptman, *Between Two Fires*, 103-108.

¹²¹ John R. Finger, *The Eastern Band of the Cherokee-1819-1900* (Knoxville: The University of Tennessee Press, 1984), 121.

others did not support slavery. The Tennessee-North Carolina border area contained many who were sympathetic to the Northern cause, as there were in other areas of Appalachia. The plantation-cotton economy that required slavery was almost non-existent in this section of the Southeast and full white support for the Confederacy was thus much attenuated. The Cherokees' splitting their support between the Union and the Confederacy was therefore consistent with that of their white neighbors. The hostility engendered between the loyalist and rebel factions was a disruptive force in the Eastern Band's efforts to reunite after the war.¹²²

Still, other Southeastern Indians spurned Confederate pressures and, while not joining the Union Army, militarily aided the Federal forces. The growing states' rights movement in the antebellum South was a hallmark of the journey to Southern nationalism. Like the slaves, Native Americans deeply felt the racist treatment that was part of this movement. In 1835, after Nat Turner's revolt, North Carolina's Constitutional Convention defined Indians also as "persons of color," and subsequent legislation stripped them of their rights, including those of property ownership and bearing arms. Virginia also passed increasingly restrictive laws reducing the status of free Negroes and Indians. By 1843, the Indians' homelands were threatened.¹²³ This increasing subjugation by the white supremacist power structure of both these states resulted in Native Americans having no reason to support the Confederacy.

When Union General George B. McClellan moved toward Richmond during the Peninsula Campaign of 1862, the Pamunkey Indians, part of the Powhatan Indian Empire in Virginia, willingly served the Union as noncombatant

¹²² Finger, *The Eastern Band of the Cherokee*, 96-97.

¹²³ Helen C. Rountree, *Pocahontas's People: The Powhatan Indians of Virginia Through Four Centuries* (Norman: The University of Oklahoma Press, 1990), 191-198.

pilots for land transport and warships. Their knowledge of their homeland, especially around West Point, Virginia, enabled them to serve as Federal scouts. At least fourteen Virginian Powhatans were documented guides and pilots for the Union forces. Of these, the exploits of Terrill Bradby are best known. Bradby was the principal subject of anthropologist James Mooney in his study of the Virginia Indians in the 1890s.¹²⁴ Bradby served first as a Union land guide in the Peninsula Campaign, and even worked with Pinkerton's Secret Service. In 1863, he enlisted in the United States Navy where he was a pilot in the North Atlantic Blocking Squadron. Bradby was even awarded a Union pension to assist in his post-war life back in Virginia.¹²⁵

A similar Union sentiment was evident in North Carolina. The Lumbee Indians lived in Eastern North Carolina. A rail line connected this area directly to the lower Cape Fear River. During the Civil War, this was the site of the Confederacy's greatest military engineering endeavor. A system of forts was built around Wilmington, a crucial port. Most important was Fort Fisher, which was not captured until January of 1865. These defensive structures were the focus of the Confederate impressments of slaves, free blacks, and Indians. Almost every able Lumbee was forced to go to Wilmington. Impressment helped coalesce and harden their dislike of the racist treatment they had endured. Some of the Lumbee fled to the surrounding swamps, where they met with Union Army escapees from area Confederate prison camps to form a guerilla band. From 1864 on these guerrillas harassed the North Carolina Home Guard in that area, which enforced the repressive policies that angered them. Eighteen-year-old Henry Berry Lowry was their leader. The Lowry Band found itself directly in the path

¹²⁴ James Mooney, "The Powhatan Confederacy, Past and Present," *American Anthropologist*, 9:129-152, 1907.

¹²⁵ Hauptman, *Between Two Fires*, 74-75.

of Sherman as he invaded the Carolinas in early 1865. When Sherman entered North Carolina on March 8, 1865, the Lowry Band aided his Grand Army of the West as it advanced through the swamps in heavy spring rains, which was, as Sherman himself described it, the “damnest marching I ever saw.”¹²⁶

Lowry and his band were to keep on fighting long after 1865. They turned their insurgent tactics against the racist white rule of the Reconstruction. Lumbee historian and educator Adolph Dial has written of Henry Berry Lowry’s significance to his people: “Henry Berry Lowry...While that name meant lawlessness and terror to the white community, it meant more truly a man who fought oppression to the Indians. The ‘King’ became a folk hero to his people, a symbol of pride and manhood. Today, in honor of their outlaw-hero, the Lumbees annually give the Henry Berry Lowry Award to the citizen who best exemplifies the highest standard of service to the community.”¹²⁷

The relocated Civilized Tribes were not spared from the devastation of the Civil War that ravaged their former homelands. Beginning in Missouri with the Battle of Wilson’s Creek in August 1861, just two weeks after First Manassas, until the fighting at Second Cabin Creek in the Indian Territory on September 19, 1864, fifteen significant engagements were waged in or near the Indian Territory. A major reason for this heightened activity was the Territory’s location just south of bloody Kansas, a key state for the Union and where the fighting was bitter between supporters of both Union and Confederate causes. Like the rest of Americans, the former Southeastern tribes were forced to choose an allegiance. Once again, in contrast to the Catawbias, both the North and the South had Indian

¹²⁶ Hauptman, *Between Two Fires*, 78-83.

¹²⁷ Adolph L. Dial and David K. Eliades, *The Only Land I Know: A History of the Lumbee Indians* (Syracuse: Syracuse University Press, 1996), 86-87.

military support in this region. For the Cherokee Nation in the West, a tribal civil war erupted in the events and pressures of 1861-1865.

In the first half of 1861, the Confederacy made persistent and persuasive overtures to all the Civilized Tribes, in large measure due to the skills of their negotiator Albert Pike. In July, the Creeks, Choctaws, and the Chickasaws signed treaties with the Confederate States of America, transferring their loyalty and allegiance to the Southern cause. Equally significant were both the offensive and defensive military alliances forged with the CSA. These agreements signified an abandonment of the Federal government cause in the war. Union loyalists were prominent in both the Creek and Cherokee Nations, but their influence failed to command the tribes' support for the United States. How these dynamics unfolded was telling about the condition and mindset of those Indians at this critical juncture.

Part of the Southern allegiance had to do with slavery, as many of the tribal leaders of the Creeks and Cherokee were themselves slaveholders. Thus, they felt a kinship with the Confederate cause and were economically vested in slavery like the planters. In its February 7, 1861, Choctaw Council Resolution, the tribe stated its intent to join the South. This represented, according to the Resolution, "the natural affections, education, institutions, and interests of our people, which indissolubly bind us in every way to the destiny of our neighbors and brethren of the Southern states."¹²⁸

But the major reason for Indian support of the Confederacy was the widespread perception that the Federal government had abandoned them. In their new lands, the national government was their protector and life source. It was not a matter so much of what the Confederates did to court the Indians as it was the

¹²⁸ David A. Nichols, *Lincoln and the Indians-Relations with Indians of North America* (Columbia: University of Missouri Press, 1978), 26.

failure of the administrations in Washington to support tribal members. In particular, at this time the new Republican administration's fervent anti-slavery stand sent shock waves through the slave-holding leaders of those tribes, much as it did through the Southern planter class. The relocated Indians feared a Federal invasion and occupation of their new homelands. The bitter process of relocation and its cost to the Indians by previous administrations left equally bitter memories and feelings toward those in power in Washington. These emotions were reinforced by Washington's failure to honor its treaty obligations. Early Confederate military successes in the Indian Territory and Lincoln's withdrawal from Territory military posts in May 1861 in order to protect Washington, D.C. and the Border States, left the Indian Nations feeling utterly abandoned. All of these factors were exploited by Pike. It was the United States that the tribal members felt threatened by, not the Confederacy.

