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University of North Carolina Asheville

Evolution of a Martyr:

Tracking the Legend of the Cherokee Folk Hero Tsali

A Senior Thesis

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By: Timothy Harden

Abstract

From the writings of whig journalist Charles Lanman to the notable American anthropologist James Mooney to the popular play “Unto These Hills” by Kermit Hunter, the historic memory of the Cherokee folk hero Tsali has changed greatly over the century and a half since his death. This thesis will look at the historic memory of Tsali, how it has changed over time, and its significance by looking at some of the major tellings of Tsali’s story, and newspaper articles that offer prevalent versions of the story in their time.

On the night of July 1st, 1950 the Mountainside Theatre near Cherokee opened with a play that would in time become one of the most popular plays in Western North Carolina. That play was the Cherokee drama “Unto These Hills.” Directed by Harry Davis and written by Kermit Hunter, this play told a dramatized version of Cherokee Removal. “Unto These Hills” had a massive cast of over one-hundred actors, some of whom were Cherokee themselves, while many others were whites playing lead Cherokee roles, such as John Shearin in the role of the martyr Tsali. In the play, the Cherokee are tricked by the Federal Government into selling their lands for five-million dollars, and then forcibly removed from their ancestral home. A drunken soldier murders Tsali’s wife, and Tsali takes his revenge by killing the soldier in turn. Afterward, Tsali escapes into the mountains with his sons and is able to evade the Federal Army that wants him dead. Tsali is then offered the choice of surrendering himself and his sons to the army so that the remaining Cherokee people may stay in their homeland. He accepts and becomes a martyr for the Cherokee still remaining in North Carolina. The play was a success, so much that A. C. Snow called the play “an evening of noble entertainment in which the audience becomes more sympathetic to the Cherokee, his story and the towering rugged homeland which is in the mountains of the Smokies.”¹

The character in “Unto These Hills” named Tsali has a longer history of being remembered as a martyr than in this play. In fact, the historical memory of Tsali has a long past that has slowly changed over time to become what audiences see in “Unto These Hills.” William Fitzhugh Brundage describes historical memory as an understanding of the past that is shared by a collective of individuals. This memory is based less on actual historic realities, and more on a

¹ A. C. Snow, “Times-News Reporter Praises Opening of “Unto These Hills,” *The Daily Times-News*, July 3, 1950, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/52626265/?terms=%22unto%2Bthese%2Bhills%22&pqid=spVRWsiXnu79zUVZbw1MBw:24000:2110860353>.

shared culture.² In “Landmarks of Power: Building a Southern Past, 1885-1915,” Catherine Bishir describes how a historical memory can be created through landmarks, and a historic narrative removed from reality can be shaped.³ Tsali’s historical memory has been a continually evolving story, one that has been important as it has given the Cherokee a hero to rally behind and a story that makes white Americans sympathize with the Eastern Cherokee Band.

James Mooney’s report of the Tsali legend is the earliest account of it being collectively held by the Cherokee people. Mooney did the majority of his research in the southeast, and he had a particular interest in the Cherokee. In his *Myths of the Cherokee* he states that Tsali turned himself in after learning that Colonel Foster and Major General Scott had promised leniency from the federal government in regards to the Eastern Band of the Cherokee. *Myths of the Cherokee* has been regarded as one of the most important texts on the past of the Cherokee, and for those who would believe an anthropological account over a historic account, Mooney’s writings on Tsali are still considered the most foundational.⁴ John Preston Arthur’s book *Western North Carolina: A History (From 1730 to 1913)* repeats Mooney’s account, and Arthur also offers two eyewitness accounts to Tsali’s execution.⁵

Paul Kutsche argues in *The Tsali Legend: Culture Heroes and Historiography* that the different interpretations of Tsali’s story are based upon the circumstances and beliefs of the

² William Fitzhugh Brundage, *Where These Memories Grow: History Memory and Southern Identity* (North Carolina, The University of North Carolina Press: 2000), 3-4, accessed October 3, 2018, <https://uncpress.flexpub.com/preview/where-these-memories-grow>.

³ Catherine W. Bishir, “Landmarks of Power: Building a Southern Past, 1885-1915,” *Southern Cultures*, no. 1 (1993): 5-45, accessed October 24, 2018, <https://www.jstor.org/stable/44376396>.

⁴ J. N. B. Hewitt, “James Mooney,” *American Anthropologist* 24, no. 2 (Spring 1922): 209-214, accessed October 3, 2018, https://www.jstor.org/stable/660722?seq=5#metadata_info_tab_contents.

⁵ John Preston Arthur, *Western North Carolina: A History (From 1730 to 1913)* (Raleigh, Edwards and Broughton Printing Company: 1914), 577-581 accessed October 3, 2018, <https://archive.org/details/westernnorthcaro00arth/page/576>.

authors, instead of the actual events of Tsali's final days.⁶ Kutsche was the founder of the Department of Anthropology at Colorado College, and taught anthropology from 1959 to 1993. Like James Mooney, Dr. Kutsche had an interest in the Cherokee people and in performing fieldwork in Cherokee. In the beginning Dr. Kutsche states how he as an ethnohistorian was not interested in the actual events of the Tsali incident, but rather how it has been remembered. He notes the small differences in each tale such as the number of soldiers murdered, and shows how these differences represent the different beliefs held by the authors.⁷

Both Dr. John Finger's article *The Saga of Tsali: Legend Versus Reality* and his book *Eastern Band Of Cherokees: 1819-1900* are foundational and well researched sources on Tsali's final days and his historic memory. In his article, Dr. John Finger argues that the Legend of Tsali that James Mooney related is not factual. To do this he compares a variety of sources, many of which come from the Federal Army officials interested in catching Tsali such as General Scott and Colonel Foster, and tries to assert a factual narrative.⁸ The chapter in his 1984 book *Eastern Band Of Cherokees: 1819-1900* that deals with Tsali has a similar argument, but is less interested in comparing his more historically factual account to the legend that Mooney related.⁹

Perhaps because of recent discussions on cultural appropriation, a few historians have looked at how Tsali has been remembered by white Americans. One such historian is Dr. Andrew Denson, who teaches a variety of Native American and Cherokee history classes at Western Carolina University. In his 2009 article *Gatlinburg's Cherokee Monument: Public*

⁶ Paul Kutsche, "The Tsali Legend: Culture Heroes and Historiography," *Ethnohistory* 10, no. 4, (Autumn 1963): 352, accessed October 3, 2018, https://www.jstor.org/stable/480334?seq=1#metadata_info_tab_contents.

⁷ "Professor Emeritus Paul "Buzz" Kutsche Passes Away," Colorado College, 2017, accessed October 3, 2018, <https://www.coloradocollege.edu/newsevents/newsroom/professor-emeritus-paul-buzz-kutsche-passes-away#.WvHwIJoh0dU>.

⁸ John Finger, "The Saga of Tsali: Legend Versus Reality," *The North Carolina Historical Review* 56, no. 1 (1979): 18, accessed October 3, 2018, https://www.jstor.org/stable/23535515?seq=1#metadata_info_tab_contents.

⁹ John Finger, *The Eastern Band of Cherokees 1819-1900*, (Knoxville: The University of Tennessee Press, 1984), 16-14.

Memory in the Shadow of a National Park, he argues that on the larger scale, those interested in creating tourist destinations try to give these destinations a sense of worth through history, even if the history they are using has no relation to the place in question.¹⁰ His most recent work, *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory*, views a variety of historic memories related to the Cherokee Removal, and Tsali's story is looked at in the second chapter. He said little about Tsali, and instead focused on how his memory and how it inspired the creation of a monument to Tsali on the road leading to the Great Smoky Mountain National Park.¹¹

Unlike James Mooney, John Arthur, and John Finger's works, this thesis is not interested in proving or disproving what happened in Tsali's past. Nor is the primary purpose of this thesis to show how the historical memory of Tsali is different from thoroughly researched historic fact. Like Andrew Denson's work regarding the Tsali Monument in Tennessee, and Paul Kutsche's article, this thesis will study both the progression of Tsali's historical memory, and how it has been used. But, unlike Denson and Kutsche, this thesis will be more complete.

The tale of Tsali's execution begins with the Cherokee Removal. The Treaty of New Echota was signed in the year 1835, on December 29. This treaty stated that for the price of five-million dollars and land in the southwest, the Cherokee would give up their southeastern lands and assent to removal within the next two years. If they had not already left by their own accord in two years, they were to be taken westward past the Mississippi by military escort.¹² Two and a half years later on May 17, 1838, Major General Winfield Scott announced that he was to be in

¹⁰ Andrew Denson, "Gatlinburg's Cherokee Monument: Public Memory in the Shadow of a National Park," *Appalachian Journal* 37, no. 1/2 (Fall 2009): 28-29, accessed October 3, <http://www.jstor.org/stable/40934479>.

