

*The Coup between Rabbit and Tseg'sgin':
An Analysis of the Cherokee Perspective and the
Role of Folklore during the Indian Removal Act
and the Trail of Tears*

by Karen L. Milmine

The Native American experience in the United States is a history marked by strife, marginalization, and displacement in which the voices of the multitude are often overlooked in favor of the sanitized version of events surrounding United States-Native American relations. Native American history is punctuated by the intertwining of historical fact, spiritual belief, and folklore, creating a unique landscape in which the Native American perspective is influenced by both the reality of their situation as well as their attempts to reconcile these events with their culture's belief system. One of the most crucial areas of study in the disparity between standard American historiographical belief and the Native American perspective is the Indian Removal period and the Trail of Tears.¹ This paper will offer an analysis of Cherokee folklore juxtaposed with the United States' governmental position on the issue of Indian removal revealing Andrew Jackson's motives and highlighting the importance of the evolution of the Trickster motif to Tseg'sgin' (Jeg'skin) which points to an overlooked historiographical element of oral history and folklore that enriches the account of the Indian Removal period and the Trail of Tears, particularly in terms in the erosion of traditional Cherokee history and culture.

Cherokee folklore, much in the same way as other Native American tribes, uses Anglo society as a foil for their own community.² One Cherokee

¹ Theda Purdue and Michael D. Green, *The Cherokee Nation and the Trail of Tears* (New York: Penguin Library of American Indian History, 2007), 42-43.

² Several different Native American tribes use the white man as a foil within their folklore. The White Mountain Apache have a folktale with the Coyote Trickster outsmarting white soldiers to

Creation myth involves the Anglo community as a source of negative impact on tribal identity and their connection with the land. The myth highlights the disparity between the value systems of white and Native Americans. When the white man and Indian were given a stone and piece of silver respectively, “despising the stone, the white man threw it away. Finding the silver equally worthless, the Indian discarded it. Later the white man pocketed the silver as a source of material power; the Indian revered the stone as a source of sacred power.”³ The creation of such a tale symbolizes the inherent conflict between Native American and Anglo belief systems as well as the connection of the Cherokee people to tribal lands.⁴

Part of the problem that spurred a heightened and renewed call for Indian removal is the fact that “gold was discovered in northeast Georgia on Cherokee land in July, 1829. Some 2,500 whites hastily invaded the vicinity of the discovery to set up diggings, with no restraint from Federal authority, which prohibited trespassing on Indian lands without a Federal license-- ignoring the Cherokee requirement of a permit for such intrusion.”⁵ The land grab instigated by the discovery of precious metals in Cherokee tribal land serves as a validation of the Creation myth that warns the people of the threat the Anglo value system has on the happiness and prosperity of the Cherokee community.

Thus, Indian Removal began to be perceived as a federal program aimed, not at the Native Americans as a benefit, but to benefit the United States and its economic goals through harvesting minerals.⁶ The forced removal of Native Americans from Georgia highlights the valuation of land for Anglo society while simultaneously denigrating Cherokee culture. The deceitful turn of the United States’ federal government (in terms of Native American relations) would begin with the fulfillment of the dangers of the Creation myth; at the same time transforming the Trickster myths to include

escape prison and make money off of their naïveté. The Brule Sioux characterize the white man as Hu-hanska-ska and Coyote foretells that he is a trickster who brings sickness among the tribe. The name of cruel Tricksters in Cheyenne and Blackfoot tribes are “Veeho” and “Napi,” respectively, and both mean white man. See Richard Erdoes and Alfonso Ortiz, *American Indian Myths and Legends* (New York: Pantheon Books, 1984) and Clara Sue Kidwell, Homer Noley, and George E. Tinker, *A Native American Theology* (New York: Orbis Books, 2001).

³ Peter Nabokov, *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492-2000* (New York: Penguin, 1999), 32.

⁴ Perdue and Green, *The Cherokee Nation and the Trail of Tears*, 11-14 and Nabokov, *Native American Testimony*, 33-35.

⁵ Walter Hart Blumenthal, *American Indian Dispossessed: Fraud in Land Cessions Forced upon the Tribes* (Philadelphia: George S. McManus Co., 1955), 72.

⁶ *United Statutes at Large*, 4:411-12.

a completely insidious character that benefitted at the expense of the Cherokee community was part of the symbolism and folklore.⁷

To delineate the alteration of Cherokee folklore during the Jackson Administration's Indian Removal program and the Trail of Tears, the Trickster motif within Cherokee culture must first be examined to emphasize the intrinsic value the folktales contained in the native's daily life. Although folklore is used throughout the world to help shape a community's worldview and its reaction to others, in the Cherokee community folk belief assumed an even greater importance due to the oral tradition in their culture. The oral history of the Cherokee people suggests that "everything is culture" and "the folk memory forgets as much as it retains and restricts and corrupts as much as it transmits and improves."⁸ Another important aspect of Native American folklore that highlights the importance of the evolution of the Trickster myth is that "nearly all American Indian tales are moralistic in that they tend to constantly reaffirm the culture of the group."⁹ This chief characteristic highlights the fluidity of Cherokee folklore and the diminishment of the Rabbit as Trickster while it elevates the importance of Tseg'sgin' in the Native American mindset during the Jackson Administration. The Rabbit in Cherokee folklore fulfills the traditional role of the Trickster in Native American myths and legends. The Trickster "is frequently a character in the sacred mythology of a people, and is often regarded as the cultural hero who has brought the arts of living to mankind."¹⁰

Through deception, Rabbit brings success to himself and other animals in Cherokee myths and, interestingly enough, is "one of the finest animal stories in the whole range of Cherokee folklore . . . the best known of all – that of the Rabbit and the sticky statue. Borrowed from the Indians by Negro slaves, it was obtained from the Negroes and put into the literary consciousness of the whole world by Joel Chandler Harris (1848-1908) in his 'Uncle Remus' tales."¹¹ The original basis of the story is this: Rabbit steals water from the Maneater and is trapped by setting "up something in the shape of the person, very sticky. Even if you accidentally touched it, you

⁷ Kidwell, Noley, and Tinker, *A Native American Theology*, 117.