Opothleyahola, an influential Creek chief, had been a strong unionist, urging his people to support the Union cause and efforts. In late 1861, he organized a band of Creek loyalists and together they set out to a promised protective fort in Kansas, with no Federal escort. In this effort, a Confederate cavalry force of three regiments of Indians pursued them from all Five Civilized Tribes. In three engagements between November 19 and December 26, 1861, the first Civil War fighting in Indian Territory, Opothleyahola's people suffered severe death and casualties. They straggled into Kansas finding an unprepared fort, scarce food and supplies, and the winter upon them. The estimated seven thousand Creek loyalist refugees who survived were placed in a refugee camp, where starvation and the winter weather took another heavy toll. Conditions got no better over the next three years, as the Creeks became victims of political disputes and graft in both Kansas and Washington. In 1864, they were marched back to the Indian Territory and essentially left there. Opothleyahola was

understandably bitter. He wrote to Lincoln that the “Great White Father” (Lincoln and his predecessors) had broken pledges to his people for years. They had been promised “in our new homes, we should be defended from all interference from any people, and that no white people in the whole world should ever molest us unless they came from the sky. We do not hear from you. The Government represented by our Great White Father at Washington has turned against us.”¹²⁹

John Ross, the Principal Chief of the Cherokee Nation in the West, also harbored strong pro-Union feelings. Ross initially pursued a policy of neutrality for his people. The combination of Confederate pressure and lack of Union support that unfolded in 1861 doomed this policy, and he was forced to sign an alliance treaty with the Confederacy on October 7. The internal conflict between the pro-Southern and pro-Union factions in the Cherokees had its origin in the Removal of the 1830s and the Treaty of New Echota of 1835. At that time, the Cherokee adamantly opposed to removal were led by John Ross and his followers. Supporting removal was the Treaty Party, a faction led by the Cherokee Ridge family. In spite of the opposition of a majority of Cherokee, the Treaty Party signed the Treaty of New Echota, paving the way for Federal forceful removal and the Trail of Tears. A bitter, deadly feud between these two groups ensued that lasted for ten years in their new homeland. Ross’s supporters murdered the Ridge family members who had signed the Treaty, and leadership of the pro-removal Ridge faction passed to Stand Watie. Intramural atrocities and reprisals continued until Ross and Watie signed the Treaty of 1846. It recognized the right of Ross’s party to own land in the Cherokee Nation, pardoned those on both sides for any crimes, and set one government for all the Cherokee western

¹²⁹ Nichols, *Lincoln and the Indians*, 29.

lands and peoples. Under John Ross's leadership the Cherokee prospered over the next fifteen years as agriculture and population thrived in the new lands.

The internal conflict between Ross followers and those of Stand Watie, however, was never far below the surface. With the outbreak of the Civil War these wounds reopened. Ross wanted to continue his Nation's ties with the Federal government. Stand Watie was a major slaveholder, although few of his followers were, and supported the Confederacy. Watie was successfully courted by Pike and became a colonel in the Confederate Army. By July of 1861, even before all of the Confederacy alliances were signed, Watie was recruiting and training his Civilized Tribe warriors in the Indian Territory. It was his Cherokee Mounted Rifles who inflicted the casualties on Opothleyahola and his followers as they fled to Union refuge in Kansas. Watie's units were major combatants in many other Trans-Mississippi battles and his military career achieved two distinctions. He was the only Indian to attain the rank of Brigadier General in either army. He was also the last Confederate general to surrender his army at Doaksville, Choctaw Nation, on June 23, 1865, three months after Appomattox.¹³⁰ John Ross and his supporters defected to the Union Army and its protection after the Battle of Pea Ridge in March 1862. John Ross himself eventually spent the War in Washington, D.C. He was technically under house arrest as a prisoner of war, but was able to confer with Lincoln on Indian affairs. His intervention was key in the eventual release of the Cherokees from refugee status in Kansas.

¹³⁰ Annie Heloise Abel, *The American Indian as Participant in the Civil War* (Cleveland: The Arthur H. Clark Company, 1919), 12-13, and Kenny A. Franks, *Stand Watie and the Agony of the Cherokee Nation* (Memphis: Memphis State University Press, 1979), 136-139.

The previous chapter demonstrates the singularity of the Catawbas among Southeastern Indians as having no Federal component in their relocation efforts, being solely dependent on their home state. In the Civil War, that uniqueness continued, as they were the only Southern Indian people to give total and unflinching support to the Confederacy.

CHAPTER III

1866-1890—RECONSTRUCTION AND RECOVERY

If the Catawbas had hoped for recognition or reward in return for their loyal service to the Confederacy, they were disappointed. In most ways, the years following the Civil War were a harsh continuation of the status quo. The entire South was devastated by the costs of the war. In its aftermath the Catawbas struggled like all other Southerners—merely to survive. Just as for their former compatriots, the loss of so many young men as heads of families and wage earners precipitated drastic social and economic changes. These practical realities demanded and captured everyone's attention and the Nation found itself struggling to survive in even harsher economic conditions than in antebellum times. But as historians have often remarked, the Catawbas had been survivors throughout their long history.

In the post-war period of 1866-1880, many of the same themes we have noted previously were continued by the Catawbas and the various white groups that impacted their lives. As with organic systems, these common threads would grow and change. The Nation's members continued and strengthened their agency, especially going directly to the Federal and State governments to present their needs. This willingness to initiate their voice in their affairs, which had been done previously with white help, now took an independent course. Significantly, there also would be continuing indications of support and recognition during these dark times from their white neighbors, even if in non-monetary forms. This would continue to contrast with the abandonment of tribal citizens by "official" South Carolina and those who did not know the Catawbas. Some previous themes

would also return, but with new twists. The struggle to hold the Tribe together in South Carolina would continue. Emigration resumed, but the scattering of the Catawbas would now involve individuals and small family groups across the entire United States. Also reemerging after Appomattox was the Catawba effort to find redress for the unkept promises of the Treaty of 1840. Racism would continue and find a surprising new focus. The Catawbas continued their efforts to distinguish themselves from the former slaves. Now, for the first time, those endeavors would include the embrace of a white religion. As with the 1840-1860 period, we can break down these years by using the changing political control of South Carolina as our chronological marker: the immediate war aftermath, Reconstruction, and finally from 1877 forward.

What political control existed immediately after April 1865 was primarily military. Abrupt changes meant chaos to all South Carolinians, the Catawbas included. The conditions endured by the Catawbas were captured by their agent, John R. Patton. For the six years, from 1861 through 1866, he had been their advocate, continually providing for their needs and maintaining close personal contact. Patton had gained the Indians' trust so completely that his ability to keep affairs settled within their community led Governor Banham to exempt him from military service so that he could continue his work. For reasons that are unclear, Patton resigned as agent in 1866. Patton's last report in 1866 was a grim evaluation of their situation.

