

## HISTORIC LETTERS OF GENERAL BEN McCULLOCH AND CHIEF JOHN ROSS IN THE CIVIL WAR

By Harry J. Lemley\*

The following copies of letters are from the original written by Brigadier General Ben McCulloch, Confederate States Army, to John Ross, Principal Chief of the Cherokee Nation, and the reply of Chief Ross:

### THE McCULLOCH LETTER

Head Quarters McCulloch's Brigade  
Fort Smith, Ark.  
June 12, 1861.

His Excellency,  
John Ross,  
Chief of the Cherokee Nation.

Sir:

Having been sent by my government (the Confederate States of America) to take command of the District embracing the Indian Territory and to guard it from invasion by the people of the North, I take the first opportunity of assuring you of the friendship of my government, and the desire that the Cherokees and other tribes in the Territory unite their fortunes with the Confederacy. I hope that you as Chief of the Cherokees will meet me with the same feelings of friendship that actuate me in coming among you, and that I may have your hearty co-operation in our common cause against a people who are endeavoring to deprive us of our rights. It is not my desire to give offense or interfere with any of your rights or wishes, and shall not do so unless circumstances compel me. The neutral position you wish to maintain will not be violated without good cause, in the meantime those of your people who are in favor of joining the Confederacy must be allowed to organize into military companies as home guards for the purpose of defending themselves in case of invasion from the north; this of course will be in accordance with the views you expressed to me that in case of an invasion from the North you would lead your men yourself to repel it.

Should a body of men march into your Territory from the North, or if I have an intimation that a body is in line of march for the Territory from that quarter, I must assure you that I will at once advance into your country if I deem it advisable.

(Signed) I have the honor to be, Sir:  
Your obt. Ser.,  
Ben McCulloch,  
Brig. Genl.  
Comm.

---

\* Judge Harry J. Lemley served as United States District Judge for the Eastern and Western Districts of Arkansas for nineteen years before his retirement in 1958. He attended Randolph Macon Academy and the University of Virginia. After receiving his LL.B. from Washington & Lee Law School in 1912, he formed a partnership in the practice of law with his brother, Judge W. Kendall Lemley at Hope, Arkansas, which is still his home. Besides his practice of law, Harry J. Lemley was

## THE ROSS LETTER

Executive Department, C.M.  
Park Hill, June 17th, 1861.

Sir:

I have the honor to acknowledge by the first return mail the receipt of your communication dated at Fort Smith, Ark., the 12th instant, informing me that you have been sent by the Government of the Confederate States of America to take command of the District embracing the Indian Territory and to guard it from invasion by the people of the North. For the expression of your friendship be pleased to accept my heartfelt thanks, and the assurances that I cherish none other than a similar sentiment for yourself and people, am also gratified to be informed that you will not interfere with any of our rights and wishes unless circumstances compel you to do so nor violate or molest our neutrality without good cause. In regard to the pending conflict between the United States and the Confederate States, I have already signified my purpose to take no part in the same course. The determination to adopt that course was the result of consideration of law and policy and seeing no reason to doubt its propriety. I shall adhere to it in good faith and hope that the Cherokee people will not fail to follow my example. I have not been able to see any reason why the Cherokee Nation should take any other course for it seems to me to be dictated by their treaties and sanctioned by wisdom and humanity. It ought not to give ground for complaint to either side and should cause our rights to be respected by both. Our Courts and Institutions are our own, small the one or humble the other, they are as sacred and valuable to us as are those of your own populous and wealthy state to yourself and your people. We have done nothing to bring about the conflict in which you are engaged with your own peoples and I am unwilling that my people shall become its victims. I am determined to do no act that shall furnish any pretext to either of the contending parties to overrun our Country and destroy our rights. If we are destined to be overwhelmed it shall not be through any agency of mine. The United States are pledged not to disturb us in our rights, nor can we for a moment suppose that your Government will do it as the sacred principles upon which it is struggling for an acknowledged existence are the rights of the states and freedom from outside interference. The Cherokee people and Government have given every assurance in their power of their sympathy and friendship for the people of Arkansas and of other Confederate states unless it be in voluntarily assuming an attitude of hostility towards the government of the United States, with whom their treaties exist and from whom they are not experiencing any new burdens or exactions. That I cannot advise them to do and hope that their good faith in adhering to the requirements of their treaties and of their friendship for all the whites, will be manifested by strict observances of their neutrality enjoined.