¹¹ Andrew Denson, *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory* (Chapel Hill: University of North Carolina Press, 2017).

¹² Treaty at New Echota, United States of America, December 29, 1835, *EAS* 11, accessed October 3, 2018, <https://catalog.archives.gov/id/299801>.

charge of the removal of all Cherokee remaining in the eastern lands that were specified in the Treaty of New Echota.¹³

In his orders, Scott stated that all Cherokee were to be removed, but that this must be done with care, as the Army did not wish to start a war with the Cherokee people. Soldiers were given permission use force only when necessary, and any soldier showing undue cruelty was expected to be reprimanded by their fellow soldiers. While this could have helped in keeping the Cherokee people physically safe from the soldiers escorting them, it still allowed interpretation on how much force was necessary in escorting the Cherokee people.¹⁴ According to Article 12 of the 1835 Treaty of New Echota, any Cherokee that did not wish to leave their homeland would be allowed to stay, provided that they were willing to become a citizen of the United States, and no longer be a part of the Cherokee Nation. Those that stayed would still have their land taken, and would need to purchase new property for themselves.¹⁵

The people of Quallatown, North Carolina had been considered an offshoot from the main tribe and decided to legally remove themselves from the Cherokee tribe, thus they were legally not subject to the Cherokee Removal. William Holland Thomas was a white attorney who had been adopted into the Quallatown tribe as a child. He argued the case of the Quallatown Cherokee at Washington, on the grounds that while the land they lived on was covered by the Treaty of New Echota, the people themselves were no longer a part of the Cherokee tribe detailed in the Treaty of New Echota. Their case was won and the Quallatown Cherokee were able to buy back their own land through Thomas. Within the next two years, the Qualla Cherokee were fearful that their right to stay would be revoked or simply ignored by the government and

¹³ Eastern Division Cherokee Agency, Orders No. [25] Head Quarters, Eastern Division Cherokee Agency, Ten, May 17, 1838, accessed October 3, 2018, <http://hdl.loc.gov/loc.rbc/rbpe.1740400a>.

¹⁴ Eastern Division Cherokee Agency, Orders No. [25] Head Quarters, Eastern Division Cherokee Agency, Ten.

¹⁵ Treaty at New Echota.

its soldiers. Thomas assisted the army in capturing Cherokee who had gone into hiding to help make the point that he and the Quallatown people wished to cooperate with the government.¹⁶

Tsali's story begins similarly to the historical memory that has become so important, with his capture. Tsali and approximately nineteen of his relatives, including his wife and children, attempted to avoid removal by hiding in a mountain camp overlooking the Little Tennessee and Tuckasegee rivers. Hearing of this camp, Second Lieutenant Andrew Smith, three of his soldiers, and William Thomas went to look for Tsali and his family on October 30, 1838. They found their camp, and the family peacefully surrendered. Lieutenant Smith was able to capture twelve fugitives, including Tsali. On November 1, Thomas stayed behind as the soldiers left with their twelve prisoners to rejoin Lieutenant Smith's remaining command. Near the end of the day, one of the male prisoners killed a soldier with an axe that he had hidden. Chaos followed, and the prisoners were able to kill another soldier and wound the third while Lieutenant Smith escaped on horseback. Thomas reunited with Lieutenant Smith later on that day, and both of them were able to make it to Fort Cass. By November 6, Major General Scott had received both Thomas and Smith's reports on the events that transpired on November 1. The next day he ordered Thomas and Colonel William S. Foster to capture all the fugitives possible and execute those responsible for the murders. Thomas enlisted the help of Oconaluftee who had been in hiding near Quallatown by offering their leader Euchella the chance to join those in Quallatown and stay in their homeland legally, if Euchella and some of his men would join the manhunt for Tsali. On November 12, Euchella and his warriors came to Quallatown and accepted Thomas's offer. Together the Cherokee involved with the manhunt numbered sixty.¹⁷

¹⁶ John Finger, "The Eastern Band of Cherokees 1819-1900," 17-22.

¹⁷ John Finger, "The Eastern Band of Cherokees 1819-1900," 22-27.

Brigadier General George A. McCall was a Captain at this time, and he claimed to have taken part in the manhunt for Tsali's family, and to have been present for his son's executions. On November 24 he stated that excluding Tsali, everyone who had been taken prisoner by Lieutenant Smith had been captured by the Cherokee from Quallatown. This group included Tsali's wife. The four men were tried for murder, and excluding Tsali's youngest son Wasituna, all were found guilty and sentenced to death. At the request of Colonel Foster, the Cherokee would execute the men from Tsali's party, not the federal soldiers. Whether this was to serve as a show of respect to the Cherokee, a warning made to show the executioners what happened to outlaw Cherokee, or simply a way for the Colonel to keep his soldier's consciences clean, is unknown. Captain McCall claimed that with the help of an interpreter, he spoke with the prisoners at length. The prisoners explained that Tsali's oldest son Nantayalee Jake, aged thirty-eight years, had thought of the plan to kill the soldiers to escape, not Tsali himself. Nantayalee stated that he had only killed the soldiers to escape because of the women who were in the party, one of which was pregnant. He said that had it been himself alone, or only other men, then they would have ran into the forest and escaped the soldiers who were already out of their element. This means that while the murders took place partly because the prisoners wished to protect their wives and children, they were not caused by Tsali's wife being mistreated or killed. This is not to say that mistreatment of the prisoners did not take place, rather that it was not the primary reason for the killings. On that same day, at four o'clock p.m. the murderers were executed by their fellow Cherokee.¹⁸

¹⁸ George A. McCall, *Letters from the Frontiers: Written During a Period of Thirty Years' Service in the Army of the United States* (Philadelphia: Lippincott & Co, 1869), 358-362, accessed October 3, 2018 <https://archive.org/details/lettersfromfront00mcca>.

After the executions of the principal participants in the murders, Colonel Foster considered his mission completed and wrote to Major General Scott that almost all of the prisoners taken by Lieutenant Smith had been recaptured and the murderers tried and punished. He also highly recommended to Scott that the Oconaluftee Cherokee be allowed to stay in Quallatown because of their help in this matter and their cooperative disposition. Tsali's capture was no longer a top concern of Scott, or the federal government for that matter, and Colonel Foster was willing to leave the matter of Tsali's justice in the hands of the Cherokee. That evening after the Fourth Infantry had left the mountains, the Oconaluftee Cherokee found Tsali, and later on the next day, he was executed by Euchella. On December 3, Colonel Foster wrote to Scott to inform him of Tsali's execution and to ask that Euchella and his band be allowed to stay and join Quallatown. A month later in January of 1839, the commissioners of the Cherokee removal gave their approval for the remaining Oconaluftee Cherokee to join Quallatown.¹⁹ So while Tsali's execution was not the primary reason for the Cherokee still in hiding being allowed to stay, it was connected with the Oconaluftee Cherokee being allowed to join Quallatown and stay legally. Near the end of 1838, most of the Cherokee people had been removed to the west. The majority of the lands the United States government had purchased with the Treaty of New Echota were now under their control, so those that remained by legal means, such as the Quallatown Cherokee, as well as those who had illegally remained by avoiding the soldiers, were allowed to stay.²⁰ This is how the small fraction of Cherokee were able to stay in the East.

The first recorded version of the historical memory of Tsali is in *Letters from the Alleghany Mountains* by Charles Lanman written in 1849, ten years after the execution took place. Lanman was speaking of Euchella when he mentioned Tsali, who is referred to as Charley,

¹⁹ John Finger, "The Eastern Band of Cherokees 1819-1900," 25-27.

²⁰ John Finger, "The Eastern Band of Cherokees 1819-1900," 28-29.

and started by telling the story of how Euchella came to hide from the soldiers within the mountains, where his wife and child died of starvation. William Thomas went to him to acquire his help in hunting down Tsali and the other murderers, who Lanman simply referred to as “the *murderers*,” in exchange for being allowed to join Quallatown. Eventually, Euchella accepted and joined the hunt for Tsali. Lanman glossed over the executions of the other murderers and instead focused on Tsali. In his telling, Tsali gave a speech “We have been brothers together; but Euchella has promised to be the white man’s friend, and he must do his duty, and poor Charley is to suffer because he loves his country. O, Euchella! If the Cherokee people now beyond the Mississippi carried my heart in their bosoms, they never would have left their beautiful native land - their own mountain land.”²¹ Tsali also asked that Euchella find his youngest son and tell him to never leave the mountains, for he believed nothing was more important than the love of one's home. After, he faced his execution with courage, not even moving after he momentarily noticed the Oconaluftee preparing to shoot him through his blindfold. This account seems to go to lengths to make Tsali seem noble and proud, while also sounding illiterate by speaking in both first and third person as seen in his speech.²² It is worth noting that Lanman had been a guest of William Thomas, and learned of Tsali and Euchella from him in an interview. Lanman could have added the speech to make the account more interesting, or Thomas could have embellished the story of Tsali’s execution to make him a more sympathetic character.²³

The anthropologist James Mooney offered a new telling of Tsali’s final days which became the most influential for decades to come. Mooney was a notable member of the Bureau

²¹ Charles Lanman, *Letters from the Alleghany Mountains* (New York: Geo. Putnam, 1849) 112-114, accessed October 3, 2018, <https://archive.org/details/lettersfromalleg00lanm>, 113.