Their condition has not materially changed since his last communication to the General Assembly, except that their number is steadily decreasing, and those now remaining are in great destitution and want of all the necessities of life. Only about sixty or seventy souls now remain of the once powerful tribe of the Catawbas. During the present year some of them attempted to cultivate a part of the lands...and make crops of grain for subsistence, but owing to the long continued drought and want of rain the yield has been very inconsiderable. The appropriation made at the last

regular session of the General Assembly for the support of said Indians during the present year was not received by the agent until the making up of his report.¹³¹

The “sixty to seventy souls” of 1866 compares with eighty-eight in 1840, a post-war decrease immediately of thirty percent.¹³² As before, state assistance would clearly be crucial factor for the destitute Catawbas. But with Reconstruction, would de facto Federal control over the South Carolina government benefit the Catawbas? Would the new regime take active measures to correct Catawba injustices, as it would do for the former slaves?

Prewar levels of state support through 1850 varied between \$1800 to \$2500. By the mid-1850s, it had fallen to \$1200-\$1500. During the first two years of the Civil War, it was still \$1200. Significantly, but not surprisingly, direct South Carolina payments to assist the Catawbas disappeared after 1862. From 1863 until Patton’s 1866 Report, there is no mention of any appropriation for the Catawba. Finally, in 1867, \$1200 was again earmarked.¹³³ But by 1868, with the advent of Republican control the Reconstruction in state government, aid was again reduced to \$600. For the succeeding years up to the end of Reconstruction in 1877, the appropriation averaged \$750 per year. Reconstruction assistance was significantly less than that provided by the antebellum state government. The tribe lost about fifty to sixty-seven percent of its prewar aid. The Catawbas thus did not benefit from Federal dominance of South Carolina in the immediate period after the Civil War. The almost neglectful approach of all state regimes toward tribal members continued.

¹³¹ William E. Martin, “Report of the York and Lancaster Delegation on the Report of John R. Patton, Indian Agent,” *Reports and Resolutions-South Carolina-1866*, (Columbia: F.G. DeFontaine, 1866), 276-277.

¹³² “Report of April 3, 1840,” *Miscellaneous Records of South Carolina*, Book N, 235-237, SCDAH.

¹³³ Blumer, *Bibliography of the Catawba*, 178-200.

The human side of this problem was shown by the petitions of the Catawba to better their condition during these years. These pleas fleshed out their needs in their own words. In the twenty-five years between 1840 and 1865, the Catawbas submitted only two petitions: one was to the Federal government for relocation assistance, the other to South Carolina to retain John Patton. In the next eleven years (1866-1877), however, they would submit no fewer than eight, a telling difference.

These petitions centered primarily on the actions of the Catawba Indian agents, as tribal members sometimes asked for a new agent, or raised doubts about the present one. Equally impressive was the large number of supporting petitions by the white citizens of York and Lancaster counties. Perhaps this was in gratitude for the tribe's Civil War sacrifices. As we have seen, the only previous petitions by local residents were submitted during the War itself, trying to include the tribe in any state assistance. After the war, at least six petitions were either submitted by the whites or co-authored with the Catawbas. In addition, the local legislators serving in Columbia significantly stepped up their support for the Catawba cause, helping to keep the attention of the state government on the Nation.¹³⁴

These Catawba petitions began very soon after the end of the Civil War. The first, in November 1866, to Governor Orr and the Senate, requested that Thomas Whitesides be appointed to succeed Patton.¹³⁵ The Catawba voice was heard. By 1867, Whitesides was writing to Orr that the Catawbas were destitute because Whitesides hadn't been able to secure the appropriated funds for their behalf. He wrote:

¹³⁴ Blumer, *Bibliography of the Catawba*, 181-186.

¹³⁵ "In the Senate, November 30, 1866," *Journal of the Senate-South Carolina-1866* (Columbia: F.G. DeFontaine, 1866), 82-84.

Heretofore the Agent reported to the Court, and the Court to the Legislature, (that) some families of the Indians are at this time in a very destitute condition, and it is not in my power to assist them. I hope Your Excellency will advise or devise some means of relieving their necessities. I do not know under existing circumstances how or whether the appropriation made by the State can be obtained.¹³⁶

Apparently appropriation and actual payment had become two separate issues.

The next petition, in February 1868, came from W. J. Clawson, a local white citizen of York County, who wrote directly to Governor Orr that many of the Catawba were starving and needed funds immediately.¹³⁷ It was at this time that concerns with the agents began. Orr answered Clawson by stating that he appreciated the Catawbas' extreme condition, but he also questioned Whitesides' good faith and called for an investigation. Whitesides had failed to submit receipts, and Orr admonished him to keep better records, emphasizing that the Indians needed to be protected from fraud. Orr withheld one half of the Catawbas' \$1200 appropriation. They thus paid the price for his alleged poor paperwork, and soon afterwards, Whitesides resigned. By mid-July 1868, now Governor R. H. Scott received another petition directly from the Catawba Council requesting the appointment of James Morrow to replace Whitesides. In early 1869, the York and Lancaster delegations also strongly supported this recommendation by the Indians. Both were rebuffed when Scott named P. J. O'Connell.¹³⁸ Douglas Summers Brown argues that Whitesides was an honest and caring agent, whereas O'Connell was not.

During Reconstruction, Agent Thomas Whitesides, who had once furnished the Catawbas from his private funds when the state was in arrears, was replaced by "a corrupt and unprincipled" Irishman O'Connell.

¹³⁶ Thomas J. Whitesides, "Letter to Governor Orr, December 9, 1867," Governor Orr Papers, Box 11, Folder 15, SCDAH.

¹³⁷ W.J. Clawson, "Letter to Governor Orr, February 10, 1868," Governor Orr Papers, Box 12, Folder 8 SCDAH. It is unclear the exact relationship of Clawson's exact relationship to Orr or the Catawbas; probably a white York resident familiar with the Catawbas.

¹³⁸ Blumer, *Bibliography of the Catawba*, 179-181.

The Indians claimed the Carpetbagger appointee withheld their allowances; however he was not removed or disciplined, as South Carolina was in the throes of Reconstruction.¹³⁹

Once again, South Carolina's Reconstruction government was not benefiting the Nation's citizens.

O'Connell's First Annual Report in 1870 was accepted by the Legislature, but his Report of 1871 contained accounting irregularities. Very soon thereafter, Governor Scott received two concurrent petitions from the Catawba Council and the citizens of York County requesting that O'Connell be replaced.¹⁴⁰ Additionally, Chief John Harris, a Civil War veteran, went to Columbia in 1871 to inform Governor Scott of the tribe's concerns about O'Connell. This marked the first time the Catawbas had personally lobbied in support of their wishes. That visit was reinforced with the Petition of 1872, in which the entire Catawba Council strongly restated their misgivings that had not been addressed:

We the subscribers of the Catawba Nation respectfully prayeth that your Excellency do grant or appoint Solomon Harris of Lancaster County...to be and act as our Agt. to see that we are not trespassed upon and to protect us in every respect. If his Excellency remembers last July our Chief John Harris was down to see you, and his Excellency promised to remove our present Agt. If he did not act right, which we are sorry to say he has not done. Our object in asking for Mr. Harris is because he is a good citizen, and a Republican in politics.¹⁴¹

Finally, in December of 1872, P. J. O'Connell resigned. Immediately, the local legislators wrote the new Governor, F. J. Moses, requesting that M. L. Owens replace O'Connell. Apparently Owens proved just as flawed, for within a year, both the Catawbas and the white citizens of York and Lancaster demanded his removal for failing to distribute to the Catawbas the funds appropriated for

¹³⁹ Brown, *The Catawba Indians*, 331.

