

CHEYENNE REPATRIATION: THE CHOICE  
BETWEEN SECULAR AND  
TRADITIONAL METHODS

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## PREFACE

The Cheyenne Nation has been a well documented tribe prior to the twentieth century. The following thesis is intended to document the repatriation of funerary objects and skeletal remains to the Northern and Southern Cheyennes that occurred in the early 1990s. It is a comparison of how the two federally recognized tribes handled these events and what roles the elected tribal officials and the traditional ceremonial people played.

The thesis is largely based on both oral history from participants in the repatriation and also documents published by the Government Printing Office and the Smithsonian Institution. Secondary sources have been used to provide much of the historical background.

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## CHAPTER ONE

### INTRODUCTION

To understand the repatriation of human remains from the Smithsonian Institution to the Southern and Northern Cheyennes, one must begin with an overview of the division of the Nation into Southern and Northern branches. Only then can one comprehend how and why the two repatriations, the one among the Southern Cheyennes of Oklahoma and the other among the Northern Cheyennes of Montana, were carried out in unique fashion.

Despite changing and inconsistent federal policy Tribal governments in the twentieth century have devised means to maintain their identities. These challenges from the United States government included programs from the allotment era, the first attempt at self-determination under the Indian Reorganization Act (1934) and the Oklahoma Indian Welfare Act (1936), creation of the Indian Claims Commission (1946) and the Termination policies of the Truman and Eisenhower administrations. During the last twenty five years, self-determination re-emerged and individual Native Americans, as well as tribal governments, have asserted stronger influence on tribal administration. This case study will be confined to the two incidents involving the Southern and Northern Cheyenne tribes' repatriation efforts. It will compare and contrast how each tribal government handled this sensitive

matter. This thesis will explain which portion of the proceedings were guided by the traditional culture; which were influenced by tribal politics; and how the various factions among the Cheyennes explained their different attitudes.

This case study will review events that occurred within the past ten years among the Cheyenne. Questions that will attempt to be answered, relate to the repatriation of both the Northern Cheyenne and the Southern Cheyenne. These questions include, what effect did the division of the Cheyenne into Southern and Northern branches, during the nineteenth century, have on the cultural heritage and philosophy of the two divisions? If there is a difference, can it be attributed to the more communal type lifestyle of Northern Cheyenne reservation life, whereas, the Southern branch, because of the allotment process, have become accustomed to a more integrated system with the larger society as a whole?

Other questions concern the sentiments and reactions of the several participants involved. Why were the ceremonial Cheyenne in Montana more successful in determining the delegation members to Washington than their southern counterparts in Oklahoma? This in turn leads one to question the position of the Smithsonian employees, who believed the Southern Cheyenne repatriation went more smoothly than the Northern Cheyenne's. When one questions the Cheyenne participants, their opinion of the repatriation appears in complete opposition to the federal government employees.

This study will not determine which repatriation proceeded more smoothly, but will relate the events as gathered from interviews, letters and other primary sources.

Discussions and writings about the Native American Graves Protection and Repatriation Act (NAGPRA) have been numerous, as testified to by the twenty-five page bibliography compiled by Brian Gill of Arcata, California, in October 1995. Gill's list of works include many references pertaining directly to repatriation law influencing museums and the federal government; but it also includes many journal and newspaper articles referring to specific incidents such as Dickson Mounds and other matters such as looting of sacred sites and the sale of private collections.<sup>1</sup>

Scholarly works on specific repatriation events by individual tribes are negligible, with the exception of Reckoning With the Dead by Tamara L. Bray and Thomas W. Killion. Both editors are employed by the Repatriation Office of the National Museum of Natural History and compiled a very useful study about the role of the Smithsonian Institution and the process by which the Native Alaskans of Larsen Bay obtained more than three thousand skeletal remains that were in the museum's possession. This case study relied heavily on Reckoning With the Dead and personal telephone interviews with Dr. Killion about the process.<sup>2</sup>