well known for his civic and business activities before his appointment to the bench. He was a founder of The First National Bank at Hope, Arkansas; served as a member of the Arkansas State Audit Commission, 1891-1899; and was President of the Board of Trustees of the State A. & M. College, now Southern State College at Magnolia, Arkansas. He is author and co-author of several articles on Arkansas archaeology and papers on Confederate military history.—Ed.

1. These letters between Gen. Ben McCulloch and Chief John Ross are referred to in *A Standard History of Oklahoma* by Joseph B. Thornburn (New York, 1916), Vol. I, pp. 281-82.

to bring you?  
 Gen. Ben McCulloch  
 Comd. Troops of  
 Confederate States  
 Fort Smith, Ark.<sup>s</sup>

Have the honor to be,  
 Sir, Yr. Obedient  
 D. D. Ringling  
 Cheyenne Station

Closing and signature of the Chief John Ross letter.

yourself to repeat it.  
 I had a copy of your March but your January from the  
 West, or if I have an intuition that a copy is in line  
 of March for the January from the Quarter, I must  
 assure you that I will at once address into your  
 hands if I deem it advisable.  
 I have the honor to be, Sir,  
 Yours Most Devotly  
 Gen. Ben McCulloch  
 Major General  
 Council

Closing and signature of the General Ben McCulloch letter.

Your demand that those people of the Nation who are in favor of joining the Confederacy be allowed to organize into military companies as home guards for the purpose of defending themselves in case of invasion from the North, is most respectfully declined. I cannot give my consent to any such organization for very obvious reasons.

1st. It would be a palpable violation of my position as a neutral.

2nd. It will place in our midst organized companies not authorized by law but in violation of treaty, who would soon become efficient instruments in stirring up domestic strife and causing internal difficulties among the Cherokee people. As in this connection you have misapprehended a remark made in connection at our interview some 8 or ten days ago, I hope you will allow me to repeat what I did say. I informed you that I had taken a neutral position and would maintain it honestly. But that in case of a foreign invasion, old as I am, I would assist in repelling it. I have not signified any purpose as to an invasion of our soil and an interference with our rights from the United or Confederate States because I have apprehended none, and cannot give my consent to any.

I have the honor to be, Sir,  
Yr. Obedt. Servt.,  
John Ross, Prin. Chief  
Cherokee Nation

To Brig. Genl.  
Ben McCulloch  
Com. Troops of  
Confederate States  
Fort Smith, Ark.

The background of these letters is largely set out in the sketches of the two men which follow. Briefly, after McCulloch had been promoted to brigadier general in the Confederate States Army, and assigned to the command of troops in Arkansas and Indian Territory, he and others endeavored to make treaties with the various Indian tribes in the Territory. In opposition to this, Chief Ross held off to keep his nation neutral. On May 28, 1861, General McCulloch and Albert Pike, who had been appointed Commissioner for the Confederate States, together called upon Ross, and urged him to recommend to his people that they unite with the Confederacy. Chief Ross politely but firmly declined. This exchange of letters was made shortly after their visit.

#### BRIGADIER GENERAL BEN McCULLOCH

General Ben McCulloch, an elder brother of Brigadier General Henry E. McCulloch, U. S. Army, was born on November 11, 1811, in Rutherford County, Tennessee, of Scotch-Irish descent. His father, Alexander McCulloch, won distinction under General Jackson in the British and the Creek Indian Wars of 1812 and 1815. In his youth Ben McCulloch became an expert hunter, raftman and flatboatman.