¹⁴⁰ Blumer, *Bibliography of the Catawba*, 183.

¹⁴¹ "Petition of 1872: Catawba Council, March 8, 1872," Governor Scott Papers, Letter Box 19, Folder 42, SCDAH.

them by the Legislature. And once again no action was taken. In 1874, the Catawba Council repeated their entreaties to Governor Moses concerning both O'Connell and Owens. The Indian headsmen alleged that Agent O'Connell had not passed along \$1500 appropriated in 1871, and \$800 in 1872. In 1873, they charged that new Agent Owens had given them only \$40 of total of \$500 set aside that year for their use. They recommended the replacement of Owens by William Whyte, someone they trusted.¹⁴² But once more, for the fourth time in five years, an appointee other than the one recommended by the Catawba and the whites was named. R. L. Crook became Catawba Agent.¹⁴³

The end of Reconstruction came when Congress enacted the Compromise of 1877. The election of Wade Hampton, former Confederate general and hero, was the defining event of Reconstruction in South Carolina. This shift was a symbolic marker of Redemption: the rightful return of their State government to South Carolinians, a celebration of the spirit of the Lost Cause, and a conquering hero for South Carolina. For the Catawbas, the question was whether conditions would be better for them with these milestone changes of 1877. Many themes already examined in the Reconstruction era continued into this new time. Additionally, significant new ones appeared.

The Nation's citizens continued to raise their own voices in the state affairs that concerned them. Hampton had barely taken office in May 1877 when yet another petition came from the Catawbas. In it they raised the hardship for the tribe under dishonest agents, and again asked that William Whyte be appointed.

We the undersigned Catawba Indians of York County do most respectfully petition your Honorable Bodies to remove from office, as Agent, R. L. Crook, Esquire, of Rock Hill, because he has not treated us as we should

¹⁴² Blumer, *Bibliography of the Catawba*, 183-185.

¹⁴³ Blumer, *Bibliography of the Catawba*, 186.

have been treated; 2nd, Because he has not distributed our funds appropriated by the state in a just and equitable manner.¹⁴⁴

Whyte was appointed and served to 1882, when he was succeeded by A. E. Smith, who served into the late 1890s. Thus, in the last twenty-three years of the century (post-Reconstruction), there again was continuity of leadership. In 1877, stability and continuity were reestablished, but funding did not improve. It remained stagnant at \$800 per year over the next thirty-five years.¹⁴⁵ This amount would not have been sustaining even with normal economic pressures, much less the accelerated inflation suffered by the South in the aftermath of the War.

An accurate reflection of the Catawbas' condition and life at this time can be found in the 1880 Federal census. Before 1880, the Nation had not been enumerated in the national census, since their status was considered as "Indians not taxed." That first official count listed only sixty Indian people living in Catawba Township, York County, South Carolina. Close reading of that 1880 census produces some telling observations. The sixty surviving tribal members now lived in only thirteen houses on their essentially nonproductive tract of 630 acres. When noted, farmer (or farmhand) and keeping house or washerwoman were the only occupations listed for the Catawba men and women. The age of the heads of household varied from eighteen to thirty, with most in their early twenties. The exceptions to this youthful demographic were directly connected with the Civil War service of tribal members. They were Peter Harris (age 49), Alec Tims (age 40), and the widow Sarah Head (age 37). Peter Harris had been wounded at Antietam then captured at Petersburg. He had spent the war's duration as a POW at New York. Alexander Timms had been wounded at Second

¹⁴⁴ "Petition of Catawba Council and Citizens-May 1, 1877," Governor Hampton Papers, Letter Box 4, Folder 5, SCDAH.

¹⁴⁵ Blumer, *Bibliography of the Catawba*, 187-200.

Manassas, then defended Petersburg. Robert Head had succumbed to wounds and disease.¹⁴⁶

Another glimpse of the Catawba situation at this juncture can be seen in the journals of Albert S. Gatschet, a writer. In 1881, Gatschet visited the Catawbas in York County and wrote of his visit:

I reached the settlement of the Kata'ba Indians on the Western side of the Catawba River. They now...inhabit an area of one square mile in the middle of the woods. Of this area they have under cultivation not quite one half, on which they raise Indian corn, potatoes, and chiefly cotton. Their dwellings are log huts of one room each, with two doors, a rock or wood chimney, and no windows.¹⁴⁷

This mirrors the 1840 description by the Nations Ford Treaty negotiators, and also John Patton's grim assessment in 1866. The Catawbas had gained no material advance in their living conditions in forty-plus years.

Despite this physical stagnation, major social changes were already underway by the 1880s. Indeed, a far-reaching movement for the Catawbas was taking root. From first colonization, settlers had been attempting to Christianize the "pagan" Catawbas. These efforts had met with uniform failure, regardless of the time, person, or sect.

Christianity and the church had made little progress among the Catawbas. Dr. Maurice Moore, writing about 1870, says "I was told not too many years since, by one who had preached to them himself, that though the Catawbas all understood the English language and missionaries of all denominations had faithfully preached the Word among them, not one, up to that time, ever professed conversion and became connected with a Christian church."¹⁴⁸

¹⁴⁶ "Population Schedules of the Tenth Census of the United States, 1880, South Carolina, Section T-1243: Williamsburg and York Counties" (Washington, D.C.: Census Office, 1880).

¹⁴⁷ Brown, *The Catawba Indians*, 334.

¹⁴⁸ Brown, *The Catawba Indians*, 340.

This changed abruptly in the early 1880s when Mormon doctrine and teachings struck a responsive cord among the Catawba people. Within a short time, a full ninety-five percent of them were actively practicing Mormonism, a number that has held steady until today. The appeal of Mormonism to the Catawba is very revealing. Chief Samuel Taylor Blue (1872-1952) explained as follows: “They brought a book which is known as the Book of Mormon. This Book was the direct history of our forefathers which we had no other history of before this book came along.” Brown notes that Mormonism significantly held that the American Indians, like the white race, were descendants of the lost tribes of Israel. As members of these chosen people, the Catawbas had standing above non-Israelite peoples, specifically the black race. The separation from blacks and the unity with the whites in God’s selected peoples was the answer to their tenuous position in a biracial society. Here was a religion that answered and ordained the Catawbas’ position, one that had been amorphous since the coming of the white man. Brown notes that “Telling them that they were descendants of the lost tribes of Israel gave them a place—and a respectable place—among the peoples of the world.”

Anthropologist Frank Speck noted the uniqueness of this phenomenon.

The case of the Catawba is indeed a peculiar one in this respect...the only instance among American tribes known to us where conversion to the religion of the white man shifted a whole group from paganism to Christianity in the Mormon path.¹⁴⁹

Mass religious conversion in a people who had resisted Christianity lends support to Hudson’s and Merrell’s theories about the Catawbas’ racial dilemma and their desire to be identified with whites only. The component of Mormonism that appealed to the Catawbas was the oneness with whites as superior to blacks,

¹⁴⁹ Brown, *The Catawba Indians*, 342.

and even become a part of the anointed peoples and could even achieve “whiteness.” George L. Hicks argues that an enthusiastic embrace of Mormonism follows naturally, even logically, from the findings of Hudson and Merrell.