²² Charles Lanman, *Letters from the Alleghany Mountains*, 112-114.

²³ E. Stanley Godbold and Mattie U. Russell, *Confederate Colonel and Cherokee Chief: The Life of William Holland Thomas* (Knoxville: University of Tennessee Press, 1990), 27.

of Ethnology and focused on in-depth research of Native American tribes.²⁴ In his 1900 account, Tsali and his family were captured by soldiers, and as they marched to Fort Cass, Tsali became “Exasperated at the brutality accorded his wife, who, being unable to travel fast, was prodded with bayonets to hasten her steps.”²⁵ Infuriated by this, Tsali spoke with the other men in his group in Cherokee, which the soldiers could not understand, and formulated a plan to kill the soldiers and escape. In Mooney’s account, only one soldier was killed, while the others ran away at the sight of the murder, and Tsali and his band escaped into the mountains. Knowing that he could not capture every fugitive Cherokee that had escaped the army’s dragnet, Major General Scott worked through William Thomas to make a proposition that should Tsali surrender himself to the federal government, the fugitive Cherokee still in the East would be allowed to stay in their homeland.²⁶

Mooney claimed that Thomas had brought this proposition to Euchella at the behest of Major General Scott, and that Euchella was originally meant to capture Tsali. Similarly to Charles Lanman’s account of Thomas’s meeting with Euchella, the Oconaluftee warrior did not accept the proposal right away, but rather weighed being able to remain in his homeland with his people over capturing other Cherokee in a similar position to himself. Rather than allow Euchella to capture Tsali himself, Thomas learned of Tsali’s location and went to him in person to explain the deal Major General Scott wished to make with the Cherokee in the area. Thomas implored Tsali to surrender himself so that the remaining Cherokee in hiding could remain in their homeland as a part of the Quallatown Reservation. Mooney stated that “The old man listened in

²⁴ J. N. B. Hewitt, “James Mooney,” *American Anthropologist* 24, (1922) 209-214.

²⁵ James Mooney, *Myths of the Cherokee and Sacred Formulas of the Cherokees* (Nashville, TN: Elder-Bookseller, 1972), 131.

²⁶ James Mooney, 131.

silence and then said simply, “I will come in. I don’t want to be hunted down by my people.”²⁷

In Mooney’s account, Major General Scott was the officer that commanded Tsali, his two sons, and brother be shot once they arrived at Fort Cass, not Colonel Foster. While Cherokee warriors were Tsali’s executioners, Mooney claims that they were forced into the role as a way to dissuade them from ever causing trouble for the federal army again. These fugitives allowed to remain eventually became the Eastern Band of the Cherokee.²⁸ Similar to the account that Lanman gives, this version originates in part from Thomas himself, who was still alive at the point Mooney did his survey. Thomas’s involvement in relating both this account and the account by Lanman would mean he took an active part in turning Tsali into a hero for the Eastern Cherokee people. Tsali’s last living son Wasituna also offered details to this account, and Mooney claimed it was popular among many Cherokee people at the time he did his surveys.²⁹

In 1907 Tsali’s martyr story reappeared in the *Charlotte Daily Observer* heralding the martyr Tsali as a soon to be popular figure among North Carolinians. Bruce Craven wrote a historical article titled “The Story of the Cherokee” in which he gave a brief description of the Cherokee tribe’s history. After describing a few examples of the Cherokee Removal, Craven then told a version of the Tsali story that bore many similarities to the one offered by James Mooney, but in many other ways was unique to itself. In his version of accounts, Tsali fought back on the march to Fort Cass because his wife was being mistreated. Major General Scott learned that capturing every Cherokee in hiding would be impractical, and instead promised the Cherokee that if they turned Tsali over to the army, he would leave the remaining Cherokee alone. William Thomas is not mentioned in this account, and Tsali learned of Major General

²⁷ James Mooney, 157-158.

²⁸ James Mooney, 131.

²⁹ James Mooney, citation on 131.

Scott's proposal through other Cherokee. Tsali was also more cautious of the deal than in the Mooney account, and thinks on the offer for several days, much like Euchella in Mooney's account, who was also not mentioned. After considering the proposal, Tsali and his sons surrender themselves and are executed the next morning. Craven also incorrectly stated that Tsali surrendered himself on June 3, 1838.³⁰ Besides a few small differences from Mooney's account, Craven's historic memory of the event is most similar to the anthropologist's version, and was likely influenced by it.³¹ His reason for taking Thomas out of the account, could be that he wished to show the Cherokee people as having more autonomy, as he expresses positive opinions about the Cherokee Tribes in the beginning of his article.³²

Mooney's account was popular enough that in 1914 John Arthur's book *Western North Carolina: A History (From 1730 to 1913)* included his account of the events of Tsali's execution, as well as a more historically accurate account. Arthur offered a wide stretch of Western North Carolina's history, which included the history of the Cherokee, and he spoke of Tsali in the section titled "Why Some Were Allowed To Stay." This account of Tsali started off accurately, with Tsali and his sons killing three soldiers and one soldier being able to escape on horse. He even mentioned that William Thomas was with the party for the first leg of the journey to Fort Cass before leaving to find another group of Cherokee who had been hiding in the area. Arthur then offered two different possible versions of the capture and execution of Tsali. Arthur claimed the first was taken from James Mooney, then he proceeded to recount Mooney's version.³³

³⁰ Bruce Craven, "Story of the Cherokee," *The Charlotte Observer*, December 8, 1907, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/74694563/?terms=%22tsali%22&pqid=tp9h9RpjKT4i639uczgMjQ:299000:1690217871>.

³¹ James Mooney, 131, 157-158.

³² Bruce Craven.

³³ John Preston Arthur, 577-578.

After Mooney's account, Arthur offered a new account in which Burton Welch and his wife claimed to have witnessed the executions of Tsali and his sons. Burton Welch stated that Euchella captured Tsali and his sons, and that the sons were captured first. He said that they were tied to three trees below his family's home and shot by the Cherokee that captured them. He reported that "these trees never grew any larger after having been made to serve as stakes for the shedding of human blood."³⁴ His wife claimed that later, Tsali was captured by Cherokee and killed outside of Bryson City. She then met with Tsali's wife and showed her Tsali's grave. Arthur called into question whether or not Major General Scott ever made a deal with Thomas and the Cherokee to allow them to stay. Arthur provided transcripts of the letters sent to himself by the Commissioner of Indian Affairs at the time, in which the commissioner claimed to have no documentation of this agreement in his archives, but that a deal like this would have been possible.³⁵ While the account is suspect because it lacks dates for the events in question, and has a superstitious understanding of how trees grow, it is more accurate to the actual events that took place than Mooney's famed account. This means that *Western North Carolina: A History (From 1730 to 1913)* was significant to the evolution of Tsali's story because it offered an accurate account of events, and was ignored. Mooney's account remained so popular that he was even plagiarized in a historic newspaper article in the *Jackson County Journal* only a year after Arthur's book was published.³⁶

Tsali's story had become so popular that by 1937 the State of North Carolina wished to honor it. Two years after the North Carolina General Assembly (NCGA) established the North

³⁴ John Preston Arthur, 579.

³⁵ John Preston Arthur, 578-580.

³⁶ May Patton, "Colonel William Holland Thomas and His Work Among the Cherokee," *Jackson County Journal*, June 25, 1915, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/61977153/?terms=%22tsali%22&pqid=tp9h9RpjKT4i639uczgMjQ:2296000:494996151>.