In 1835, hearing of David Crockett's expedition to engage in the struggle for Texas independence, he immediately set out

for Texas but was taken ill on the way, and did not recover until after the fall of the Alamo. Upon his recovery, he joined Sam Houston just before the Battle of San Jacinto. During that battle he was in command of a gun in the artillery and was commended for his coolness and bravery. After the Texas Army disbanded, McCulloch settled in Gonzales and engaged in surveying lands on the frontier. In 1839 he was elected to the Texas Congress, after a campaign in which he fought a duel with Colonel Reuben Davis, in which he received a wound in the arm, the full use of which he never regained. During this period of his life, he gained renown in numerous fights with the Comanches and Mexican raiders.

When Texas was admitted to the Union, McCulloch was elected to its first legislature. In 1846 he was appointed major general of all the militia west of the Colorado. At the beginning of the Mexican War he raised a company of Texas Rangers and rendered brilliant service under General Zachary Taylor, leading the opening charge at Buena Vista. Before the war ended he had been promoted to major.

In 1849, during the gold rush, he went to California, and was soon made sheriff of Sacramento County. In 1852 he returned to Texas and was appointed U. S. Marshal and served for six years.

In February, 1861, while he was colonel of State troops he received the surrender of the Federal posts at San Antonio and elsewhere, then under the command of General David E. Twiggs, later a major general in the C. S. Army. In May, 1861, McCulloch was appointed a brigadier general in the Provisional Army of the Confederate States and assigned to command of the troops in Arkansas and Indian Territory. On August 10 of the same year, he won the Battle of Wilson Creek with the assistance of General Sterling Price and his Missouri troops. In General McCulloch's command in this battle was a contingent of Cherokee troops under Colonel (later Brigadier General) Stand Watie.

On March 7, 1862, under the command of General Earl Van Dorn at Pea Ridge, or Elkhorn Tavern, and while directing the right wing of the army, General McCulloch was killed almost instantly by a federal sharpshooter. At the time of his death he was the second ranking Confederate brigadier general. His body was carried overland by a friend and interred in the State Cemetery in Austin, Texas.

#### CHIEF JOHN ROSS

The life of John Ross from early manhood until death in 1866 is so entwined with that of his people, the Cherokees, that

no realistic sketch of Ross can be written without reference to the history of the Cherokee Nation, during the period of his lifetime.

John Ross, the son of a Scotch immigrant and his Cherokee wife (one-fourth Cherokee by blood) was born at Rossville, Georgia, on October 3, 1790. A letter written by him in 1823 shows that he was postmaster at Rosville.<sup>2</sup> He was well educated for in his boyhood he had been instructed by private tutors, and later had attended Kingston Academy in Tennessee. He was married twice, first to Quatic, a full blood Cherokee who died at Little Rock, Arkansas, during the removal of the Cherokees from Georgia to the Indian Territory (1838-1839). She is buried in Mount Holly Cemetery at Little Rock, in the lot of General Albert Pike.<sup>3</sup> Chief Ross' second wife was a Quakeress, Mary B. Stapler of an old Philadelphia family.

When John Ross returned home from Kingston Academy, he learned that the land left the Cherokees by the Treaty of Holston (1808), in Tennessee was inadequate and not suitable for cultivation. He was a shrewd and practical politician as well as a good business man. During the years 1808 to 1810, he saw service with the Federal Government when a large number of Cherokees moved west under treaty provisions to an area on the Arkansas River, in the vicinity of Fort Clark which had been established as an agency for them. (This is in the general area of Morrilton and Dardanelle, Arkansas.) A band of Cherokees had moved west to this region before 1800, and when they were later joined here by their fellow tribesmen, they became known as the Arkansas Cherokee, or Western Cherokee.