When Mormon missionaries visited the reservation in 1883 or 1884, the Catawba were introduced to an ideology of race that promised them mobility. With their acceptance of Mormonism, the Catawba obtained the highest sanction of those beliefs about Negro inferiority that were already well-established in the tribe. The two race ideologies, Mormonism and the Catawba of Southern racism fitted together without contradiction. Both considered the Negroes “an idle people, full of mischief,” and forbade intermarriage with them. Mormonism added the agreeable notion that American Indians were one day to join Caucasians in the upper stratum.¹⁵⁰

The 1880s also saw a concerted effort by the Catawba Nation to finally secure a settlement and remuneration for the vast lands surrendered in 1840. South Carolina had never paid for the land it had seized. The Catawba Chief at that time was Thomas Morrison, who continued the new Catawba technique of applying a more personal and direct approach. The *Rock Hill Herald* reported on January 13, 1887, that Chief Morrison, along with Benjamin and William Harris, had gone directly to Columbia seeking a settlement of the Nations Ford Treaty of 1840. And this time they were accompanied by legal counsel. Attorney J. Q. Marshall had been retained and went with the Harris brothers.¹⁵¹ But the Catawbas received no satisfaction in spite of repeated appeals by Nation representatives directly to the Governor and the South Carolina Legislature.

Approximately ten years later, these frustrating efforts at redress reached a new level. This time, as in the attempts at resettlement west before the Civil War, the Catawba bypassed South Carolina and appealed directly to the Federal

¹⁵⁰ George L. Hicks, “Catawba Acculturation and the Ideology of Race,” *Symposium on New Approaches to the Study of Religion-University of Pittsburgh-1964* (Seattle: American Ethnological Society, 1964), 119.

¹⁵¹ “The Catawba Indians Looking Up Their Rights,” *Rock Hill Herald*, January 13, 1887, 3.

government. The case for restitution came from a total of two hundred and fifty seven Indians of Catawba heritage living in the Creek and Choctaw lands of the Indian Territories and in western Arkansas. They were the descendents of those Catawbas who had moved themselves west in the 1850s. Meeting at Fort Smith, Arkansas, they had formed the Catawba and Non-reservation Indian Association, and sent a Memorial stating their case to the United States Congress.

Their memorial declared that they were the members and the descendants those who had been members of the Catawba tribe of the Carolinas. Under the provisions of the Indian Removal Act of 1848, they had come west where the Federal Government had promised them new homes and land, but had granted neither. Consequently these Catawbas had been stranded in the Choctaw Territory and forced to seek livelihood without any land upon which they could build homes for themselves and their families. The succeeding generations as a result were

in great need, and are very anxious to be given lands, homes, or allotments in any of the lands that they are now or that may hereafter become available for that purpose in the Indian Territory or the Oklahoma Territory...and (are) entitled to receive in right, justice, or equity from the United States...new homes in the West or their lands in the East...and that such action be taken in their behalf.

Congress referred this matter for further investigation to the Department of the Interior's Office of Indian Affairs. In April 1888, Interior Commissioner D. M. Browning ruled that

the Catawba Indians held their lands in South Carolina, under agreements or arrangements made with that State over which the Federal Government had no control or jurisdiction."¹⁵²

¹⁵² "The Catawba Tribe of Indians," *United States Senate Document 144, 54th Congress, 2nd Session, 1897*, (Washington, D.C.: Government Printing Office, 1897), 2-3.

Thus the Catawbas' struggle for settlement of the Nations Ford Treaty was still being shifted between the Federal and South Carolina governments more than fifty years later. Nothing had changed.

The Catawba Nation, born of the union of diverse, fragmented tribes of Southeastern Indian fragments uniting under them, had undergone, in turn, its own scattering. Like other peoples before and after them, the Catawba have experienced their own diaspora across the United States. This dispersion began in the 1840s with the retreat to North Carolina and the Cherokees, then to settlement with the Choctaws and other tribes in the Indian Territories. It slowly resumed after the Civil War. Often these dispersions occurred in family groups, and they emigrated for personal reasons. The locations they chose were varied and numerous, not just to other Indian lands. Civil War veteran Alexander Timms emigrated to Colorado in 1883, followed by the family of Private Robert Head. Head's descendents moved from there to other states, especially Arizona and New Mexico.¹⁵³ Many Catawbas moved to Utah in the wake of the conversion to Mormonism. A century later, there were about fifteen hundred persons living in approximately twenty states who could claim Catawba heritage. Most recently this trend has begun to reverse, with tribal members moving back to the Carolinas, attracted by better economic opportunities and renewed interest in their Indian heritage.

Across the South in the decades following the Civil War there occurred an outpouring of remembrance and pride in the Confederacy and its heroic veterans. These paeans took various forms, from monuments to parades, holidays to literature, and social clubs for those who served and also for their families. Multiple events and organizations attempted to keep alive the spirit of those times

¹⁵³ Blumer, "Catawba Indians' Confederate Service," 225-226.

and the people who had created it. The people of York and Lancaster Counties were active participants in this celebratory and memorial process. We have already seen two instances of this movement. Both McCrady's talk at Walhalla about the heroics of Gregg's Brigade at Second Manassas, and McMaster's spirited defense, at Chester, South Carolina, of Elliott's Brigade at the Battle of the Crater were presented at CSA Company reunions. In both instances, celebration was mixed with attempts at "correction."

In the heady days after General Wade Hampton's successful 1876 campaign for Governor of South Carolina, and the subsequent ouster of the Radicals of Reconstruction, there was a marked increase in homage to the Confederacy and its ideals. The Catawba Rifles of Rock Hill, one of a score of like-minded organizations across the South, was formed to provide a social format for these celebrations. Although technically a unit in the State Militia, its main purpose appears to have been to sustain and honor the Confederate military tradition. The fellowship of these organizations is captured by a 1903 article in the *Rock Hill Journal*.

The Catawba Rifles have accepted an invitation to the military picnic to be given at Cornwell, S.C. Thursday, September 3rd. They will leave here at 10:45 and return that evening at 7:30 thus have a day's outing of eight hours, a good dinner, and the pleasure of renewing acquaintances made at the encampment at Columbia.¹⁵⁴

Indeed, according to Brown, the Rifles held a military ball every year. She quotes from one account:

The evening of May 14, 1885, was a gala occasion for the military in Rock Hill and was long remembered as a time of much enjoyment and pleasure. The afternoon was set apart for the inspection of the Catawba Rifles by General Manigault. At six o'clock the battalion was formed on Main

¹⁵⁴ "Catawba Rifles Will Attend Big Picnic," *Rock Hill Herald*, August 28, 1903, 3.

Street under the command of Lieutenant Colonel A. H. White, of the Palmetto Regiment, and the line marched...

At nine o'clock that night Roddey's Hall, which had been tastefully and appropriately decorated for the occasion, was thrown open and an assemblage of fair women and brave men soon gathered, and at ten o'clock the ball presented a brilliant scene.¹⁵⁵

There was no mention of any Catawbans in the Catawba Rifles, nor were any mentioned in the records of those attending any of these celebratory commemorative events.