⁸ Aurelio M. Espinosa, "Folklore," in *Funk and Wagnall's Standard Dictionary of Folklore, Mythology, and Legend*, ed. Maria Leach (San Francisco: Harper Collins, 1972), 398-99.

⁹ Maria Leach, "North American Indian Folklore," in *Funk and Wagnall's Standard Dictionary of Folklore, Mythology, and Legend*, ed. Maria Leach (San Francisco: Harper Collins, 1972), 798-802.

¹⁰ Maria Leach, "Trickster," in *Funk and Wagnall's Standard Dictionary of Folklore, Mythology, and Legend*, ed. Maria Leach (San Francisco: Harper Collins, 1972), 1123-24.

¹¹ Jack F. and Anna G. Kilpatrick, *Friends of Thunder: Folktales of the Oklahoma Cherokee* (Norman: University of Oklahoma Press, 1995), 35.

would be stuck fast to it.”¹² Rabbit’s capture is short-lived however and he escapes through a sleight of words. The basic structure of Br’er Rabbit highlights the importance of the Trickster in Cherokee belief, namely that individuals are able to outwit and escape potentially tragic events instead of relying on violence. Most of the Rabbit Trickster tales work in the same way with the Rabbit outsmarting his foes in order to attain his goal. These tales highlight how the Cherokees frequently deal with the United States government and uphold nonviolence over pitched battle with Anglo society. They tend to focus on working within the dominant culture’s laws in an attempt to achieve their own agenda of resistance.¹³

The following explanation of removal in Jackson’s Second Annual Address to Congress in December 1830 highlights the main problems of Native American-United States relations, namely the conflict between federal and state governments along with the Anglo’s lust for land. According to Jackson, all of the problems associated with the Native Americans would be resolved by their removal to Oklahoma territory while Anglo settlers claimed the land “now occupied by a few savage hunters” as well as:

separate the Indians from immediate contact with settlements of whites; free them from the power of the states; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the process of decay, which is lessening their numbers; and perhaps cause them gradually, under the protection of the Government, and through the influence of good counsels, to cast off their savage habits, and become an interesting, civilized, and Christian community. These consequences, some of them so certain, and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.¹⁴

Jackson evokes a word picture of the uneducated Native Americans and places the United States government as the great hope of these “savages” in order to facilitate widespread support for a Removal policy--one that would destroy their tribal inheritance, culture, and community of the Cherokee. Jackson’s speech stresses the role of the government, from the presidency to the Supreme Court, to create an environment for the Cherokee and other Native American tribes that strips them of identity and silences their

¹² Jack F. and Anna G. Kilpatrick, “The Rabbit and the Image,” *Friends of Thunder: Folktales of the Oklahoma Cherokee* (Norman: University of Oklahoma Press, 1995), 36.

¹³ Sandra K. Baringer, “Brer Rabbit and His Cherokee Cousin: Moving Beyond the Appropriation Paradigm,” *When Brer Meets Coyote: African-Native American Literature*, ed. Jonathan Brennan (Chicago: University of Illinois, 2003), 133.

¹⁴ *Register of Debates*, 21st Cong., 2nd sess., 1830, ix.

opposition. The widespread political belief of the 1830s is that “a few thousand Indians could not be allowed to stand in the way of human progress. . . . ‘Civilization’ and ‘progress’ demanded that the Indians be removed.”¹⁵ The revised historiographical account of Jackson’s Removal policy highlights the disparate realities of benevolent rhetoric and systemic rupture of the Cherokee community. The Removal Policy also served as the impetus for both active and silent resistance to the orders of displacement.¹⁶

Active resistance by the Cherokee to the idea and subsequent order of removal began in 1827, three years before the momentous address before Congress that heralded a dire future for the wellbeing of the traditional Cherokee way of life. President Jackson characterized the Native Americans as savages, whereas some of the Cherokee were actively working to fulfill the varied demands of the United States government. Two years after the address to Congress, the Cherokee had molded themselves into an autonomous state within the borders of America that mimicked the government and society of the dominant Anglo culture. John Ridge, spokesman for the Cherokee people, highlighted these programs in a speech in 1832:

You asked us to throw off the hunter and warrior state . . . We did so – you asked us to form a republican government: We did so – adopting your own as a model. You asked us to cultivate the earth, and learn the mechanic arts: We did so. You asked us to learn to read: We did so. You asked us to cast away our idols, and worship your God: We did so.¹⁷

The repetition of “We did so” emphasizes the Cherokee people’s willingness to adapt and change in the face of adversity in order to remain on their tribal lands and eschew the white ideology of dominance through disparity. The Cherokee were the most successful of all of the Southern tribes in creating the façade of assimilation and “by the turn of the nineteenth century, they had a formal National Council and soon instituted a national police force to ensure that Cherokees did not engage in horse stealing and other activities

¹⁵ Colin G. Calloway, *First Peoples: A Documentary Survey of American Indian History* (New York: Bedford/St. Martin’s, 2004), 211.

¹⁶ Instead of focusing solely on the historical accounts of the federal government’s decision-making during Indian Removal Period or the Cherokee response to federally enforced removal, a revised historiographical account of both sides of the debate must be taken into consideration with the evolution of Cherokee folklore, most notably with the emphasis on Tseg’sgin. Research points to Tseg’sgin being the Cherokee characterization of Jackson, but little has been done to connect Tseg’sgin and Jackson beyond one book of Cherokee folklore. Historians must look to folklore in order to understand the full breadth of Indian Removal and the Trail of Tears on Cherokee society.

¹⁷ Calloway, *First Peoples*, 211-12.

that would cause trouble with surrounding white people.”¹⁸ The Cherokee would continue the transformation of the culture and civilization to become more palatable to the dominant white culture. These ceremonial masks served as an active resistance to removal and after the battle is lost, the Cherokee retreat toward their traditional folklore to make sense of the injustice they inherited from Jackson’s benevolence along with that of the federal government.