John Ross assisted in drafting the constitution for the Cherokee government with its capital at New Echota in Georgia, and a year later (1828) was chosen principal chief of the Nation, a position to which he was elected term after term in the Indian Territory, until the end of his life. He was a well known figure in the United States of his day, and he is remembered as one of the great leaders of the Cherokees in history.

The Cherokees in Arkansas were finally induced by government commissioners to sign a new treaty in 1828, and they moved further west to land along the Arkansas River in the

<sup>2</sup> The original of this letter is in the private collection of Judge Harry J. Lemley. A copy is seen in the Appendix at the end of this article.

<sup>3</sup> Gen. Albert Pike died in the Masonic "House of the Temple," Third and E streets, Washington, D.C., on April 2, 1891. He was buried at Oak Hill Cemetery, near Georgetown until 1944. At this time, his body was moved to its present resting place in the Masonic Temple at 16th and B streets, N.W., Washington, D.C. (Notes from Claude Henley of Oklahoma City who recently returned from the National Capital.)—Ed.

Indian Territory, their new country located in what is now Northeastern Oklahoma. Thus, the Nation became divided geographically, for the great majority of the Cherokees still lived in Georgia and Tennessee. It was not long before white frontiersmen were pushing to live in this Cherokee country, especially after gold was discovered in the region. Finally, pressure was brought to bear by the State authorities backed by President Andrew Jackson to move all the Cherokees west, and a treaty was signed on December 29, 1835, at New Echota by Cherokees of the so-called Treaty Party without the consent of Chief Ross and a large majority of the eastern group. The Treaty Party was headed by Major Ridge, his son John Ridge, and his two nephews, Elias Boudinot and Stand Watie, and was largely composed by mixed-blood Cherokees who believed that it would best serve the interests of their Nation to sell the Georgia and other eastern lands though at a fraction of their worth and move west to the Indian Territory. Chief Ross and his followers, mostly fullbloods were bitterly opposed to the terms of the New Echota Treaty. This opposition cost Ross dearly for he was kidnaped by the Georgia Guard, and was thrown into prison together with John Howard Payne, the author of "Home, Sweet Home," who was with Ross at the time.

Unfortunately for the leaders of the Treaty Party, who had acted as they believed in the best interest of their Nation, the way in which the last of the Cherokees were forced out of their homes in Georgia to travel in the midst of suffering and death along wilderness roads to the West—each road now referred to in history as "the Trail of Tears"—widened the breach between the two factions in the Cherokee Nation.

Chief Ross and many others in the Nation prospered after the removal, with plantations and cattle raising on the fine lands of the Arkansas River region in what is now Oklahoma. Ross operated a large plantation with his many Negro slaves, and built a beautiful and spacious home which he called "Rose Cottage," located near old Park Hill. Notwithstanding their prosperous condition, the breach between the two Cherokee factions continued and widened through the years. When the War Between the States began, Stand Watie and his followers, mostly mixed-bloods, embraced the cause of the Confederate States while John Ross and the great majority of the fullbloods held out for a neutral stand in the great conflict between the North and the South. Ross prepared to defend his position, and organized a Cherokee regiment under the command of John Drew, in the early summer of 1861, with the consent of the Cherokee Council to serve as a guard along the Cherokee line bordering Kansas.

Governor Rector of Arkansas, General Ben McCulloch and finally, Albert Pike continued to urge Chief Ross to abandon his

neutral position, and sign up a treaty with the Confederate States, offering the Cherokee Nation many inducements. Believing that the Cherokees would lose the \$5,000,000 owing them by the Federal Government, Ross maintained neutrality until after the Confederate victories at the First Battle at Manassas (Bull Run) and the Battle of Wilson Creek. He was now convinced that the Confederate States would win the War and that it would be to the best interest of his people to sign a treaty with the South. Ross assembled the Cherokee Council, and with its consent a treaty was signed on October 7, 1861, uniting the Cherokee Nation with the Confederate States. The next spring—March, 1862—both Drew's Cherokee Regiment and Stand Watie's Mounted Troops fought under General Albert Pike at the Battle of Pea Ridge. Drew's men left the field and returned home after the death of Generals McCulloch, McIntosh and Slack, while Watie's forces remained and fought to the end of that disastrous battle for the South.