Carolina Highway Historical Marker Program (NCHMP), a highway marker to Tsali was placed on Main Street in Bryson City. The marker titled “Tsali” read “Cherokee brave, surrendered to Gen’l Scott to be shot near here, 1838, that remnant of tribe might remain in N.C.”³⁷ The sources cited for this marker by the NCHMP are James Mooney’s writings, regional sketches of Western North Carolinians, and John Arthur’s *Western North Carolina: History from 1730 to 1913*. As Arthur’s account offered a more accurate version of the events that took place surrounding Tsali’s execution, the NCGA would have had to completely ignore it and instead latch onto the martyr story.³⁸

The tale of Tsali made the people of Tennessee wish to honor his fictional martyrdom, with the erecting of a monument in his name. In February of 1937, the *Knoxville News-Sentinel* published an article titled “Land of the Cherokee” by the South Carolina novelist Herbert Sass. In the article, he spoke highly of the Great Smoky Mountains National Park and offered a dramatized version of the Tsali martyr story based off of James Mooney’s account. At the end of the article, Sass suggested that a formal monument be erected in the national park in Tsali’s honor so that more Americans could learn about the struggles of the Cherokee people while visiting the park. After the article was written, a Knoxville Park Junior High School student named Jewel Lady wrote to the *Knoxville News-Sentinel* stating that her history class had read the article, and would be interested in raising funds to help erect the monument that Sass had suggested. While there had been no plan for the paper to help erect the monument, they found the idea appealing, and helped to advertise the fundraiser to other schools. Many other schools joined the fundraiser, and by the end, they had raised \$170 through penny clubs.³⁹

³⁷ Michael Hill, eds., *Guide to North Carolina Highway Historical Markers* (Raleigh: Office of Archives and History Department of Cultural Resources, 2007), 204.

³⁸ Q-3 Tsali, Ansley Herring Wegner, Administrator, North Carolina Highway Historical Marker Program.

³⁹ Andrew Denson, *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory*, 77-79.

Business leaders in the area organized the Tsali Cherokee Foundation, led by Brad Lawrence, to build the Tsali monument. They began organizing Cherokee themed events such as “Indian Day” which brought Cherokee culture into the Knoxville tourist economy. Tsali’s three remaining great-grandchildren even came to speak and share Cherokee folktales and practices.⁴⁰ The drive to create a monument to Tsali in the Smokies became even more popular with an article written by Eleanor Roosevelt. In it she described her trip through the Great Smokey Mountains, and mentioned that the Cherokee Tsali foundation “wish to erect a monument to the Cherokee Tsali’s memory. The only reason this tribe is still on this reservation is that Tsali, with his sons, came in to suffer the penalty of death for the killing of a federal soldier.”⁴¹ Because of this article by the first lady, there was even an article in El Paso, Texas, retelling Sass’s version of Tsali’s story and calling for donations to be sent to Tennessee.⁴²

Despite the success the Tsali Cherokee Foundation had with their Cherokee events, it took them two years to finally erect the monument to Tsali. They were also unable to place it where Sass had originally suggested, though it is uncertain if this was because of the time it was taking to finish the Great Smoky Mountains National Park, or because the National Park Service disliked the idea. Brad Lawrence then attempted to have the monument erected near the Cherokee Boarding School, so that it would be a gift from the children of Tennessee to the children of the Eastern Cherokee Band. This did not work as many of the Knoxville business leaders did not approve of the monument being placed across the stateline when Tennessee

⁴⁰ Andrew Denson, *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory*, 77-80.

⁴¹ Eleanor Roosevelt, “My Day,” *St. Cloud Times*, April 16, 1937, accessed October 24, 2018, <https://www.newspapers.com/image/?spot=24609398&fcfToken=75705453785a676436457974353539323159444a624a506d66596757732b31505969644634364b5a7835326a4f64427666633161454679513248643073705635726d39423146496f694a773d>.

⁴² “Heroism of Cherokee Indian Warrior Brings Donations to Memorial Fund,” *El Paso Herald Post*, May 18, 1937, accessed October 24, 2018, <https://www.newspapers.com/image/67387229/>.

children had raised \$170 dollars for it. So the monument was erected in Gatlinburg in 1939, on the road going to the national park.⁴³ The monument itself is historically inaccurate in its location, and also its text. It recounts the martyr story, where Tsali and his sons surrender themselves so the Cherokee can remain in their homeland. Unlike the North Carolina highway marker, this monument does not refer to Major General Scott, and rather than say “surrender themselves” it says “gave their lives.”⁴⁴ In this way it could be seen as a way for southern whites to gloss over the tragedy of the Cherokee Removal, while keeping the heroic (and false) story of Tsali. The date upon the monument is also incorrectly 1836, two years before Tsali’s execution.⁴⁵ Perhaps this date was used because it is a year after the Treaty of New Echota, which was signed in 1835, and they simply expected that to be the year that the Cherokee Removal took place.⁴⁶

The Tsali martyr story was considered fact during the construction of the Blue Ridge Parkway and those who were opposed to the Parkway’s proposed entrance within the Cherokee Reservation invoked Tsali’s tale as a way to bar the way of the National Park Service. When the Blue Ridge Parkway was originally planned, it was meant to use a part of the Eastern Cherokee Reservation where existing Cherokee businesses stood. Cherokee access to the parkway would be limited, and it would ultimately harm the reservation. Negotiations between the Cherokee and National Park Service went back and forth, and in 1939 congressman Zebulon Weaver put forth a bill that would allow the government to appropriate lands from the Cherokee, while taking into consideration which lands the tribe would be most willing to give up. The government would

⁴³ Andrew Denson, *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory*, 80-81.

⁴⁴ Andrew Denson, *Memorial to Tsali*, 2017, in Andrew Denson, *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory* (Chapel Hill: University of North Carolina Press, 2017), 82.

⁴⁵ Andrew Denson, *Memorial to Tsali*, 82.

⁴⁶ Treaty at New Echota.

also need to pay \$40,000 for the lands.⁴⁷ Cherokee that were opposed to the Parkway's location commonly cited Tsali's fictional martyrdom as a reason to not allow the federal government access to the reservation.⁴⁸ The invoking of Tsali's name sparked a trend in the media in 1939 where Tsali's ghost is claimed to have stopped the Blue Ridge Parkway's construction. "Ghost of Old Tsali Bars Way of Blue Ridge Parkway" in the *Detroit Free Press* told of the Tribe's mistrust of the federal government by recounting Tsali's historic memory. The article stated "old men back in log cabins, and young men just out of college, too, recalled Tsali and his magnificent sacrifice to save a pittance of their aboriginal homeland."⁴⁹ "Shades of Tsali Foil White Men Building Big Boulevard" claimed that because of Tsali's martyrdom, the tribe would not allow a road to be built through the reservation by the federal government.⁵⁰ *The Akron Beacon Journal* featured a small article titled "Tsali's Revenge" that described the events at Cherokee regarding the Blue Ridge Parkway and ended with "The ghost of Tsali probably is having its first good laugh in 101 years."⁵¹

By the 1940s the tale had evolved to the point that Euchella had been removed from Tsali's martyr story completely. The *Rocky Mountain Telegram* published an article titled "150 - Old Indian Case Comes Back Into Spotlight" in December, 1942 on the history of the Eastern Cherokee band, as the question of the tribe's status as a reservation had once again been called

⁴⁷ John Finger, *Cherokee Americans: The Eastern Band of Cherokees in the Twentieth Century* (Nebraska: University of Nebraska Press, 1993), 92-94.

⁴⁸ Anne Mitchell Whisnant, *Super-scenic Motorway : A Blue Ridge Parkway History* (Chapel Hill: University of North Carolina Press, 2006), 203, 210.

⁴⁹ "Ghost of Old Tsali Bars Way of Blue Ridge Parkway," *Detroit Free Press*, August 13, 1939, accessed October 24, 2018, <https://www.newspapers.com/image/?spot=24740096&fcfToken=443950454e62346a584955314b7a4e65487043695476556b4a487a4e575267464d48493032766733466e54577a576e41354f765957705441635357746e466c582b4242526c3152723849593d>.

⁵⁰ "Shades of Tsali Foil White Men Building Big Boulevard," *The Lincoln Star*, August 27, 1939, accessed October 24, 2018, https://www.newspapers.com/clip/24740127/the_lincoln_star/.