In similar manner, the Original Roll of Membership for the Catawba Camp # 278, United Confederate Veterans Association, Rock Hill, South Carolina, lists one hundred and six former soldiers as charter members. They were primarily from the Carolinas, but also Arkansas, Alabama, and Georgia. However, no actual Catawba veterans were members of the Catawba Lodge of the United Confederate Veterans Association.¹⁵⁶

Indeed, there is a sharp contrast between the inclusion of white and Indian CSA veterans in these events and organizations. The vast majority of Catawba soldiers were not asked to be a part of the honoring celebrations. Blumer mentions that Alexander Tims, in 1880, attended his company's reunion,¹⁵⁷ but he does not cite his source for this statement and there is no confirmation in a newspaper or in a contemporary account. Probably more significant is the denial to them of any fellowship and help for any psychological effects that certainly were a part of the combat experience. If the Catawbans attempted this healing comradeship, they apparently did it in isolation among themselves.

¹⁵⁵ Brown, *A City Without Cobwebs*, 177.

¹⁵⁶ Roll of Membership of Catawba Camp #278, United Confederacy Veterans Association, Rock Hill, South Carolina, May 12, 1917, South Carolina Regimental Histories, York County Library, Rock Hill, South Carolina.

¹⁵⁷ Blumer, "Record of the Catawba Indians' Confederate Service," 225.

But tangible benefits associated with the Lost Cause movement were available to the Catawbans. South Carolina was among the states of the former Confederacy to initiate pension benefits for their Civil War veterans and their spouses. A limited relief effort commenced in 1888. Subsequently coverage was expanded twice. By then there were only two surviving Catawba widows to benefit from pension supplements. Nancy Harris, now 70, and Sarah Harris, 65, were officially listed as beneficiaries by the South Carolina Comptroller General in 1901. Both their husbands had served in Company H, 12th South Carolina Volunteers. Eight years later only Sarah Harris survived, receiving a monthly pension of \$19.75.¹⁵⁸

Additionally, South Carolina had started an artificial limb replacement program for amputees in 1867, and continued it for forty years. Approximately three hundred approved prosthesis applications survive, and they were collected into a book by Patrick J. McCawley, an archivist with the South Carolina Department of Archives and History. No Catawba soldiers are listed among the recipients.¹⁵⁹

As the nineteenth century drew to a close, an unusual phenomenon occurred in the Rock Hill-Fort Mill area. Of their own initiative the citizens there erected a monument to their neighbors, the Catawba people. Prominently featured on this memorial were the names of the Indian soldiers who had fought and died for the Confederacy. Another side had plaques commemorating the Catawbans who had always aided the white settlers and who had served in the Revolutionary War. This limestone and brass-plated obelisk was placed alongside three other monuments. Those erected previously honored the other

¹⁵⁸ Blumer, *Bibliography of the Catawba*, 216, 237-239.

¹⁵⁹ Patrick J. McCawley, *Artificial Limbs for Confederate Soldiers* (Columbia: South Carolina Department of Archives and History, 1992).

Southerners: Confederate veterans, women, and the slaves. All had been placed in the 1890s, with the cresting of the memorial movement. Again, the only commemoration of the Catawba soldiers sacrifice came from their neighbors, the citizens of York and Lancaster Counties.

The Catawba Memorial was dedicated on July 31, 1900, with a large gathering in attendance. *The Columbia State* was there and reported the day's events. A portion of that article directly addressed the fifty Catawbas who attended the ceremony:

And Ben Harris, a son of John Harris, one of the bravest members of the Twelfth South Carolina, delivered the speech. The speech was written by him and is a specimen of what an Indian can do.

The Indians were given a fine dinner and departed themselves well...Ben Harris, son of Confederate veteran, then spoke.

He said (that) the Catawbas never took part against him (the white man) but helped him in all life, in all wars, in the Revolution, and when they sent 20 braves to the Civil War...If the white man had done the Indian justice...a good many of them would have been educated and able to make a good speech.¹⁶⁰

Even at this ceremony honoring and remembering the faithful Catawba Nation, the stereotype of Indians as primitive and inferior comes through for the writer, just as it did for the *New York Times* editorial writer forty years previously. What was notably different was the change that had occurred in the Catawbas in the interval. That new assertiveness is apparent in Ben Harris's address. His pointed and public admonishment for the failure of the whites to respond to the Catawba sacrifices, and the consequences to his people of those broken promises and trust, was a timely example of this awakening.

¹⁶⁰ "Catawba Indians Will Be Remembered," *The Columbia State*, August 1, 1900, 2.

This post-war experience of both the Catawba soldiers and the tribe as a whole contrasted sharply with that of other North and South Carolina Indian peoples. This historiographical examination shows the uniqueness of the total Catawba commitment to South Carolina's course in the Civil War. Unlike the Catawbas, whose Civil War military support failed to change South Carolina's treatment of them, North Carolina acted quickly to recognize the Civil War support of the Eastern Band Cherokees. Its General Assembly formally recognized the Cherokees' right to North Carolina residency on February 19, 1866. Their act declared "That the Cherokee Indians who are now residents of the State of North Carolina, shall have the authority and permission to remain in the several counties of the State where they now reside; and shall be permitted to remain permanently therein so long as they may see proper to do, any thing in the treaty of eighteen hundred and thirty-five to the contrary notwithstanding."¹⁶¹ The last part referred to the Treaty of New Echota. This right had never been specifically affirmed by North Carolina, leaving tribal members in limbo as far as being able to stay in their homelands if they so desired.

Two significant factors, however, were markedly absent from this reassurance. Actual citizenship and its rights was not a part of North Carolina's declaration. Secondly, at this time disease epidemics, ruined farmland, and lack of food and clothing caused the tribal members to fall into a demoralized factionalism. They were continuing to keenly experience all the deprivations of war. They required urgent assistance, not a vague, even if welcomed, reassurance about being able to stay. Fortunately a new advocate now assumed Thomas' former role. Headsman George Busheyhead applied to North Carolina for a permanent reservation and the needed assistance. Refused, he then turned his

¹⁶¹ John R. Finger, *The Eastern Band of the Cherokees-1819-1900* (Knoxville: The University of Tennessee Press, 1984), 102-103.

efforts to the Federal Indian agencies. Officials there responded that the Eastern Band Cherokee were North Carolina's responsibility, even without citizenship. Instead these administrators again raised the possibility of removal and thus Federal stewardship. Thirty years after avoiding the 1830s push for removal, the specter of forced relocation became a distinct possibility once again for the Eastern Band Cherokees. The Fourteenth Amendment gave citizenship to anyone born in the United States and under its jurisdiction. The 1868 North Carolina Constitution granted the right to vote to anyone born in the United States, over twenty-one years old, and a resident of the state for at least a year. Despite these measures, Cherokee status concerning North Carolina citizenship and rights remained murky. Busheyhead persisted in Washington until Congress finally recognized the North Carolina Cherokee as a distinct tribe on July 27, 1868. The Eastern Band Cherokee were now under Federal protection and support. Discussions of removal turned to finding a permanent reservation. (By marked contrast, the Catawbas gained United States citizenship in 1934, and Federal recognition as a distinct tribe in 1943-1944.)¹⁶² For the Cherokee, it took an additional seven years to work through internal conflicts, Federal and state bureaucracy, and the settlement of outside land claims before their Quallatown home area became the Qualla Boundary Reservation in 1875. Additional lands were added over the next five years. The title to the Reservation was vested in the Eastern Band in common and was unalienable except by the consent of both the Cherokee Council and President.¹⁶³

The Eastern Band Cherokee were active participants in the Lost Cause commemorative associations and activities that bracketed the decades at the turn of the twentieth century. Cherokee veterans formed the United Confederate

¹⁶² Merrell, *The Catawbas*, 95-97.

