

Tsali (Charley) ^[1]

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by John R. Finger, 1996

d. 25 Nov. 1838

Tsali (Charley), a full-blooded Cherokee farmer, resided with his family near the mouth of the Nantahala River in western North Carolina at the time of the 1835 Cherokee census. Apparently of middle age, he was illiterate in both Cherokee and English and would no doubt have remained obscure except for a dramatic episode occurring when the U.S. Army ^[2] attempted to remove him and his family from their homeland.

On 29 Dec. 1835 a small faction of the Cherokee Nation signed a treaty at New Echota, Ga., giving up its land in the eastern United States and agreeing to move to the West within two years of the treaty's ratification. (It was ratified on 23 May 1836.) The North Carolina Cherokee had not signed the treaty and, like tribal members everywhere, were reluctant to accept its terms. Nonetheless, by the fall of 1838 the army had supervised the removal of thousands of Cherokee, and only a few hundred remained in North Carolina—some legally and a handful of others, including Tsali and his family, as fugitives hiding in the Great Smoky Mountains near present-day Bryson City. On 1 November Second Lieutenant Andrew Jackson Smith and three enlisted men found the site where Tsali's group was camped. The soldiers were accompanied by William Holland Thomas ^[3], a local merchant who served as agent for the Oconaluftee ^[4] Cherokee, a band that claimed legal right to stay in the state. Smith and his men apprehended Tsali's band without resistance. The captives, numbering five men and seven women and children, apparently consisted of Tsali, his wife, brother, sons, and their families.

On the morning of 2 Nov. 1838 the soldiers left William Thomas and began escorting the Indians to an army camp. Various published and oral accounts dating from a much later period claim that the soldiers mistreated their captives; one says that they prodded Tsali's wife with a bayonet to make her move more quickly, another that they inadvertently caused the death of Tsali's youngest child. The whites who were closest to the events, however, said nothing about mistreatment. Whatever the truth, about sunset several male Indians suddenly turned on their escort, killed one soldier outright, wounded two others (one mortally), and attacked Lieutenant Smith, who escaped only because of "the spirit & activity of my horse." The Indians then slipped away into the surrounding mountain forests. It is not certain what part, if any, Tsali played in the attack.

Major General Winfield Scott, the officer in charge of the Cherokee removal, ordered Colonel William Stanhope Foster of the Fourth U.S. Infantry Regiment to apprehend Tsali's band and execute those responsible for the killings. Foster was assisted by William Thomas, the Oconaluftee Indians, and a group of fugitive Cherokees led by Euchella (Oo cha lah or Utsala), a former neighbor of Tsali. Apparently Foster, through Thomas, indicated that Euchella and his people might remain in North Carolina with the Oconaluftee Cherokee if they assisted in capturing the killers. By 23 November the army's Cherokee allies had seized all of the fugitives except Tsali and had executed three adult males by a firing squad. They quickly apprehended Tsali as well and executed him in a similar manner at noon on the twenty-fifth.

Since the late nineteenth century, a legendary Tsali has grown to far more significant proportions than the real figure ever attained. He has usually been portrayed as a hero, nobly resisting enforced removal and the soldiers' brutality. According to some accounts, Colonel Foster and Thomas promised Tsali that if he gave himself up to face execution, the remaining Cherokee in North Carolina, including Euchella's band, could stay indefinitely. Thus, the story goes, he surrendered voluntarily and suffered martyrdom so that his people could stay in their homeland. Many years later they and their descendants formed the Eastern Band of Cherokee ^[5] and acquired the Qualla Boundary ^[6] Reservation in western North Carolina. Today Tsali is eulogized in many published and oral accounts and, most spectacularly, in the outdoor drama Unto These Hills ^[7], staged each summer on the reservation in Cherokee, N.C.

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