⁵¹ "Tsali's Revenge," *The Akron Beacon Journal*, August 31, 1939, accessed October 24, 2018, https://www.newspapers.com/clip/24740133/the_akron_beacon_journal/.

into asked. The author offered a simplified version of accounts, primarily as a way to explain Federal Judge E. Y. Webb's decision that the Eastern Cherokee band did not constitute a reservation and that the Eastern Cherokee were citizens of the United States. In this simplified history, the martyr story of Tsali was given with a few differences from James Mooney's original account. Euchella is not mentioned in "150 - Old Indian Case Comes Back Into Spotlight."⁵² Pat Wilson also featured Tsali in "Tar Heel Sketches," a section in the *Gastonia Gazette* where different figures in North Carolina's past are highlighted, on April 13, 1948.⁵³ Like in the *Rocky Mountain Telegram*'s article, William Thomas does not make a deal through Major General Winfield Scott, but is told to take Tsali to the General.⁵⁴ Euchella is not mentioned in this article also.⁵⁵

In 1949, Tsali's martyr story reached its peak of popularity, as it was used to create a play for the Eastern Cherokee Band. In 1949, University of North Carolina Chapel Hill playwright Kermit Hunter began working on a play that would redefine the story of Tsali for generations to come. This play was "Unto These Hills," a play that portrayed the history of the Eastern Band of the Cherokee.⁵⁶ It first premiered on July 1, 1950 at the Mountainside Theatre near Cherokee.⁵⁷ The money for the play was raised by the Cherokee Historical Association, which at the time was made up of primarily white businessmen. This means that even on a financial level, the play was mostly controlled by whites instead of the Cherokee people that the story portrayed. The

⁵² "150 - Old Indian Case Comes Back Into Spotlight," *Rocky Mount Telegram*, December 10, 1942, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/375055635/?terms=%22tsali%22&pqsid=tp9h9RpjKT4i639uczgMjQ:289000:1063893248>.

⁵³ Pat Winston, "Tar Heel Sketches," *The Gastonia Gazette*, April 13, 1948, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/3824635/?terms=%22tsali%22&pqsid=nyxsAeHLveMIsLt3qK5zJg:11000:1698315192>.

⁵⁴ "150 - Old Indian Case Comes Back Into Spotlight."

⁵⁵ Pat Winston, "Tar Heel Sketches."

⁵⁶ Kermit Hunter, *Unto These Hills*, 2nd ed, (Cherokee: University of North Carolina Chapel Hill Press, 1980), ii-iii.

⁵⁷ A. C. Snow.

majority of the actors in the opening of the play were also non-Cherokee, even the major Cherokee roles such as Tsali and Drowning Bear were portrayed by white actors.⁵⁸

In “Unto These Hills,” Tsali is seen as one of the major Cherokee characters in the story. In Act 1 Scene 7 Tsali, William Thomas, and the Cherokee Chief Drowning Bear, demanded to know exactly what the Treaty of New Echota stated during the treaty signing. The government agent Schermerhorn was reluctant to describe the details of the treaty. Drowning Bear claimed he was a liar, and that this treaty is nothing but an excuse to rob the Cherokee of their land. Then Drowning Bear, William Thomas, and Tsali fail to try to warn the Cherokee people to not allow the signing of the Treaty of New Echota.⁵⁹ While it is possible that Tsali was acquainted with William Thomas in 1835, it is more likely that Kermit Hunter included him in this scene as a way to introduce his character so that his major role in Act 2 would not seem so out of place.

In Act 2, Tsali took the spotlight with his sacrifice. Scene 1 in Act 2 begins with William Thomas defending the Cherokee people as they are trying to receive the money from the Federal Army that is owed to them, and Major General Scott’s representative, Major Davis, complaining that the soldiers under his command have not captured all of the Cherokee in the area. Tsali and his family entered from stage right, being led by a drunken soldier who was harassing Tsali’s wife. Losing control of his rage, the drunk soldier bashed Tsali’s wife’s head with the butt of his rifle, killing her immediately. Tsali fell to his wife’s side, and seeing she was dead, picked up a rock and killed the drunk soldier with it. He then made his escape with his three sons. Major Davis proclaimed that Tsali and his sons are now outlaws like the rest of the Cherokee in hiding. Junalusha and Major Davis argued angrily, and Thomas confronted Major Davis on how he planned to apprehend all in hiding. Major Davis then makes the famous bargain that if Thomas

⁵⁸ Theda Perdue, 25.

⁵⁹ Kermit Hunter, *Unto These Hills*, (Cherokee: University of North Carolina Chapel Hill Press, 1951), 43-49.

and Drowning Bear can bring Tsali and his sons to him, he will forget about the other Cherokee fugitives.⁶⁰ While Major Davis was the one to make the bargain with Thomas in this version of events, it was as a representative of Major General Scott, so the difference is not so great.

Both Drowning Bear and William Thomas believed that Tsali did nothing wrong in killing the soldier, but they went to Tsali anyway and told him of the offer. Tsali reacted with disbelief and stated “It is wrong! Tsali and his people have been ground to pieces by the white man! Now Junaluska says come back! It is wrong! Tsali loves his sons!”⁶¹ Believing that Tsali will not come, Thomas and Drowning Bear left his hideout in the mountains.⁶² At no point in Scene 1 or Scene 2 of Act 2 is Euchella mentioned, and Thomas never makes his journey to the Oconaluftee chief’s abode in the mountains.⁶³ This is similar to the 1940s newspaper accounts which neglected mentioning Euchella’s part in the story.⁶⁴

Scene 3 of Act 2 began with the Cherokee preparing to be escorted by Major Davis and his soldiers from their homeland, when Tsali appeared from stage right with his sons. He surrendered himself to Major Davis as Drowning Bear screamed for the soldiers to give Tsali a fair trial in the background. Ann Worcester took Tsali’s youngest son away so that he was not killed with his father and brothers. Tsali asked that his people sing, and the villagers present began to shakily sing “Amazing Grace.” The singing gave way to sobs as a Cherokee preacher began saying a prayer in Cherokee with an English translation being read in the background. Tsali and his two sons were shot and the stage went silent.⁶⁵ It is unclear why Hunter wrote for Tsali to be killed by the soldiers rather than his own people. It is possible that he simply thought

⁶⁰ Kermit Hunter, 65-75.

⁶¹ Kermit Hunter, 81.

⁶² Kermit Hunter, 77-81.

⁶³ Mooney, 157.

⁶⁴ Pat Winston.

⁶⁵ Kermit Hunter, 81-86.

that a white audience would not be able to understand why the Cherokee people would want to be the ones to execute their own, and wished to make it as easy as possible for the audience to sympathize with the Cherokee.

Once “Unto These Hills” premiered, Tsali’s historic memory became dominated by his portrayal in the play. This historical memory can be seen in a variety of 1950s newspaper articles, such as Reese Pascal’s article in the August 13, 1950 edition of the *Rocky Mount Telegram* titled “Weldon Actor in Cherokee Drama.” In the article he recounted the events in the play and praised John Shearin, who portrayed Tsali, for being able to accommodate a difficult role. Pascal believed that Tsali’s role was difficult because it must portray him as a character who is easy to sympathize with.⁶⁶ John Parris referred to the play “Unto These Hills” as a portrayal of true events in his June 22, 1952 article “Unto These Hills Opens For a Third Season on June 28th.” He described the historic Tsali as one who “gave his life so a remnant of his people may forever live in their native mountains.”⁶⁷ In Lynn Nisbet’s September 3, 1953 article “Reporter’s Scrapbook” the reporter referred to Tsali as a Cherokee Chief who gave his life to save his people.⁶⁸ In the June 25, 1954 edition of *Statesville Daily Record* an article on the future reopening of “Unto These Hills” stated that the ghost of the great Cherokee martyr Tsali would come down to mingle with other important individuals of his time such as John Ross and

⁶⁶ Reese Pascal, “The Sunday Telegram Book Page Reviews.” *Rocky Mount Telegram*. October 3, 1950, accessed March 16, 2018, https://newscomnc.newspapers.com/image/375543172/?terms=%22tsali%22&pqsid=0xUBKmERyP3EtKxqavDi_w:28000:1221346019.

⁶⁷ John Parris, ““Unto These Hills” Opens For Third Season on June 28th,” *Rocky Mount Telegram*, June 22, 1952, accessed October 3, 2018, https://newscomnc.newspapers.com/image/375569833/?terms=john%2Bparris&pqsid=Bv8iiu_2MUh3Npf8u6OtnA:21000:1505791344.

⁶⁸ Lynn Nesbit, “Reporter’s Scrapbook,” *The Robesonian*, September 3, 1953, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/42039206/?terms=%22tsali%22&pqsid=tp9h9RpjKT4i639uczgMjQ:1651000:1488044284>.

Andrew Jackson as they bear witness to the play “Unto These Hills.”⁶⁹ For many of these reporters, it was clear that “Unto These Hills” was one of the first times that they had heard of Tsali, so it is likely that Kermit Hunter’s play reached many others in the same way.