In order to understand the inherent problem with removal in terms of the traditions and folklore of the Cherokee, one must take into account the fabric of Cherokee existence and they:

like other Native peoples, are spatially rather than temporally oriented. Their culture, spirituality, and identity are connected to the land – and not just land in a general sense but *their* land. The act of creation is not so much what happened then as it is what happened here. Thus, when Indian tribes were forcibly removed from their homes, they were robbed of more than their land. . . . For example, the Cherokee word *eloh’*, sometimes translated ‘religion,’ also means, at exactly the same time, history, culture, law – and land. Because of these intimate interrelationships, relocation was an assault upon Native culture, identity, and personhood.¹⁹

The illumination of this aspect of Cherokee culture and identity--the Removal Policy destroyed the sense of self and voice that Native Americans had cultivated for great periods of time. The United States government damaged the heritage of an entire community. In turn the Cherokee adapted their folklore to represent these attacks on their culture and traditions stimulating the beginning of their silent resistance to the dominant American culture. Government interference with tribal lands and its attempt to not only force the secession of land but also the assimilation and marginalization of an entire people impacted their culture and belief system. Cherokees interviewed after the Trail of Tears note this negative interference into tribal lands; they believe that their people are “‘right on the jumping off place.”²⁰

Whereas the Rabbit Trickster figure upholds the basic Cherokee ideal of persevering through hardship by intelligence and wit, the Tseg’sgin’ Trickster undergoes a malicious transformation during the Jackson Era. Originally the Tseg’sgin legend was known as Black Jack and personified the devil, but as time progressed, especially into the decade of 1830, Black Jack

¹⁸ Jake Page, *In the Hands of the Great Spirit: The 20,000-Year History of American Indians* (New York: Free Press, 2003), 251.

¹⁹ Jace Weaver, *Notes from a Miner’s Canary: Essays on the State of Native America* (Albuquerque: University of New Mexico Press, 2010), 12.

²⁰ Jim Hughes, interview by J.W. Tyner, November 29, 1968, interview T-345, transcript, Western History Collection, University of Oklahoma Library, Norman, OK.

became associated with Jackson. Tseg'sgin' is characterized throughout all of the folktales as "'unlovable, reprehensible, [and] basically dull.'"²¹ Scholars have delineated this myth from an evolution originating with another Trickster character in Cherokee culture; the influences of this folk type are the events during and after the passage of the Indian Removal Act and subsequently the Trail of Tears experience.²²

Tseg'sgin epitomizes the role Jackson plays and Cherokee folklore immortalizes his betrayal through their forced expulsion from traditional tribal lands in Georgia. All of the Tseg'sgin' tales involve certain aspects that coincide with the traditional Trickster motif, but Tseg'sgin' embodies none of the positive characteristics of this folk hero and instead "possess[es] built-in features that are either European, post-contact, or both."²³ Hence the devil is equated with Anglo society and yet this inherently threatening and malicious figure stands as a source of instruction for the Cherokee community. Since Jackson becomes synonymous with Tseg'sgin' or Jack the Devil, the Cherokee folklore highlights "the man who repaid Cherokee friendship and valor at Horseshoe Bend with the horrors of the Trail of Tears . . . the symbol of trickery and deceit of opportunism at the expense of others."²⁴

A comparison between the Tseg'sgin' folktales highlights the evolution from the Rabbit Trickster in Cherokee folk belief to the Jack or the Devil tales themselves. Early on the tales of deceitful acts by Tseg'sgin', such as races, involve "a rich [white?] man who had a racehorse" and results in the Trickster figure digging "a hole in the road over which they were going to race. . . . When they raced, the rich man fell into the hole, and Tseg'sgin' ran on and won the race."²⁵ These types of tales exemplify Tseg'sgin' as part of the Cherokee community and that community triumphing over the white man by proxy through cunning and quick thinking. Tseg'sgin' as Indian Trickster can be found during the period prior to forced removal of the Cherokee--the underlying theme of the Native Americans profiting over Anglo society. During a period early on in the Indian Removal Act dispute,

²¹ Jack F. and Anna G. Kilpatrick, *Friends of Thunder: Folktales of the Oklahoma Cherokee* (Norman: University of Oklahoma Press, 1995), xii.

²² Kidwell, Noley, and Tinker, *A Native American Theology*, 117.

²³ Jack F. and Anna G. Kilpatrick, "Tseg'sgin'," *Friends of Thunder: Folktales of the Oklahoma Cherokee* (Norman: University of Oklahoma Press, 1995), 99.

²⁴ *Ibid.*

²⁵ Jack F. and Anna G. Kilpatrick, "Tseg'sgin' Has a Race," *Friends of Thunder Folktales of the Oklahoma Cherokee* (Norman: University of Oklahoma Press, 1995), 100.

the Cherokee and United States government were still attempting to make treaties and broker a deal through the use of rhetoric instead of action.²⁶

The willingness to broker agreements with the Cherokee was a time-honored tradition; the governmental emphasis on and choice of “treating” with the Cherokees faced staunch resistance by the southern states, most notably Georgia. Several key figures, such as Wilson Lumpkin, United States senator from Georgia and later governor of Georgia, spearheaded the pressure placed on Andrew Jackson to disavow the Cherokee cause. Lumpkin’s disavowal of treaty-making as well as that of those other politicians who “did not condemn outright the ancient practice of making treaties with the Indians spoke of changed circumstances, and a good deal of attention was given to the clauses in the Cherokee treaties in which the Indians admitted dependence upon the United States” and in addition, “much ridicule was heaped on [those] northerners who upheld the Cherokee cause and on their memorials to Congress.”²⁷ The outcry from the Southern states helped aid the fulfillment of the Indian Removal Act and highlighted the unique position that the Cherokee had within American society. Tseg’sgin’s greed can be seen in Jackson’s push for removal because members of Congress decry the act as problematic because it:

throws into the hands of the President some twenty millions of dollars, to disburse exactly as he pleases; it throws into his hands the lives and liberties of four hundred thousand human beings, for such is about the number of Indians on both sides of the Mississippi, besides a hundred millions of acres of land, without check or control over him, no power to revise his acts.²⁸

The Cherokees worked to become civilized and the community’s leaders utilized some of the same rhetoric as the white legislators to facilitate government support. Their voices were still silenced and marginalized by the multitude of critics, as they battled not only the Cherokee, but also partisan enemies.²⁹ The Cherokee also publicized the negative effects of the removal policy in the same way as the dominant Anglo society--through protest letters, court cases, and newspaper articles.³⁰ The Cherokee Nation

²⁶ Jeremiah Evarts, *Cherokee Removal: The “William Penn” Essays and Other Writings*, ed. Francis Paul Prucha (Knoxville: University of Tennessee Press, 1981), 72.