¹⁶³ John R. Finger, *The Eastern Band of the Cherokees*, 122-125.

Veterans in 1900. Its name was later changed to honor Sou-noo-kee, a Cherokee Confederate soldier killed at Cumberland Gap in defense of their mountain homeland. Multiple photographs exist showing the Cherokee at reunions of Confederate veterans.

The Lumbee Indians of the coastal North Carolina area experienced a Reconstruction period markedly different than North Carolina's Cherokees. The Lowry guerrilla group did not cease fighting after assisting Sherman. Military hostilities ended in 1865 but the Lowry Band continued its paramilitary efforts against the repression directed at Indians and former slaves under the new white power structure. Reconstruction lasted until 1875 in North Carolina and their counteroffensive continued during that decade. The Lowry Band found that their efforts were necessary to counteract the "new" white racist power structure that evolved after the Civil War in the South. The Lumbee, like the Catawbias and all Southeastern Indians, were considered people of color, and deeply and adversely affected under the emerging force of Jim Crow society. W. McKee Evans chronicled this period in his study *To Die Game-The Story of the Lowry Band, Indian Guerrillas of Reconstruction*. The racist culture and segregation that arose in the postwar period necessitated the Lowry Band's continued challenges to its repression. "Once a larger political process got underway...The Radical ideas that once inspired Union soldiers were no longer needed when the antebellum power had been smashed and a new one established. The Whiggish business leaders, now as firmly in control of the Republican Party as that party was in control of the nation, were beginning to develop a queasy feeling about their earlier commitment to civil rights. One by one they began to lay aside their

Radical ideas. The Lowrys opposed...the party's dominant policy of piecemeal accommodation to the new, avowedly racist southern power structure."¹⁶⁴

The Lowry Band had members other than the Lowrys. Several of the guerillas were fellow Lumbee and both poor whites and blacks. Escaped Union POWs from the Florence, South Carolina military prison joined in the insurgent action. Able to disappear into the region's swamplands and aided by local black and Indian communities, they practiced a protective, active and violent resistance. This significant response, so different than that of the Catawbas, is noted by Laurence Hauptman: "Unlike their Indian neighbors the Catawba of South Carolina, they chose to fight back against a Southern white supremacist order that surrounded and enslaved them. Indeed, their stance as guerrillas in the Civil War era separates them from most other Southeastern Indians."¹⁶⁵

In Virginia, a brief window of opportunity to hold public office opened for the Pamunkey and other Powhatans during Reconstruction. In 1872, Pamunkey headman Ferdinand Wynn served for a few months as road supervisor in Tyler Township, Charles City County. The Pamunkey also started a cooperative Reservation store in 1874-75, using money they had received in compensation for damages as a result of Civil War combat. The Pamunkey Indians who assisted the Union forces in the Peninsula Campaign were never enlisted sailors or soldiers in either army; and, therefore, not a part of the memorial and fraternal aspects of the Lost Cause or the Grand Army of the Republic.

In the 1890s, the Smithsonian Institution became interested in preserving the culture and language of various Southeastern Indian peoples. James Mooney and Albert Gatschet were responsible for much of our understanding of the

¹⁶⁴ W. McKee Evans, *To Die Game-The Story of the Lowry Band, Indian Guerrillas of Reconstruction* (Baton Rouge: The Louisiana State University Press, 1971), 258-259.

¹⁶⁵ Hauptman, *Between Two Fires*, 85.

Catawbas in this time. Joined by John Garland Pollard, they also visited the Pamunkey Indians and other Powhatan tribes. Among their findings was the same antipathy and distancing from the now-former slaves that the Catawbas so strongly experienced. The Pamunkeys refused to associate with blacks and even had a tribal law that prohibited blacks from attending the tribal schools and churches. Pollard notes, “No one who visits the Pamunkey could fail to notice their race pride. Though they would probably acknowledge the whites as their equals, they consider the blacks far beneath their social level.”¹⁶⁶

The Cherokee Indians who lived within the Indian Territory faced a unique situation with the end of the Civil War. Technically, they had seceded to join the Confederacy. Even John Ross and his followers had signed the treaty with the Confederate States of America before seeking Federal refuge. In the corridors of Congress many were intent on punishment for the Cherokee. Senator James Harlan presented a bill to abolish all antebellum Indian treaties and consolidate all the Civilized Tribes under one government in the Indian Territory. William P. Dole, Commissioner of Indians under Lincoln, fought this attempt, citing that without the treaties there would be no Indian right over their land, leaving the Territory open to anyone. The Harlan Bill passed the Senate on March 2, 1865, but never reached debate in the House.¹⁶⁷

In September 1865, the new Indian Commissioner Dennis N. Cooley called for a meeting with the Five Civilized Tribes at Fort Smith in present day Arkansas. There Cooley relayed President Andrew Johnson’s hopes and plans for a peaceful reunion with the National government, like that of the other Confederate soldiers. New treaties were to be negotiated to accomplish this goal.

¹⁶⁶ Helen C. Rountree, *Pocahontas’s People-The Powhatan Indians of Virginia Through Four Centuries* (Norman: The University of Oklahoma Press, 1990), 205.

¹⁶⁷ Annie Heloise Abel, *The American Indian Under Reconstruction* (Cleveland: The Arthur H. Clark Company, 1925), 244-66.

Caught by surprise and unprepared to negotiate, the Indian representatives signed an understanding of friendship agreeing to proceed, and repudiated their Confederate treaties.

During the first half of 1866, treaties were again signed with all five of the Civilized Tribes. In these new agreements the Indians gave up land parcels to provide room for other tribes, freed their slaves and pledged to provide for them, established a general council of all the tribes, and provided for railroad corridors through the Indian Territory. For all the Nations except the Cherokee, reunification was uneasy but relatively uncomplicated, helped by the fact that they had never split into loyalist and secessionist factions. The Cherokees' fundamental schism during the Civil War burdened them with hostile feelings and memories. Cooley called for further negotiations. At first a split of the Cherokee Nation into Northern and Southern entities was proposed, but was rejected by President Johnson. Further compromise finally resulted a treaty with the whole Cherokee Nation on July 27, 1866, ten days after John Ross died. The unity of the Cherokee had been secured, although animosity continued for years.¹⁶⁸

There are two monuments in Tahlequah, Indian Territory (now Oklahoma). Tahlequah was the terminus of the Trail of Tears and became the capital of the Cherokee Nation. One honors John Ross, the Cherokee Principal Chief throughout the post-removal and Civil War periods. A short distance away is a memorial to Stand Watie, the Cherokee warrior.

The immediate postwar period for Southeastern Indians was in many aspects a continuation of their response to the crisis precipitated by the Civil War. Both the Indian Territory Cherokee and the Eastern Band Cherokee struggled to heal the wounds of their internal schisms that resulted from their split allegiance.

¹⁶⁸ Abel, *The American Indian Under Reconstruction*, 301-363.