While many began to believe the version of Tsali’s execution portrayed in “Unto These Hills,” some still referred to the account by James Mooney. One article in the March 25, 1956 edition of *The Daily Independent* spoke of how “Unto These Hills” was one of the primary attractions for white Americans going to Cherokee. The author stated that after viewing the play, audience members are introduced to Tsali’s story, which led to his martyrdom. The version of Tsali’s story the author then offered is that Tsali’s wife was prodded with a bayonet by a soldier which led to Tsali telling his sons in Cherokee to join him in attacking the soldiers.⁷⁰ This version was clearly influenced by the Mooney account, as he also claimed that the soldiers used their bayonets to hurry Tsali’s wife. Mooney’s account also has Tsali telling his sons in Cherokee to help him escape, showing clear planning to kill the soldiers.⁷¹ This version also had Major General Scott making the proposal to Tsali instead of Major Davis, though it does not mention who relayed the message, meaning both William Thomas and Euchella were kept out of this account. Tsali is also executed by Cherokee, instead of federal soldiers, which is another notable difference between “Unto These Hills” and Mooney’s account.⁷² It is likely that while Kermit Hunter’s play had become the most popular version of Tsali’s tale, Mooney’s account

⁶⁹ ““Unto These Hills” Opens Saturday,” *Statesville Daily Record*, June 25, 1954, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/36967089/?terms=%22tsali%22&pqid=PGiYSpU1gij6esQLzMmrsFQ:1633000:83360255>.

⁷⁰ “Their “Trail of Tears” is Dramatized in Their Out-of-Doors Story Soon to Open,” *The Daily Independent*, March 25, 1956, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/15930126/?terms=%22tsali%22&pqid=PGiYSpU1gij6esQLzMmrsFQ:2054000:866150360>.

⁷¹ James Mooney, 131.

⁷² “Their “Trail of Tears” is Dramatized in Their Out-of-Doors Story Soon to Open.”

was considered to be the most scholarly and complete, thus anyone interested in the most accurate telling would go to him.

In 1961 Dr. Paul Kutsche and his wife interviewed Mollie Sequoyah for an anthropological article titled “The Tsali Legend: Cultural Heroes and Historiography” which appeared in 1963 Autumn edition of *Ethnohistory*. She remembered listening to Tsali’s son Wasituna speak of the events that led to his father’s death in 1838. In this account, Tsali and his family were captured by the army, and in an attempt to hurry Tsali’s wife, the soldiers roughly forced her upon a horse while she was carrying her infant son, which caused her to drop him. The baby died instantly, which caused Tsali and his sons to murder two of the soldiers. They fled into the mountains and were able to find food and shelter with a sympathetic white farmer for three days, and then left to cross the Tennessee border. Sequoyah claimed that it was the Federal Army that demanded the Cherokee hunt down and execute Tsali, and that the Cherokee never asked to execute Tsali and his sons. The group was captured and executed, and all Wasituna would recount of the execution was that he has about to die when two men took him away and told him to leave. Mollie claimed that whenever Wasituna spoke of his parents he could not stop himself from weeping.⁷³ Never in her account of Wasituna’s telling is a deal with the government made to allow the Cherokee to stay if Tsali surrendered himself, so if this version was the one that Wasituna shared with James Mooney, it is possible that William Thomas alone made up the story of Tsali surrendering himself to the army.

Dr. Paul Kutsche’s article, meant to track the legend of Tsali, also included letters from military personnel who were involved with capturing Tsali such as Lieutenant Smith and Major General Scott, Charles Lanman’s account, and James Mooney’s *Myths of the Cherokee*. In

⁷³ Mollie Sequoyah, interviewed by Paul Kutsche, 1961, transcript, “The Tsali Legend: Cultural Heroes and Historiography,” 340-343.

bringing these sources together, Dr. Kutsche was able to look at the differences within each and explore how a story can be viewed differently by different parties and how that changes their view of what actually happened in the past. Dr. Kutsche helped to bring Tsali's story into the contemporary scholar's sphere, yet he was never interested in the truth of Tsali's execution, but rather the memory of it.⁷⁴

In the 1970s the story of Tsali as a martyr still prevailed in North Carolina newspapers. One article by Peggy Paine in the August 5, 1973 edition of *The Gastonian Gazette* detailed some of the scenic areas in Western North Carolina, one being the Forest Service's Tsali Campground. She claimed that when the Cherokee Removal took place in 1838, those Cherokee who fled the Federal Army would be permitted to stay if Tsali surrendered himself because of his connection to the murder of a soldier.⁷⁵ In June of 1976, the Museum of the Cherokee Indian opened with Tsali's axe being used to cut the ribbon at the grand opening. An article on the opening of the museum stated that the axe was used by Tsali when he escaped the federal army in 1838. The article also claims that Tsali was a martyr who gave himself to the Federal Army for a remnant of his people could stay in the East.⁷⁶

In 1979 Dr. John Finger wrote the article "The Saga of Tsali: Legend Versus Reality," which was meant to separate the popular myth from the actual occurrences of 1838. In it, letters written by William Thomas, Colonel Foster, Major General Scott, and others involved with the events surrounding Tsali's execution are used to form an accurate understanding of what really

⁷⁴ Paul Kutsche, 329-357.

⁷⁵ Peggy Payne, "Kilmer Forest is Wilderness of Timberland," *The Gastonia Gazette*, August 5, 1973, accessed October 3, 2018, <https://newscomnc.newspapers.com/image/4280411/?terms=%22tsali%22&pqsid=nyxsAeHLveMIsLt3qK5zJg:2105000:1477438184>.

⁷⁶ "Cherokees Dedicate Museum," *The Daily Times News*, July 1, 1976, accessed March 19, 2018, <https://newscomnc.newspapers.com/image/53575151/?terms=%22tsali%22&pqsid=nyxsAeHLveMIsLt3qK5zJg:2982000:1430084691>.

happened. This accurate version is compared with the martyr story given in James Mooney's "Myths of the Cherokee." Finger pointed out that Tsali never did offer himself up to the Federal Army, and that most of the Cherokee in the area already had a legal right to remain. While John Arthur had offered another possible version of accounts in his book *Western North Carolina: A History (From 1730 to 1913)*, Dr. Finger was the first to clearly state that the legend of Tsali martyring himself was fallacious.⁷⁷

Despite Dr. Finger's article, the story of Tsali's martyrdom persists today. The story is still popular enough that the wikipedia page for Tsali has both his false martyr story and an account where he is executed by his fellow Cherokee.⁷⁸ A variety of people have helped to spread this story. Some like James Mooney and Bruce Craven have believed this story to be accurate, and simply attempted to offer the most accurate account of events as they understood them. Others, like the Cherokee Historical Association and the Tsali Cherokee Association have been interested in creating a spectacle that could generate tourism. There may also have been a third set of individuals like William Thomas and Kermit Hunter who had an interest in turning an illiterate old Cherokee executed for murders he likely did not commit, into a hero for the Cherokee people. But why has this story persisted, and become so popular? In his forward for the second edition of "Unto These Hills," Kermit Hunter stated that his play, and by extension the story of Tsali, was "from the start and down the years, has been to glorify and perpetrate the innate goodness and brotherhood of all men."⁷⁹ For Kermit Hunter, the play was about creating a story that generated sympathy among whites for the Cherokee people. Theda Perdue claimed that the play "separated Indians from a history of racial oppression by infusing the story with a sense

⁷⁷ John Finger, "The Saga of Tsali: Legend Versus Reality," 1-18.

⁷⁸ "Tsali," *Wikipedia*, last modified April 7, 2018, accessed November 15, 2018, <https://en.wikipedia.org/wiki/Tsali>.

⁷⁹ Kermit Hunter, 2nd eds, vi.

of inevitability.”⁸⁰ In her view the story was a way to simplify a complex history and make white Americans feel as though Tsali was always meant to die and their government’s actions were forgivable as they were fated to happen. Both understandings of why this story is so well liked work off the idea that it is meant to consolidate the feelings of people alive today about the Cherokee Removal.

⁸⁰ Theda Perdue, 25.

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<https://newscomnc.newspapers.com/image/375055635/?terms=%22tsali%22&pqsid=tp9h9RpjKT4i639uczgMjQ:289000:1063893248>.

The question of whether the people of the Eastern Band of Cherokee are a part of the greater Cherokee tribe or if they are citizens of the United States is asked in this newspaper article. In the interest of giving the readers some background information, the author offers a brief history of the Eastern Band of the Cherokee. This brief look at the tribes past includes Tsali as the fugitive that General Scott would take in exchange for the rest of the band staying. Accessed through Newspapers.com.

Arthur, John Preston. *Western North Carolina: A History (From 1730 to 1913)*. Raleigh, Edwards and Broughton Printing Company: 1914. Accessed October 3, 2018.
<https://archive.org/details/westernnorthcaro00arth/page/576>.