²⁷ Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994), 162.

²⁸ *Register of Debates in Congress*, 6: 1104, 1109.

²⁹ Ronald N. Satz, “Rhetoric Versus Reality: The Indian Policy of Andrew Jackson,” *Cherokee Removal: Before and After*, ed. William L. Anderson (Athens: University of Georgia Press, 1991), 42.

³⁰ *Cherokee Nation v. State of Georgia*, 30 U.S. 1 (1831), “To Committee and Council,” *Cherokee Phoenix*, November 12, 1831.

was unique among the other Native Americans tribes because the community of New Echota in Georgia instituted their own newspaper, the *Cherokee Phoenix*, to report important issues and stand as an advocate for the tribal way of life in Georgia. In November 1831, the *Cherokee Phoenix* published an open letter to the community, and the United States as a whole, denoting the problematic nature of the Indian Removal Policy as well as the prospects faced upon the status of the Native American-United States relationship.³¹

The Cherokee attempt appealed to logic and pathos within their call to prevent removal highlights the fact that the United States government pushed the nation to modernize and assimilate, but was unwilling to accept them as a viable civil rights recipients. Native Americans strove to make their voices heard within the narrative of American history and the Jackson period, but the dominant Anglo culture began the program of removal early by ignoring, and effectively silencing, the voice of the opposition.

The call for a settlement between the federal government and the Cherokee Council is prompted by a previous attempt to stop the state of Georgia from further alienating the Native Americans' rights by inducing the Supreme Court to issue an injunction to the state government. In March 1831, the Supreme Court heard *Cherokee Nation v. State of Georgia* (1831) and succinctly summarized the issue at hand with the Nation's suit, that:

this bill is brought by the Cherokee Nation, praying an injunction to restrain the State of Georgia from the execution of certain laws of that State, which as it is alleged, go directly to annihilate the Cherokees as a political society, and to seize, for the use of Georgia, the lands of the nation which have been assured to them by the United States in solemn treaties repeatedly made and still in force.³²

Unfortunately the outcome for the Court ruling did not advance the Cherokee's position against the state government and although "if courts were permitted to indulge their sympathies, a case better calculated to excite them can scarcely [be] imagined."³³ The fact of the Court's decision was "if it be true that the Cherokee Nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future. The motion for an injunction is

³¹ "To Committee and Council," *Cherokee Phoenix*, November 12, 1831.

³² Gary E. Moulton, *John Ross: Cherokee Chief* (Athens: University of Georgia Press, 1982), 54-55.

³³ *Cherokee Nation v. State of Georgia*, 30 U.S. 1 (1831).

denied.”³⁴ The Supreme Court was unwilling and unable to ascertain the rights of the Cherokee community in terms of their eroding place in American society.

One of the greatest victories of the Cherokee against the Indian Removal Act and the machinations of the state of Georgia to force them off their tribal lands occurred with the Supreme Court ruling in *Worcester v. Georgia* (1832). Although the Cherokee were not involved in this dispute over state’s rights over tribal lands and individuals residing in these boundaries, the case worked to uphold their argument of sovereignty. According to the ruling of the Court, voiced by John Marshall:

The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves, or in conformity with treaties and with the acts of Congress. The whole intercourse between the United States and this nation is, by our Constitution and laws, vested in the Government of the United States. The act of the State of Georgia under which the plaintiff in error was prosecuted is consequently void, and the judgment a nullity.³⁵

Although this ruling generally meant that the states had no inherent right to force capitulation of the Native Americans within their own lands, a loophole existed for the federal government to force removal. The Trail of Tears stemmed from this loophole and Andrew Jackson’s need to strengthen the federal relationship with the states or specifically, state’s rights within each of the states’ geographical boundaries.³⁶

The need to garner support from Georgia stems from the rhetoric of the Supreme Court’s ruling that found that the state of Georgia “interfere[s] forcibly with the relations established between the United States and the Cherokee Nation” and are “in equal hostility with the acts of Congress regulating this intercourse.”³⁷ The Supreme Court ruling worked to establish limited rights for the Cherokee in terms of regulations against missionaries; after the Trail of Tears, the only shred of identity and selfhood or agency left for this population was their folklore and revision of the Tseg’sgin’ motif. The Rabbit Trickster, in the same way as the Cherokee, uses his wits to evade capture or deception to become victorious in Native American folklore. The Cherokee pattern of resistance used the dominant

³⁴ Ibid.

³⁵ *Worcester v. Georgia*, 31 U.S. 515 (1832).

³⁶ H.W. Brands, *Andrew Jackson: A Life and Times*, 492.

³⁷ *Worcester v. Georgia*, 31 U.S. 515 (1832).

Anglo culture's structures and attitudes against them and actualizes the lessons learned through the oral history and folklore of their society.³⁸

John Ross's place within the conflict of Indian Removal and the Trail of Tears highlights the evolution of folklore within the Cherokee community because he was placed in a position that prognosticates the fate of his people through an educated analysis of Jackson's behavior. Some of John Ross's correspondence highlights the role that Jackson assumes because he stresses, in his letter to Richard Taylor, John Baldrige, Sleeping Rabbit, Sicketowee, and Wahachee on *Worcester v. Georgia* (April 28, 1832), that:

The President has repeatedly said to us, that the Cherokees will be *protected in their territorial possessions*; and he has also boasted of never having told a red brother a lie, nor ever having spoke to them with a forked tongue. We have a right, however, to judge of this bravado for ourselves from his own acts.³⁹

The first part of this call to his people highlights the subtle evolution that would surface in Cherokee folklore in terms of the Trickster motif and preservation of oral history. Unfortunately Ross also predicts the result of their conflict with both Georgia and the federal government when he reassures his correspondents that "I cannot believe that the General Government would allow Georgia to go so far as to draw for and *occupy our lands by force*."⁴⁰ Ross prophesizes the future of the Cherokee people and their tribal lands translates this great betrayal into the fabric of their society. Now Tseg'sgin' would move beyond helping the Indian people into harming them and stripping them of their identity and destroying himself.⁴¹

The characterization of Jackson in Ross's letter must be emphasized because Ross drew on a Biblical allusion of the Devil in the Garden of Eden with the "forked tongue" and the belief that he has never told Native Americans a lie. Since Tseg'sgin' is also known as Jack the Devil, the use of a snake motif and the inherent connection to Satan stressed the suspicions of the Cherokee in terms of their fate as a sovereign nation within the United States. The statement that the Cherokee "have a right . . . to judge . . . this bravado for [them]selves" was equally emphatic and noteworthy because it

³⁸ Kidwell, Noley, and Tinker, *A Native American Theology*, 118-119; Nabokov, *Native American Testimony*, 148.