There are numerous studies about the Cheyenne people as listed by Father Peter J. Powell in his 1980 critical

bibliography, The Cheyennes, Ma?heo?o's People.' The majority of the entries deal with Cheyenne history prior to the twentieth century. Notable exceptions are Cheyenne Memories by John Stands In Timber and Margot Liberty and The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875-1907 by Donald J. Berthrong. Since the publication of Powell's bibliography, Brent Ashabraner's work Morning Star, Black Sun: The Northern Cheyenne Indians and America's Energy Crisis has been published concerning the Northern Cheyenne's efforts to prevent strip mining on their reservation in Lame Deer, Montana.\*

This case study will review events that occurred within the past ten years among the Cheyenne. It is the desire of the author to present an unbiased account of the events as they unfolded and yet to present a positive view of this sensitive and at times tumultuous issue. One has only to place oneself in the position of the Cheyennes and try to imagine the emotions that would pervade the receiving of their ancestors remains after over one hundred years of being studied and displayed in the name of science.



CHAPTER TWO  
THE DIVISION OF THE CHEYENNE

The division of the Northern and Southern Cheyennes dates from as early as 1826. The reasons for the split encompassed economic factors as well as regional preferences. Did this separation have any effect on Cheyenne politics and tribal government in the twentieth century concerning the issue of repatriation?

The pattern of Cheyenne movement onto the Plains precipitated the division in 1826. The migration of eastern tribes driven farther west by increasing numbers of Euroamerican settlers forced the sedentary Cheyennes into their nomadic lifestyle on the Plains. Resistance proved futile against their eastern antagonists, such as the Sioux, who were better armed with guns and powder.<sup>1</sup> The Cheyenne Nation's hunting grounds ranged from the Black Hills of the Dakotas as far west as the Rocky Mountains of Colorado and from the Arkansas River in the south to the Tongue River of Montana in the north.

Most of the climate of the northern Great Plains is similar to that found in the Powder River region of Montana. This semiarid area is characterized by extreme weather variations on a yearly, seasonal, and daily basis. It averages ten to nineteen inches of rain a year, but may



experience as much as a fifteen inch variation in either direction during any given year. Reliable precipitation during the growing season allows for dry land farming. With 20 percent of the rain coming during the winter, along with thirty to fifty inches of snow, the growing season or frost free season ranges from 90 to 158 days.<sup>2</sup>

The Cheyennes consisted of five original bands that led to the subdivision of five others and what the ethnologist James Mooney referred to as a "psuedodivision" of nine other bands. The five original bands include the *Omisis* or Eaters band, *Hevhaitanio* or the Hair Rope Band, *Heviksnipahis* or Aorta band, the *Masikota*, for whom there has not been a definite translation, and the *Sutaio*, formerly a separate tribe incorporated into the Cheyennes.<sup>3</sup> Separation into bands proved necessary for the preservation of the nomadic ways of Plains life. It allowed sufficient food and clothing in diversified hunting grounds.<sup>4</sup>

This organization did not preclude the existence of a centralized governing body. Each of the ten major bands were responsible for supplying four peace chiefs to the Council of Forty Four, with four previous chiefs being held over from the prior council.<sup>5</sup> The military or police societies, such as the Dog Soldiers, Bow Strings and Kit Foxes belonged to each of the bands and one of their functions included insuring compliance among the bands to the councils wishes.<sup>6</sup>

The mobility and economic livelihood of the Cheyenne people had become dependent on the horse. The horse

enabled village movement across the plains, helped chase down the buffalo herds that fed and supplied clothing, and became an essential trade component and measure of wealth among the Cheyennes. During this time period the larger horse herds existed in the southern plains, produced from the Spanish settlements further South.<sup>7</sup>

The Kiowas and Comanches resided in the region south of the Arkansas River, which bordered Spanish Texas and New Mexico. According to George Bent, son of William Bent and Owl Woman, daughter of the Cheyenne Arrow Keeper, the abundance of horses owned by the Kiowas made them continual victims of Cheyenne horse stealing raids.<sup>8</sup>