This book offers a look at the history of Western North Carolina from 1730 to 1913. In the section allotted to the history of the Cherokee in North Carolina, Arthur offers two accounts of Tsali’s execution. One taken from James Mooney, the other taken from eyewitness accounts of Tsali’s execution. Accessed through archive.org.

“Cherokees Dedicate Museum.” *The Daily Times News*. July 1, 1976. Accessed October 3, 2018.

<https://newscomnc.newspapers.com/image/53575151/?terms=%22tsali%22&pqsid=nyxsAeHLveMIsLt3qK5zJg:2982000:1430084691>.

While short, this article about the opening of the Museum of the Cherokee Indian states that an axe owned by Tsali was used in cutting the ribbon to the museum. The article also refers to Tsali as “a Cherokee martyr.” Accessed through Newspapers.com.

Craven, Bruce. “Story of the Cherokee.” *The Charlotte Observer*. December 8, 1907. Accessed October 3, 2018.

<https://newscomnc.newspapers.com/image/74694563/?terms=%22tsali%22&pqsid=tp9h9RpjKT4i639uczgMjQ:2990000:1690217871>.

This article comes a short time after James Mooney’s report, and is likely a result of his work. Like many other articles, this one describes the martyr story in Tsali’s historic memory. The only major difference is that the Tsali in this article is reluctant to go to die for his people, and waits a few days to decide to help them. Accessed through Newspapers.com.

Eastern Division Cherokee Agency. Orders No. [25] Head Quarters, Eastern Division Cherokee Agency, Ten. May 17, 1838. 1838. Accessed October 3, 2018,
<http://hdl.loc.gov/loc.rbc/rbpe.1740400a>.

These orders from the Eastern Division of the Cherokee Agency outline that General Scott shall be in charge of forcing the remaining Cherokee in North Carolina west by executive order. While this document is not related to Tsali's historic memory, it is essential background information for understanding his story, and the story of the Cherokee removal. Accessed through the Library of Congress.gov.

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This article recounts the Tsali martyr story and describes Tsali's ghost as baring the way of the Blue Ridge Parkway. Accessed through Newspapers.com.

"Heroism of Cherokee Indian Warrior Brings Donations to Memorial Fund." *El Paso Herald Post*. May 18, 1937. Accessed October 24, 2018.

<https://www.newspapers.com/image/67387229/>.

This strange article from Texas requests that funds be sent to Tennessee for the erecting of a monument to Tsali. Eleanor Roosevelt's article "My Day" influenced it. Accessed through Newspapers.com.

Hill, Michael eds. *Guide to North Carolina Highway Historical Markers*. Raleigh: Office of Archives and History Department of Cultural Resources, 2007.

This 2007 edition of the *Guide to North Carolina Highway Historical Markers* contains all the North Carolina historic highway markers as they were in the year 2007. Tsali's marker, located in Swain County, had not been changed from its original 1937 text by 2007, so this book is necessary in looking at the existence of the Tsali legend in North Carolina.

Hunter, Kermit. *Unto These Hills*. Cherokee: University of North Carolina Chapel Hill Press, 1951.

This play, written by Kermit Hunter at the behest of the Cherokee Historical Association, was turned in as his graduate thesis in drama. The play itself has gone a long way towards shaping the historic memory of the martyr Tsali. Accessed at the Pack Memorial Library, North Carolina Room, Asheville, N.C.

Hunter, Kermit. *Unto These Hills*. 2nd ed. Cherokee: University of North Carolina Chapel Hill Press, 1980.

This play, written by Kermit Hunter at the behest of the Cherokee Historical Association, was turned in as his graduate thesis in drama. The play itself has gone a long way towards shaping the historic memory of the martyr Tsali, and this edition contains a quote from him that

proves this play was never meant to be historically accurate. Accessed through the Ramsey Library, Special Collections and University Archives, Asheville, N.C.

Lanman, Charles. *Letters from the Alleghany Mountains*. New York: Geo. Putnam, 1849. Accessed October 3, 2018. <https://archive.org/details/lettersfromalleg00lanm>.

In this publication, there is a firsthand account of Tsali's execution. While it does not recount the martyr version of Tsali's story, it does portray Tsali as a tragic hero. This early account of Tsali's execution is related to his story as a martyr as both portray him in particular, as a hero. Accessed through Archive.org.

McCall, George A. *Letters from the Frontiers: Written During a Period of Thirty Years' Service in the Army of the United States*. Philadelphia: Lippincott & Co, 1869. Accessed October 3, 2018 <https://archive.org/details/lettersfromfront00mcca>.

This book is essentially a collection of letters written by Brigadier General George A. McCall. In 1838 he claims to have been in the area at the time Tsali (who he refers to as "Old Charles") and his family escaped. He also witnessed the execution of Tsali's two oldest sons. This resource is not very useful for studying the historic memory of Tsali, so much as it is useful for studying the background information. Accessed through Archive.org.

Mooney, James. *Myths of the Cherokee and Sacred Formulas of the Cherokees*. Nashville, TN: Elder-Bookseller, 1972.

This reproduction of James Mooney's 19th and 7th Annual Reports to the Bureau of American Ethnology holds the earliest account of the Tsali martyr story which is so popular in historic memory. Tsali's last living son and Thomas were Mooney's primary sources for this information. Accessed through the Ramsey Library, Asheville, N.C.

Nesbit, Lynn. "Reporter's Scrapbook," *The Robesonian*. September 3, 1953. Accessed October 3, 2018. <https://newscomnc.newspapers.com/image/42039206/?terms=%22tsali%22&pqsid=tp9h9RpjKT4i639uczgMjQ:1651000:1488044284>.

This bizarre article refers to Tsali as a chief of the Cherokee. It is strange, but important to make note of nonetheless. Accessed through Newspapers.com.

Q-3 Tsali. Ansley Herring Wegner. Administrator, North Carolina Highway Historical Marker Program.

This document details the transcription of the Tsali historic highway marker, as well as the sources used to create it. Thus it is an important document in understanding what sources of information the Tsali martyr story arose from. Accessed through Ansley Wegner, Administrator of the North Carolina Highway Historical Marker Program.

Parris, John. "'Unto These Hills' Opens For Third Season on June 28th." *Rocky Mount Telegram*. June 22, 1952. Accessed October 3, 2018.
https://newscomnc.newspapers.com/image/375569833/?terms=john%2Bparris&pqsid=Bv8iiu_2MUh3Npf8u6OtnA:21000:1505791344.

An article that echoes the belief in the Tsali martyr story while advertising "Unto These Hills." Accessed through Newspapers.com.

Patton, May. "Colonel William Holland Thomas and His Work Among the Cherokee." *Jackson County Journal*. June 25, 1915. Accessed October 3, 2018.
<https://newscomnc.newspapers.com/image/61977153/?terms=%22tsali%22&pqsid=tp9h9RpjKT4i639uczgMjQ:2296000:494996151>.

While the focus of this article is upon William Holland Thomas and not Tsali, it is meant to be a factual history article and it does mention Tsali. Thomas is represented as the hero, and Tsali only shows up as a threat to Thomas, one which he quickly convinces to martyr himself for the good of the Cherokee people. Accessed through Newspapers.com

Pascal, Reese. "The Sunday Telegram Book Page Reviews." *Rocky Mount Telegram*. October 3, 1950. Accessed October 3, 2018.
https://newscomnc.newspapers.com/image/375543172/?terms=%22tsali%22&pqsid=0xUBKmERyP3EtKxqavDi_w:28000:1221346019.

This is a positive review of the play that features Tsali's martyr story "Unto These Hills." While it sings praises to John Shearin, the actor that plays Tsali, this review also echoes the author's fierce belief in the martyr story of Tsali. From the recounting of the Cherokee watching, this review shows that they too believed wholeheartedly in this historic memory of Tsali. Accessed through Newspapers.com.

Payne, Peggy. "Kilmer Forest is Wilderness of Timberland." *The Gastonia Gazette*. August 5, 1973. Accessed October 3, 2018.
<https://newscomnc.newspapers.com/image/4280411/?terms=%22tsali%22&pqsid=nyxsAeHLveMIsLt3qK5zJg:2105000:1477438184>.

This article which describes multiple scenic areas in northwestern North Carolina gives a brief description of the Forest Service's Tsali Campground, which is close to the believed location of Tsali's execution. With this description the author also includes a brief recounting of the martyr story of Tsali, which is to be the defining feature of the campground. Accessed through Newspapers.com.

Roosevelt, Eleanor. "My Day." *St. Cloud Times*. April 16, 1937. Accessed October 24, 2018.
<https://www.newspapers.com/image/?spot=24609398&fcfToken=75705453785a676436457974353539323159444a624a506d66596757732b31505969644634364b5a7835326a4f64427666633161454679513248643073705635726d39423146496f694a773d>.