There was no such deep division for the Catawbas, the only Southern tribe totally supportive of the Confederacy. During this time the Eastern Band Cherokees were rewarded with both North Carolina citizenship (in spite of some members supporting the North) and also gained Federal tribal status and protection (again in spite of the remainder serving the Confederacy). Even with no divided loyalty, the Catawbas achieved neither. They continued their struggle for aid through petitions and personal lobbying, only to receive less for a once-again growing tribal family. The Lumbee continued their guerrilla tactics in active resistance to further persecution force upon them by the racists in power during Reconstruction. In contrast the Catawbas did not attempt any known resistance to similar forces in South Carolina. The sharp difference in both the war and postwar eras between the Catawba and the other tribes would seem to indicate that the Catawbas had a reason to fully embrace the Confederacy that was not present for other native peoples. The Lumbee joined former slaves and freedmen in their paramilitary unit, and blacks that were associated with the Indian Territory Cherokee would have been slaves. The Catawbas were faced with a unique racial quandary in the highly charged biracial society of South Carolina. Their actions were their written word, and their singular response to the Civil War lends support to the idea that those actions were motivated by the felt need to separate and distance themselves from what they perceived as the greatest threat to their survival as a race.

The Catawbas' continual fight to preserve their self-identity in the rapidly evolving 19th century society of their homeland is the heart of this thesis. As the biracial Southern structure coalesced in the 1800s, the Catawbas correctly perceived that their survival as a distinct people depended on association and identification with the dominant white faction. Any other status would mean essential extinction as a people. In the ante-bellum South this involved adopting

the white racial orthodoxy, especially distinguishing themselves from the blacks. Failure to do so would mean permanent exclusion from that new society. As Brown notes, the Catawbas perception was alarmingly accurate. There definitely was “a tendency to equate Catawbas with blacks, a tendency that threatened the very existence of the Nation.”¹⁶⁹ They had to do whatever was necessary to distance themselves from blacks in that racial triangle that had entangled them.

It is deeply ironic that these native people without any inherent prejudice had to resort to that tactic against a fellow-persecuted group. The Indians and the blacks actually shared a common condition and fate. Alexis de Tocqueville noted this in his 1835 *Democracy in America*. DeTocqueville was studying American government and politics, which often involved mentioning the role and place of black and Indian Americans.

These objects, which touch on my subject, do not enter into it; they are American without being democratic, and above all it is democracy that I wanted to portray.

These two unfortunate races have neither birth, nor face, nor language, nor mores in common; only their misfortunes look alike. Both occupy an equally inferior position in the country they inhabit; both experience the effect of tyranny; and if their miseries are different, they can accuse the same authors for them.¹⁷⁰

DeTocqueville’s insight was very perceptive. He realized that both black and Indian Americans shared this exclusion, and he felt neither would ever be able to effect a change in their condition. The Catawbas appear to have attempted to steer a middle course, seeking to be associated with whites while at the same time preserving their distinct identity. The white settlers used both Indian land and slave labor to build their “new world,” constructing their society on the backs of

¹⁶⁹ Brown, *The Catawba Indians*, 381.

¹⁷⁰ Alexis de Tocqueville, *Democracy in America* (Chicago: The University of Chicago Press, 2000), 302-303.

both peoples. One can easily understand why the colonists feared a joint uprising by both. What is surprising, and indeed ironic, is the Catawbas' deep antipathy toward their fellow sufferers. This is tellingly indicative of the force of the racial paradigm.

In a real sense, religion served post-war in the Catawbas' continuing efforts to be identified with the white-dominant social power base. The hypothetical question of where the Catawbas would have served if there had been black units in the CSA is very thought provoking. Given the long, visceral history of Southern fear of armed slave uprisings, active colored military service for the blacks was a moot point in the Confederacy. What is significant is that the Catawbas, always loyal warriors except during the Yamasee War, were entrusted with arms and munitions. But that remarkable difference from the slaves did not prevent their exclusion from significant aspects of white society.

Elements of paternalism were operative in the Catawba-white Carolina relationship. The personal nature of paternalism as described by Genovese was very influential in the prewar and Civil War years. If not for the efforts of many local York County citizens, the Indian agents, certain governors, and others like David Hutchison, the tribe would have been totally abandoned after 1840. The Catawbas were also able to partially counteract the self-destructive nature of the paternalism they encountered. Genovese emphasizes the temporizing effect of religion for the slaves: "The slaves forged weapons of defense, the most important of which was a religion that taught them to love and value each other, to take a critical view of their masters, and to reject the ideological rationales for their own enslavement."¹⁷¹ The Catawbas kept their sense as a distinct people through the memory and emphasis of their Nationhood and strong warrior past.

¹⁷¹ Genovese, *Roll, Jordan, Roll*, 78-79.

Their proud history seems to have served the same function as religion did for the slaves. Unlike the slaves, they had a significant past of power and culture in South Carolina. This served as mitigating and protective value for the Indians during this period.

Christianity was not the central unifying force during the struggle as it was for the slaves. In a real sense, religion served in the Catawbas' continuing post-war efforts with the dominant white social-power base.

Mormonism gave the American Indians a special place. *The Book of Mormon* purported to be an account of the Indians' ancestors. It predicted that they could become "a white and delightsome people" if they accepted church teaching. At the same time, Mormon scripture said that those upon whom "the Lord God did cause a skin of blackness to come" were "an idle people, full of mischief." Thus to the Catawbas the Mormon doctrine encouraged their efforts to distance themselves from blacks while at the same time supporting their desire to become more like whites, a course they had already been following for years.¹⁷²

For the Catawbas, after centuries of total resistance to white missionaries, to suddenly and totally embrace a religion, it must have spoken to a deeply felt need. This acceptance by the vast majority of the tribe supports Merrell's contention that learned racial attitudes from whites underpinned their response to the upheaval thrust upon them in the 1800s. The Catawbas' solution was a byproduct of and the most significant factor in their adaptation to their changing condition during this period.

Another aspect of paternalism helps in understanding why the Catawbas supported the Confederacy with their lives. In their long relationship with South Carolina a mutual bond had formed, analogous to that of the slaves and masters described by Genovese: "A paternalism accepted by both masters and slaves...afforded a fragile bridge across the intolerable contradictions inherent in

¹⁷² Merrell, *The Catawbas*, 78-79.

a society based on racism, slavery, and class exploitation.”¹⁷³ Substitute “Catawbas” for “slaves” and that implicit bond gives insight into the Indians’ seemingly unfathomable actions of support throughout 1861-1865.

Of course, the Nation from colonial times had always associated with the whites. This too had been their initial, intuitive response long before the cotton-slave economy of the 1800s. This tradition of military aid to the white society was extended with their Civil War service. That loyalty would appear to be a separate impulse and not related to racial issues. The evolving racial society spurred efforts to enhance these established bonds with the whites. With the coming of the Secession crisis, the Catawbas’ long tradition of support for the white government fused with the more recent search for identity in the new racially-charged order. The result was their Confederate service that initially appears so mysterious and incomprehensible.

This thesis began with the idea of exploring the rationale and course of the Catawba military service to the Confederacy. That vision expanded as the study clearly showed that their Civil War experience was only a part of the significant changes that the Catawbas experienced between 1840 and 1890. The profound reshaping of their lives endured by the Catawba people in these years is comparable to their other watershed period of 1670-1770, when they were decimated by war and disease. In addition to their struggle to remain a distinct people, the Catawbas also endured the continuous conflicts of race in a new society, as well as their emergence as a people with their own voice, religion and diaspora. In each period they were threatened with marginalization, even extinction. Exploring their responses and motivations has made for a rewarding

¹⁷³ *Genovese, Roll, Jordan, Roll*, 5.

study that lends insight into a unique element in the history of South Carolina, the South, and the United States.

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