The *Hevhaitanio* band, noted among the Cheyennes as the best horse tamers and most talented at acquiring mounts from the surrounding tribes, decided to move south of the Arkansas River in 1826.<sup>9</sup> The lure of abundant horses, which translated into tremendous wealth for the Cheyennes, was not the only factor in their move south. The meeting between Yellow Wolf, a leader of the Hair Rope band, and Charles Bent, a partner in the Bent-St. Vrain fur trading company, factored into the decision to move south. Yellow Wolf advised the Bents, who planned to build a second trading stockade, to move farther South down the Arkansas River, which would allow the Cheyennes to camp out of the Rockies where subsistence for themselves could be more readily maintained. This in turn led Yellow Wolf to declare that his people and extended family of the *Ovimana* clan would make

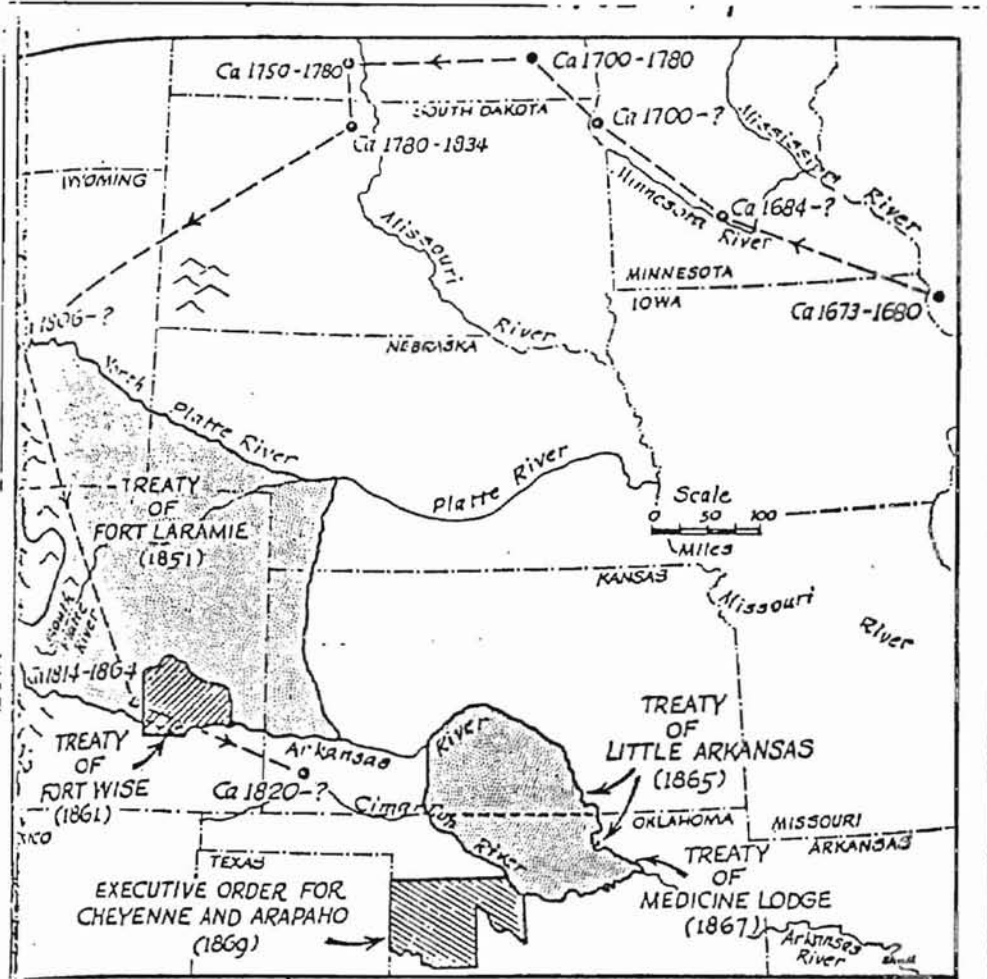
permanent villages along the Arkansas.<sup>10</sup>