This article by the first lady tells of her interest in the Cherokee Tsali foundation being able to erect a monument to Tsali. It sparked a wider national interest in both the story of Tsali, and the Tennessee monument.

“Shades of Tsali Foil White Men Building Big Boulevard.” *The Lincoln Star*. August 27, 1939. Accessed October 24, 2018.
https://www.newspapers.com/clip/24740127/the_lincoln_star/.

This article recounts the Tsali martyr story and claims Tsali’s historic memory bared the way of the Blue Ridge Parkway. Accessed through Newspapers.com.

Snow, A. C. “Times-News Reporter Praises Opening of “Unto These Hills”.” *The Daily Times-News*. July 3, 1950. Accessed October 3, 2018.
<https://newscomnc.newspapers.com/image/52626265/?terms=%22unto%2Bthese%2Bhill%22&pqsid=spVRWsiXnu79zUVZbw1MBw:24000:2110860353>.

This is a positive review of the first opening of “Unto These Hills.” It is useful to set the stage for the time in which Tsali’s legend became so well known through the play, and how that play became so popular so quickly. Accessed through Newspapers.com.

“Tsali,” *Wikipedia*, last modified April 7, 2018, accessed November 15, 2018,
<https://en.wikipedia.org/wiki/Tsali>.

The current wikipedia page which holds the fallacious Tsali legend. This is a simply proof that today Tsali’s legend is still wholeheartedly believed.

“Tsali’s Revenge,” *The Akron Beacon Journal*, August 31, 1939, accessed October 24, 2018,
https://www.newspapers.com/clip/24740133/the_akron_beacon_journal/.

This article recounts the Tsali martyr story and claims Tsali’s historic memory bared the way of the Blue Ridge Parkway. Accessed through Newspapers.com.

United States Government. Treaty at New Echota. United States of America. December 29, 1835. *Executive Agreement Series* 11. Accessed October 3, 2018.
<https://catalog.archives.gov/id/299801>.

This treaty is the reason for the Cherokee Removal, and is thus an important document in the background information of Tsali’s historic memory. Accessed through archives.org.

““Unto These Hills” Opens Saturday.” *Statesville Daily Record*. June 25, 1954. Accessed October 3, 2018.
<https://newscomnc.newspapers.com/image/36967089/?terms=%22tsali%22&pqsid=PGiYSpU1gj6esQLzMmrsFQ:1633000:83360255>.

An article that echoes the belief in the Tsali martyr story while advertising “Unto These Hills.” Accessed through Newspapers.com.

Winston, Pat. "Tar Heel Sketches." *The Gastonia Gazette*. April 13, 1948. Accessed October 3, 2018. <https://newscomnc.newspapers.com/image/3824635/?terms=%22tsali%22&pqsid=nyxsAeHLveMIsLt3qK5zJg:11000:1698315192>.

This dramatized account of Tsali's crime and execution is not historically accurate, but rather it is a quick retelling of the martyr story of Tsali. It comes before the play "Unto These Hills" was released. This shows that the martyr story was prevalent even before the play. Accessed through Newspapers.com.

Secondary Source Bibliography

Bishir, Catherine W. "Landmarks of Power: Building a Southern Past, 1885-1915." *Southern Cultures*. no. 1 (1993): 5-45. Accessed October 24, 2018. <https://www.jstor.org/stable/44376396>.

This is a useful source in understanding how historical memories are created. Accessed through Jstor.org.

Denson, Andrew. "Gatlinburg's Cherokee Monument: Public Memory in the Shadow of a National Park." *Appalachian Journal* 37, no. 1/2 (2009): 28-43. Accessed October 3, 2018. <http://www.jstor.org/stable/40934479>.

Written by Andrew Denson, a professor who teaches courses on Native American history at Western Carolina University, this article looks at the historic memory of Tsali. It focuses on the creation of a small monument to Tsali in Pigeon Forge, and the memory of Tsali in the late 1930s among white and black Americans. Specifically he looks at the memory's use in tourism, as the monument is not only in the wrong city, but also has the incorrect date inscribed on it. Accessed through Jstor.org.

Denson, Andrew. *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory*. Chapel Hill: University of North Carolina Press, 2017.

Previously introduced, Andrew Denson is this book's author. In this book he mentions the Tsali legend, and how the anthropologist James Mooney was instrumental in propagating the legendary Tsali, and he goes into the sources that James Mooney had, being Tsali's last son and William H. Thomas. He also speaks about the play "Unto These Hills" and Tsali's part within.

Kutsche, Paul. "The Tsali Legend: Culture Heroes and Historiography." *Ethnohistory* 10, no. 4 (1963): 329-357. Accessed October 3, 2018. <https://www.jstor.org/stable/i220867>.

This is one of the earliest looks at the historic memory of Tsali and is referenced by numerous authors writing about Tsali, such as John Finger. Kutsche is primarily interested in how the legend has been for the Eastern Cherokee people. Accessed through Jstor.org.

Finger, John. *Cherokee Americans: The Eastern Band of Cherokees in the Twentieth Century*, Nebraska: University of Nebraska Press, 1993.

This book by John Finger is considered a foundational source on the Eastern Cherokee Band in the contemporary period. It has information on both the negotiations on the Blue Ridge Parkway, and the tribe's desire to bring more tourism to the reservation.

Finger, John. "The Saga of Tsali: Legend Versus Reality." *The North Carolina Historical Review* 56, no. 1 (1979): 1-18. Accessed October 3, 2018.
<http://www.jstor.org/stable/23535515>.

Dr. John Finger is a long time scholar of the Eastern Cherokee, and has two published scholarly books on the topic. He has taught history courses at the University of Tennessee in Knoxville for 34 years, and is considered one of the primary scholars on the topic of Eastern Cherokee history. His article "The Saga of Tsali: Legend Versus Reality" is commonly used as a source by scholars in looking at the historic memory of Tsali, and differentiating it from the truth. This article is also one of the earliest pieces where the legend of Tsali is seen through a historian's lens, rather than that of an anthropologist. Thus even though it is nine years older than the thirty year cut off for primary sources, it is foundational and necessary to use. Accessed through Jstor.org.

Finger, John. *The Eastern Band of Cherokees 1819-1900*. Knoxville: The University of Tennessee Press, 1984.

This book, like the last article, is written by Dr. John R. Finger, and is a foundational work in looking at the early history of the Eastern Band of the Cherokee. Unlike the aforementioned article, this book focuses more on the Eastern Band as a whole, and not just Tsali. It is also less concerned with the legend of Tsali, and more interested in the actual events that took place when he resisted capture. Accessed through the Ramsey Library, North Carolina, N.C.

Godbold, E. Stanley and Mattie U. Russell. *Confederate Colonel and Cherokee Chief: The Life of William Holland Thomas*. Knoxville: University of Tennessee Press. 1990.

This book is considered one of the foundational scholarly texts on William Thomas, and offers insight into his meeting with Charles Lanman.

Hewitt, J. N. B. "James Mooney." *American Anthropologist*. no. 2 (Spring 1922): 209-214. Accessed October 3, 2018.
https://www.jstor.org/stable/660722?seq=5#metadata_info_tab_contents.

This academic journal contains an obituary to James Mooney from the time of his death, and is useful in garnering information of his life and work as an anthropologist. Accessed through Jstor.org.

Perdue, Theda. "The Legacy of Indian Removal." *The Journal of Southern History* 78, no. 1, (2012): 3-36. Accessed October 3, 2018. <http://www.jstor.org/stable/23247455>.

In this article Professor Emerita Theda Perdue looks at Cherokee historic memory and how it has been used for tourism. In one section she studies the creation of the play that has gone so far to propagate the Tsali legend, *Unto These Hills*, and how many of its funders were in fact white men interested in creating more tourism. Accessed through Jstor.org.

"Professor Emeritus Paul "Buzz" Kutsche Passes Away." Colorado College. 2017. Accessed October 3, 2018. <https://www.coloradocollege.edu/newsevents/newsroom/professor-emeritus-paul-buzz-kutsche-passes-away#.WvHwIJoh0dU>.

An online obituary for Paul Kutsche which offers details on his life and work. Accessed through Colorado College.edu.

Whisnant, Anne Mitchell. *Super-scenic Motorway: A Blue Ridge Parkway History*, Chapel Hill: University of North Carolina Press, 2006.

This book offers a look at the history of the Blue Ridge Parkway's construction. This includes the arguments within the Eastern Cherokee Band over the location of the Parkway, and how Tsali's story was invoked to argue that the federal government cannot be allowed to build on the reservation.