³⁹ John Ross to Richard Taylor, John Baldrige, Sleeping Rabbit, Sicketowee, and Wahachee, April 28, 1832, in *The Papers of Chief John Ross*, ed. Gary E. Moulton (Norman: University of Oklahoma Press, 1985) 2, 242-43.

⁴⁰ *Ibid.*

⁴¹ Kidwell, Noley, and Tinker, *A Native American Theology*, 123.

is a subtle warning of blind optimism in terms of a peaceable resolution to the conflict over land entitlement.⁴²

Ross's rhetoric to his people, extolling them to be nonviolent and upright in behavior until the issue was resolved, highlights his personal experience with the Georgia government and his struggle to work within the Anglo structure to effect change. In 1829 the crux of the issue in Cherokee-Anglo relations began to spiral out of control and "Georgia reached for every pretext to extend its control over more Cherokee lands."⁴³ Every opportunity for legal and political recourse was pursued by Ross and other leaders of the Cherokee nation, but eventually the future of the community was sealed by forced removal. *Worcester v. Georgia* might solve the questioning of land possession, but the Cherokee Nation proved to be continually under attack from all sides as the calls for their removal to the Oklahoma territory escalated. Jackson would be the last resort for the Cherokee to retain their tribal land. Many, however would share in Ross's sentiments regarding their rights and fated ejection from their ancestral lands and he "confessed 'there is no place of security for us, no confidence left that the United States will be more just and faithful towards us in the barren prairies of the west, than when we occupied the soil inherited from the Great Author of our existence.'"⁴⁴ The disappointed comment of the Cherokee Chief highlights the interconnectedness of the people to the land and part of the despondency and fear of removal that stemmed from the fact that the Cherokee's basic identity and way of life was slowly being stripped away. Subsequent generations would adopt the white ways of existence and many would forget traditional medicine and language.⁴⁵

Further destruction of the Cherokee identity occurred with the New Echota Treaty (1835) made by a splinter group of Cherokee, led by Major Ridge, Elias Boudinot, John Gunter, Archilla Smith, and Chief Ross' brother. The Treaty Party effectively signed the death warrant of the Cherokee culture and the role of Rabbit Trickster in their folktales. Instead of the purely folkloric manifestation of the Trickster, the Trail of Tears morphed this figure into a character of deception and death in Cherokee oral history. At this point Tseg'sgin' did not only become symbolic of Jackson, but also all of the players in the New Echota Treaty that silently betrayed their brethren

⁴² John Ross to Richard Taylor, John Baldrige, Sleeping Rabbit, Sicketowee, and Wahachee, April 28, 1832, in *The Papers of Chief John Ross*, ed. Gary E. Moulton (Norman: University of Oklahoma Press, 1985) 2: 242-43; Nabokov, *Native American Testimony*, 147.

⁴³ Moulton, *John Ross: Cherokee Chief*, 39.

⁴⁴ *Ibid.*

⁴⁵ Jim Hughes, interview by J.W. Tyner, November 29, 1968, interview T-345, transcript, Western History Collection, University of Oklahoma Library, Norman, OK.

based on the promise of funds and provisions for removal to Oklahoma territory. According to the descendents of those who removed to Oklahoma Territory, "they hated the name of the Ridges and the Boudinots. They would talk at night of how they were going to kill them when they came to the country where they lived. There would have been war after the emigrants came if the leaders had not agreed to a treaty at once. The emigrants hated the old settlers, as the bunch that favored the 'Removal' were called."⁴⁶

Emblematic of the strife, one of the most famous Tseg'sgin folk tales surrounds the Trickster's race with a Chief. The appearance of this folk tale can be surmised to a period during and after the Trail of Tears and is related to the earlier Trickster folk tale cited in this analysis of Cherokee folk belief. Whereas previous tales had Tseg'sgin' deceiving a rich white man to win a race, in the evolved version of events the Devil figure, now can be seen as a symbol of Jackson, who deceives an Indian chief in the same manner to fraudulently win a horserace. At the beginning of the tale "the Chief recognized Tseg'sgin'" after Tseg'sgin' "began . . . making noises outdoors, annoying him [the chief] at night."⁴⁷ When the two agree to a race Tseg'sgin' causes trouble for the Chief by preying on his hubris and sense of superiority because he selects an ugly horse that frightened the Chief's horse into running away from Tseg'sgin,' thereby winning the race and lulling the Chief into a false sense of security.⁴⁸

The characterization of this race fit Jackson with his statement that he did not deceive the Native Americans and by pledging support of the sovereignty of their tribal lands.⁴⁹ The effect of this rhetoric upon the Cherokee Nation resulted in their misguided belief that President Jackson would aid them in their conflict with Georgia and uphold the treaties made regarding their tribal land, even, perhaps, by sending troops to protect the boundaries of their homes. Unfortunately, Jackson revealed his stance on this issue and upheld his presidency and foils the threats against his administration by supporting state's rights over the basic human dignity and civil rights of the Cherokee.⁵⁰ In the folktale Tseg'sgin' highlights the subversive quality of Jack the Devil, or Jackson the Devil, by playing on the

⁴⁶ Moulton, *John Ross*, 77.

⁴⁷ Nick Comingdeer, interview by Gus Hummingbird, August 18, 1937, interview S-149, transcript, Western History Collection, University of Oklahoma Library, Norman, OK.