The southern plains provided an ideal location for the larger horse herds of the Cheyennes. Milder winters allowed for easier grazing. Temperate conditions were not the only beneficial element of the area. Another rich resource was the abundance of quality grass that assured a sound diet for the herds. Among the native grasses were bluestem, grama, and buffalo grass. The Cheyennes preferred these short grasses because they were found growing together in distinct plant communities.<sup>11</sup>

Another economic reason for the Cheyenne willingness to locate further south concerned their role as traders. This location presented them the access to larger horse herds and a growing participation in the buffalo robe trade that was replacing the dwindling beaver fur business. The Cheyenne Nation, north and south, had never exceeded four thousand, but through marriage alliances and treaties with other tribes they managed to become one of the premier middlemen in trading among the various plains tribes.<sup>12</sup>

John H. Moore, author of The Cheyenne Nation, asserts that ecological reasons intertwine with the economic causes of the Cheyenne division. He believes that the expanding sizes of the horse herds maintained by the *Hevhaitanio* clan increased their desire to move farther south on the plains. The warmer weather and longer growing season provided more ample grazing for the horses and permitted these Cheyenne the accommodation of being able to spend a longer time in

Source: Berthrong. The Southern Cheyenne, p. 11.



Map 2. Cheyenne Migrations and Lands

one camp and avoid the frequent moves required in the more northern regions of the plains.<sup>13</sup>

During the nineteenth century, two disastrous events befell the Cheyennes. In 1849 a cholera epidemic, spread by Euroamerican travelers through the Cheyenne hunting grounds, infected plains tribal societies. The disease wiped out the *Oktuguna* clan and rendered the number of the *Masikota* so few they were absorbed by the Dog Soldier band. The Hair Rope band, in the south, suffered the fewest casualties, but still lost several members of their extended families.<sup>14</sup> The second disaster, perpetrated by Colonel John Chivington and the Colorado Volunteer Militia, was the Sand Creek Massacre. Under Chivington's command, along with 125 regular troops from Fort Lyon, they attacked the peaceful village of Cheyenne on Sand Creek in November 1864. Awaiting orders from the government on where to move, the followers of the "peace chiefs," White Antelope and Black Kettle, never expected the merciless attack. The loss of over 120 lives further decimated the clans and changed the Cheyenne political structure.<sup>15</sup>

The slaughter at Sand Creek led to the decline of the peace chiefs' influence and the emergence of the warrior societies as the dominant force in Cheyenne leadership. George Bent in his letters to anthropologist George Hyde, described how several of the Southern Cheyennes traveled north in anger to seek the aid of their brethren and their allies the Sioux. This was the beginning of nearly fifteen

years of continual warfare for the Cheyennes.<sup>16</sup>

After nearly forty years of separation, the Southern Cheyennes' first encounter with the Northern Cheyennes was startling to both groups. The Cheyennes who resided in the south wore cloth blankets, cloth leggings and other attire made by Euroamericans. The Northern Cheyennes' clothing still consisted of buffalo robes and buckskin leggings. Bent also noted new words in the Northern Cheyennes' vocabulary that were unrecognizable. He credited this to the proximity of the Northern Cheyennes to their allies, the Sioux.<sup>17</sup>

The end of the Plains Indian Wars in 1877 brought with it the reservation period. During this time the United States government attempted to reunite the Northern and Southern Cheyennes on a reservation set aside in western Oklahoma. This was the last time that the two divisions of the tribe were to be located at the same site.