After the defeat of the Confederates at Locust Grove in July, 1862, detachments of Federal troops went on to Fort Gibson and Tahlequah, and Chief Ross was arrested at his home near Park Hill. He was soon paroled but went north with the Federal forces to Kansas. He visited President Lincoln at Washington, and moved to Philadelphia where, it is said he tried to maintain the Cherokee government in exile. Stand Watie was elected Principal Chief of the Southern Cherokees. He continued to fight throughout the War, and was commissioned Brigadier General in the Confederate States Army in 1864.

Stand Watie was the last general officer of the Confederate Army to resign when he surrendered his Cherokee command at Doskeville, Choctaw Nation, on June 23, 1865. John Ross returned to the Indian Territory that summer, and was re-elected principal chief of the Cherokee Nation. A year later (1866), he died at Washington during the negotiations for a new treaty demanded by the Federal Government, his last efforts expended in the defence of the rights and welfare of the Cherokee people.

#### APPENDIX

##### A John Ross Letter from Rossville, Cherokee Nation, 1823.

The following letter is a copy of a folded letter dated Rossville, C.N., Aug. 13 and franked "Free, Jno. Ross, P.M.," directed to Messrs. Allen Latham and E. G. Leonard, Chillicothe, Ohio. In the left hand lower corner is the word "Mail."

Rossville, Cherokee Nation  
Aug. 12, 1823

Gentlemen:

Having been informed thro' your advertisement that you have been engaged in collecting evidences relative to the claims of those officers and soldiers who served in the Virginia Continental Army and



who are entitled to bounties of lands—I am requested by an old soldier who served in that army and now lives in this section of country to write you for information, whether he is entitled to a bounty of land and the practicability of obtaining it as he states that he has never received any. He further states that he was enlisted on 10th March, 1775 and discharged 10th March, 1777, and that he served under Capt. Joseph Spencer, Garin Barlen and Wm. White, Lieuts. in said company. He was acquainted with Genl. Woodford and Major Nelson and other field officers. The name of this man is Wm. McDonald or McDaniel, he is in very indigent circumstances and would be very thankful, that you write me on this subject for his information as soon as practicable.

I am, Gentlemen,  
Yrs. respectfully,  
(Signed) Jn. Ross

#### BIBLIOGRAPHY

- Fred W. Alsopp, *Albert Pike* (Little Rock, Arkansas, 1928).  
 Wiley Britton, *The Union Indian Brigade in the Civil War* (Kansas City, Missouri, 1922).  
 Frank Cunningham, *General Stand Watie's Confederate Indians* (San Antonio, 1969).  
 Edward Everett Dale and Gaston Litton, *Cherokee Cavaliers* (University of Oklahoma Press, Norman, 1939).  
 Robert L. Duncan, *Reluctant General* (New York, 1961).  
 Jay Monaghan, *Civil War on the Western Border, 1854-1865* (Boston and Toronto, 1955).  
 John Howard Payne, *John Payne to His Countrymen*, edited with Introduction by Clements de Baillon (University of Georgia Press, 1961).  
 Margaret Ross, *Chronicles of Arkansas*, a series of articles (*Arkansas Gazette*, 1961).  
 Joseph B. Thoburn, *A Standard History of Oklahoma* (Chicago and New York, 1916).  
 Ezra J. Warner, *Generals in Gray* (Louisiana State University Press, 1959).  
 Jerning C. Wise, *Red Man in the New World Drama* (Washington, D.C., 1956).  
*Confederate Military History*, various authors (Atlanta, Ga., 1899).