⁴⁸ Jack F. and Anna G. Kilpatrick, "Tseg'sgin' Races the Chief," *Friends of Thunder: Folktales of the Oklahoma Cherokee* (Norman: University of Oklahoma Press, 1995), 100.

⁴⁹ *Ibid.*

⁵⁰ Andrew Jackson, "To the Cherokee Tribe of Indians East of the Mississippi River," *Macon Weekly Telegraph* (April 9, 1835).

Chief's sense of pride to cause his misstep and fall from sovereignty. After the Chief wins the first race he proposes a foot race and Tseg'sgin' creates a dirt hole set,⁵¹ which the Chief falls into and Tseg'sgin' wins the race.⁵² The moral of this Tseg'sgin' folktale mirrors trickery of Jackson's removal promises.

Harkening back to the definitions of Native American folklore, the tales surrounding Tseg'sgin' may seem entertaining during the cursory perusal of the folktale, but by deconstructing the elements of the tale the lessons were suggestive for instructing subsequent Cherokee generations. First, the dirt hole set symbolized Jackson's deceit during the period that results in forced Cherokee removal to Oklahoma territory. Furthermore, the Cherokee had descended into this trap because they have forgotten the most primitive definition of the Trickster.

Whereas most Trickster myths employ a thread of humor and entertainment in the folk tale, Tseg'sgin' folklore favors bleak depictions of the inherent threat of Jack the Devil. Tseg'sgin' is characterized as without merit and when comparing the tale of the race between Tseg'sgin' and the rich white man (with the latter Tseg'sgin' and the Chief), any humor that is present in the first disappears when the roles are reversed and a Native American is being victimized by Jack the Devil. In addition, the Tseg'sgin' folk belief highlights the disintegration of traditional Cherokee religious and cultural systems. Now the tale includes moralistic and cautionary warnings, as well as the loss of ancestral history with the forced settlement in Oklahoma territory.⁵³

Other folk belief are utilized in the portrayal of the Trail of Tears that would build upon the mutation of Tseg'sgin' into a malicious character modeled on the white betrayers in the United States federal government. William Shorey Coodey, one of the eyewitnesses and voices in the multitude of Cherokee forced out of tribal lands, recalled:

a low sound of distant thunder fell on my ear, . . . in almost an exact western direction a dark spiral cloud was rising above the horizon and sent forth a murmur I almost fancied a voice of divine indignation for the wrongs of my poor and unhappy countrymen.⁵⁴

⁵¹ Fitzgerald, *Friends of Thunder*, 101.

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Kidwell, Noley, and Tinker, *A Native American Theology*, 114.

The Trail of Tears stood as a momentous event in which *Unetlanvhi* (Great Spirit) is called upon, but the Cherokee suffering continues without respite while the Nation settled in the Oklahoma territory.

The Cherokee made one last impassioned plea against removal. It was sent to Congress and the document synthesized the voices of the multitude into one loud cry:

We are denationalized . . . We are deprived of membership in the human family. We have neither land nor home nor resting place that can be called our own . . . We . . . appeal with confidence to the justice, the magnanimity, the compassion of your honorable bodies against the enforcement on us of a compact in the formation of which we have no agency. . . . In truth our cause is your own. It is the cause of liberty and justice."⁵⁵

The Cherokee, as they have throughout the removal conflict, used the dominant Anglo language and ideals in an attempt to finalize reconciliation and to facilitate a change in their fate. Unfortunately, freedom and justice along with Anglo law did not apply to the Cherokee people. Congress was deaf to their pleas just as the Supreme Court was unwilling to judge their sovereignty as a tribal nation. The truth of the matter was that Jackson was merely unwilling to efface the support of the white majority in favor of aiding the Cherokee. It is no wonder that the Cherokee began to equate their malicious Trickster with Jackson because he turned deaf ears upon their pleas in order to receive support from the Southern states, as well as to secure land allotments to white settlers in Georgia.

Another Tges'sgin' folktale exemplified Jackson's attitudes regarding securing his political advantages and ideals at the expense of the Cherokee people and their traditional culture. Although in this folktale Tseg'sgin' deceives another Indian in order to secure a relationship with the woman he wants, a connection to Jackson and Cherokee tribal lands was most likely. An emphasis was placed on the fact that the oral history and folklore states that Tseg'sgin' "desires" her and connections were made to the Jackson the Devil motif because of the way in which Tseg'sgin' secures his triumph over the meddling father. According to the folktale "if [Tseg'sgin'] wanted anything, he could always get it."⁵⁶ Tseg'sgin' creates a ploy with a cow tail in order to divert the father's attentions, while he

⁵⁵ Perdue and Green, *The Cherokee Nation*, 116.

⁵⁶ Blumenthal, *American Indians Dispossessed*, 80.

seemingly leaves to retrieve the man's shovel and further deceives the daughter into leaving with him.⁵⁷

Although the tale involves Jack the Devil deceiving a father in order to spirit away a beautiful woman, a closer analysis of the motifs highlight the Cherokee's identification of Tseg'sgin' with Andrew Jackson. At the beginning of the tale, the Cherokee storyteller emphasizes that the desires of Tseg'sgin' are always fulfilled and since these folktales are part of a motif, the audience inherently knows that the Trickster will achieve his goal by malicious deception. As in the case of the footrace with the Chief, Tseg'sgin' uses a ruse in order to prey on the Cherokee's pride, or in this story, good nature and altruism to see his plan to fruition. Jackson was observed utilizing the same motives and plans in his abandonment of the Cherokee during the Indian Removal period. The father is indicative of the majority of the Cherokee community that believes civilizing and assimilating into the dominant Anglo society will secure their tribal lands and prevent removal. Jackson was characterized as Tseg'sgin' because of his unwillingness to support the Cherokee Nation during this tumultuous period of history and, furthermore, he worked in the same manner to secure valuable Georgian land for white settlers. The New Echota Treaty was viewed as the misunderstood question and the great deception that secures the Cherokee homelands for Jackson and the United States.

The suffering of the Cherokee began at the onset of the removal from their lands and several accounts exist that highlight the resignation and dignity that the Native Americans clung to even when being evicted from their ancestral homes:

In many cases, on turning for one last look as they crossed the ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage. . . . Systematic hunts were made by the same men for Indian graves, to rob them of the silver pendants and other valuables deposited with the dead.⁵⁸

The incident of grave robbing highlights, and stands as an overall symbol of, the pervasive destruction of the Cherokee heritage as a result of the forced removal. Grave sites are sacred in Cherokee culture and the systematic looting of these sites not only fulfilled the earlier mentioned Creation myth, but also served as an impetus for the evolution of the Trickster folk tale. The Cherokee were warned through their Creation myth that the white man

⁵⁷ "Tseg'sgin' Gets a Woman," Jack F. and Anna G. Kilpatrick, *Friends of Thunder: Folktales of the Oklahoma Cherokee* (Norman: University of Oklahoma Press, 1995), 105.

⁵⁸ *Ibid.*

prized silver as a precious commodity. The fears of the Nation were fulfilled because they were forced from Georgia and the settlers pillage it in order to profit from the land as well as their misfortune. The recasting of Tseg'sgin' as Jackson is not surprising here; the ultimate betrayal places a burdensome cost on the Cherokee and not only did they lose their ancestral lands, but they also lost their ancestors as their eternal rest was disturbed.

Not only did scavengers rip the dead out of their graves to loot for precious commodities, the Cherokee were forced to abandon their tribal customs in order to leave Georgia. One soldier involved in the removal at gunpoint noted:

In one home death had come during the night, a little sad faced child had died and was lying on a bear skin coach and some women were preparing the little body for burial. All were arrested and driven out leaving the child in the cabin. I don't know who buried the body. In another home was a frail Mother, apparently a widow, and three small children, one just a baby....But the task was too great for that frail Mother. A stroke of heart failure relieved her sufferings. She sunk and died with her baby on her back, and her other two children clinging to her hands.⁵⁹

Not only were the ancestors subject to the horrors of pillaging white settlers, but also the newly dead could be laid to rest. Although a soldier assumes that a dead child is buried, the fact of the matter is that in Cherokee folklore, the child was most likely lost because of the violation of burial lore. An assumption that the frail mother likely suffered the same fate can be made because of prior accounts of the soldiers' unwillingness to allow time for burial, bereavement, or any other provision for the protection of the Cherokee heritage and religion. The loss of tribal land in Georgia indicates that the Cherokee were losing a portion of their heritage and folklore and the soldiers' forced removal further disintegrates the long held beliefs the Nation.⁶⁰

The removal of the Cherokee was a point of cataclysm for the people themselves but also for the state of Native American-United States relations. Never again would the Cherokee or any other nation take the United States at its word and the effects of this betrayal echoes even in current society, with groups of Native Americans suspicious and afraid of the federal government's programs designed to help their community. In 1931 the specter of Removal caused the Choctaw of "Bogue Chitto [to refuse] to meet with [a special investigator from the Office of Indian

⁵⁹ Page, *In the Hands of the Great Spirit*, 261.

⁶⁰ *Ibid.*, 262.

Affairs]...They wanted nothing to do with the federal government because of fear that, as one man put it, 'The Government will take us away some day to Oklahoma.'"⁶¹ The Trail of Tears stands as one of the most poignant and destructive events in American history because:

all of these forced migrations were catastrophic for the émigrés. In most cases, when groups of them were rounded up they were put in what amounted to concentration camps, where maltreatment from exposure, hunger, and rape was common. Along the way they were preyed on by horse thieves and mobs of lawless settlers, lethal diseases, and in many instances foul winter weather for which they were not prepared. Such conditions are invariably worse for children, the elderly, and women, especially pregnant women."⁶²

The Trail of Tears decimated the Cherokee people in terms of the vitality of the Nation in membership, but a more subtle and insidious destruction occurred with these results and assault upon the Cherokee people.

According to many estimates "the Cherokee death toll directly attributable to the removal has been estimated at approximately four thousand, or one-fourth of the entire population. . . . Few old or very young people survived. When the Cherokees arrived in their new country, they and the other tribes were struck by an epidemic of smallpox."⁶³

The Trail of Tears caused the loss of future generations of Cherokee, extinguishing the hope of the people, but it is the loss of the elderly that struck a fatal blow to traditional Cherokee culture. In Cherokee society the elders of the community are the individuals who hold the oral history of the people and diligently instruct subsequent generations in the ways of the Cherokee. With the heavy loss of the older generations, Cherokee heritage, history, and folklore were lost and the loss explained the evolution of the Trickster in Cherokee folklore. The deaths of the elders, combined with Andrew Jackson's betrayal, served as an impetus for the rise of Tseg'sgin' over Rabbit in terms of the telling of Trickster tales because Tseg'sgin was seen as the corruption of the name from English to Cherokee.⁶⁴

Recalling John Ross's declaration, judging President Jackson on his actions during the Indian Removal Policy, generations of Cherokee would remember him as the living embodiment of Tseg'sgin.' He repaid their kindness of civilizing with the malicious platitudes that eventually led to the

⁶¹ Theda Perdue, "The Legacy of Indian Removal," *Journal of Southern History* 1 (February 2012).

⁶² Page, *In the Hands of the Great Spirit*, 260-61.

⁶³ Many "trails of tears" existed with which the Cherokee and other tribes, such as the Kiowa and Chickasaw, were forced to travel to Oklahoma territory. *Ibid.*, 262.

⁶⁴ Kidwell, Noley, and Tinker, *A Native American Theology*, 117.

seizure of their land, the death of their children and elders, and their displacement into an unforgiving landscape that failed to fully support farming. A clear picture of Jackson as Tesg'sgin' is revealed through an analysis of his relations with Native Americans, not including the deceptive relationship he had with the Cherokee. Jackson's election to the presidency allowed the state of Georgia to start a program of land seizure because who would stop them from evicting the Cherokee out of their tribal lands? In all probability President Jackson would not, for he is:

The same Andrew Jackson who once had written that 'the whole Cherokee Nation ought to be scourged.' The same Andrew Jackson who had led troops against peaceful Indian encampments, calling the Indians 'savage dogs,' and boasting that 'I have on all occasions preserved the scalps of my killed.' The same Andrew Jackson who had supervised the mutilation of 800 or so Creek Indian corpses – the bodies of men, women, and children that he and his men had massacred – cutting off their noses to count and preserve a record of the dead, slicing long strips of flesh from their bodies to tan and turn into bridle reins. The same Andrew Jackson who – specifically seek out and systematically kill Indian women and children who were in hiding, in order to complete their extermination: to do otherwise, he wrote, was equivalent to pursuing 'a wolf in the hammocks without knowing first where her den and whelps were.'"⁶⁵

The picture of Jackson revealed by his relations with the Native Americans highlights the pervasive destruction wrought by soldiers during Cherokee removal in Georgia. As a military leader Jackson thoroughly debased the Indian tribes he came in contact with and violated their folklore by sensationalizing the act of scalping and diminishing the importance of the act. The act became popular during the French and Indian War and "contrary to popular impression . . . scalped victims were sent back to their tribes alive as a direct defiance and an incitement to retaliation."⁶⁶ Furthermore, the Cherokee believe in multiple souls, or "askinas," and Will West Long highlights the problems with Jackson's mutilations of Cherokee bodies because:

The soul of conscious life left the body immediately at death and continued its personal life, sometimes remaining nearby for a time, often seen as a ghost, harmless and powerless. . . . [T]his soul eventually followed the "Trail of Kanati" to the western land of the dead. . . . This soul is located in

⁶⁵ David E. Stannard, *American Holocaust: The Conquest of the New World* (New York: Oxford University Press, 1992), 121-22.

⁶⁶ Maria Leach, "Scalping," *Funk and Wagnall's Standard Dictionary of Folklore, Mythology, and Legend*, 976.

the head immediately under the front fontanelle. The magic of scalping and of the ritual treatment of scalps is directed against this soul.⁶⁷

Andrew Jackson would forever be seen and remain as a Trickster figure by various Native American tribes, but it is his betrayal of the Cherokee that caused the evolution of a vital part of their culture. The Cherokee would repay their betrayer by making him an integral part of their folklore in casting him as Tseg'sgin' and based on his actions throughout his military and political career Jackson deserves the title of Trickster and Jack the Devil as seen with the link between Tseg'sgin and Jackson through language corruption.⁶⁸

The sands of time cannot diminish or obscure the effects of the Indian Removal Policy and the Trail of Tears on the landscape of American history or the identity of the Cherokee Nation. The cries of the slighted are forever heard and the echoes of:

To you we address our reiterated prayers. Spare our people! Spare the wreck of our prosperity! Let not our deserted homes become monuments of desolations! But we forebear! We suppress the agonies which wring our hearts, when we look at our wives, our children, and our venerable sires! We restrain the forebodings of anguish and distress, of misery and devastation and death, which must be attendants on the execution of this ruinous compact."⁶⁹

The outpouring of grief in the Cherokee protest before removal highlights the crux of the issue surrounding the Indian Removal and Trail of Tears. The problem was not just the loss of the land or the fact that thousands of people were being forced to move; instead, it was the loss of Cherokee identity and soul of the people that cuts to the quick.

Tseg'sgin' secured a place in history through the actions of President Jackson and the Trail of Tears episode. The Cherokee learned the valuable lessons in the conflict with the federal government and the legacy of near Native American genocide was seen with the accounts of the Trail of Tears. The one problem with these accounts is the lack of emphasis on the destruction of an entire people's way of life and folklore and the resulting reconstruction of Cherokee society and early on "civil strife continued to divide the Cherokees in their new homes."⁷⁰ Further problems occur with

⁶⁷ John Witthoft, "Cherokee Beliefs Concerning Death," *Journal of Cherokee Studies* 8.2 (Fall 1983): 68-70.

⁶⁸ Kidwell, Noley, and Tinker, *A Native American Theology*, 124-25.

⁶⁹ John Howard Payne and John Ross "Cherokee Protest," December 29, 1835, in *American Indians Dispossessed*, 190.

⁷⁰ Calloway, *First Peoples*, 217.

this new geography as descendants have noted in the stories passed down of the ancestors who traversed the Trail of Tears. According to many of the families, not only did starvation and dehydration cause affliction and death, but also “the Indian doctors couldn’t find [those] they were used to [treating] and didn’t know the ones that they did find, so they couldn’t doctor them as they would have at home.”⁷¹ Again, not only did the Cherokee lose a crucial part of their history through the dispossession of their land, as well as ancestors, but their basic culture and folk belief.

The Cherokee Nation was forced to rebuild the fragments of its culture and folklore after settling in Oklahoma territory. Due to the basic orality of their history, many of the folktales, legends, and myths were lost through the massive loss of life along the Trail of Tears. New folklore arises in place of the old, highlighting the flexibility of the Cherokee culture and the Tseg’sgin’ folktales emphasize the Cherokee ability to adapt and evolve, most notably with the Trickster, in order to instruct and warn future generations of the fatal deception of Andrew Jackson and the United States. It is this writer’s interpretation that Tseg’sgin emphasized the disparity between the accepted historiographical account of the Indian Removal period and the Trail of Tears with the reality of the destruction of Cherokee culture and history. The basic historical accounts of Andrew Jackson’s rhetoric and actions, combined with the legal ramifications of two landmark Supreme Court cases, project an attitude of a compassionate government aiding the Cherokee Nation to escape from privation and destruction. The rhetoric of the United States government does not coincide with the reality of the forced removal of the Cherokee when an emphasis is placed on the deep connections of the Cherokee existence to traditional tribal lands. Instead, the evolution of the Cherokee Trickster, from Rabbit to Tseg’sgin,’ emphasizes an area of study, the use of folklore to embody Jackson, that needs to be addressed due to the exclusionary effects of current historiographical accounts of the period. The alteration of traditional folklore in terms of the Trickster motif, as well as the fulfillment of early Creation myths, highlighted the Cherokees’ attempt to reconcile disastrous events to their traditional culture in order to prevent further disintegration of their society.

⁷¹ Rachel Dodge, interview by Grace Kelley, May 14, 1937, interview 5765, Western History Collection, University of Oklahoma Library, Norman, OK.