The Northern Cheyennes were sent to Darlington, Indian Territory in 1877, had decidedly different attitudes about proper behavior toward the agents on the reservation than their southern counterparts, who had adapted themselves to government policies. The clash between Agent John D. Miles and the Cheyennes, fresh from the Great Plains Wars, was not the only source of irritation on the reservation. The Northern and Southern Cheyennes taunted each other concerning the valor and bravery of the two groups.<sup>18</sup>

Incompatibility with their southern kin headed the list of reasons Northern Cheyenne leaders Dull Knife and Little Wolf gave to Miles for their wishing to return to their



northern homelands. Other problems included insufficient government rations to subsist the Northern Cheyennes. Further, their inability to adapt to the southern regions of the Indian Territory vexed them. Records indicate that between eighty-six and ninety-four people died from dysentery and malarial-type symptoms during the first two years of the Northern Cheyennes' tenure at the Darlington Agency.<sup>19</sup>

On September 9, 1878, after one year on the Oklahoma reservation, Little Wolf and Dull Knife bolted from the agency. Approximately 350 dissatisfied Northern Cheyennes accompanied the two leaders on the perilous and harried journey to escape the hardships. The success of a small number of the band which eventually reached Montana renewed the separation of the Northern and Southern Cheyennes. By 1883, all the remaining Northern Cheyennes in Indian Territory received permission to return to the new reservation created on the Tongue River in Montana.<sup>20</sup>

The one-hundred-and-seventy-year separation of the Northern and Southern Cheyennes has had telling effects on the two cultures. Their tribal governments in the twentieth century are a far cry from the original organizations that guided and led the people during the prior centuries. The division of the Cheyennes led the federal government to recognize the Northern and Southern branches as two separate entities. It has entailed both advantages and disadvantages for the Cheyennes. The Cheyennes in Lame Deer, Montana, are not affiliated with any other tribe and have been able to

address problems that affect only Northern Cheyenne tribal members. The Southern Cheyennes' situation differs from that of their northern kin.

The Southern Cheyennes and the Southern Arapaho alliance dates back as far as the division of the Cheyenne tribe. The close association between the two tribes led the United States government to assign both of them to the reservation land in western Indian Territory in 1875. In 1937, when most of the Plains tribes in Oklahoma reorganized their tribal governments under the Oklahoma Indian Welfare Act, these two tribes became confederated and the business committee that formed served both Nations. The situation has proven convenient for the federal government, but severe factionalism has developed among the Southern Cheyenne people.<sup>21</sup>

Some advantages of two reorganized tribal governments for the Cheyennes must also be viewed. The most obvious advantage occurred during the Indian Claims Commission enacted in 1946. The commission allowed both the Northern and the Southern Cheyennes the opportunity to file separate claims. It also offered the Cheyennes the chance to reunite once more when both divisions of the tribe laid claims to the Black Hills region of South Dakota. The separation has also allowed for one division of the tribe to view how their counterpart handles a situation involving the federal government, such as repatriation, and then make any changes in those procedures that they believe would enhance their position.<sup>22</sup>

The issue of repatriation raises some interesting questions concerning how the two branches of the Cheyennes handled the situation. In both instances the tribal business committees played important roles. The major difference centered on the role of religious leaders of both divisions, the Sacred Arrow Keeper in the south and the Sacred Buffalo Hat Keeper in the north. Could the Southern Cheyennes, who had been forced to go through the process of allotment, have developed a more secular attitude than their northern relations, the majority of which still resided on reservation lands in and around Lama Deer, Montana? Perhaps the reservation life of the Northern Cheyennes, with its communal lifestyle that better approximated the former plains existence, equipped them for the cultural turmoil of repatriation and dealing with the federal government on this sensitive issue. This, coupled with an explanation of the former traditional government of the Cheyennes, should explain why repatriation proceeded in the manner that it did among both the Northern and Southern Cheyennes.

## CHAPTER THREE

### CHEYENNE POLITICS: THE TRADITIONAL ROLE AND A VIEW OF TWENTIETH-CENTURY GOVERNMENT

Presently the Cheyennes have two federally recognized tribal governments. The Northern Cheyennes reside on the reservation in Lama Deer, Montana. The Southern Cheyennes, confederated with the Southern Arapahos, who possess no reservation, nevertheless maintain their tribal administrative center at Concho, Oklahoma. The United States government has recognized them as two distinct tribes, while there are actually members from all ten bands living in both places. The *Hevhaitanio* or Hair Rope band are predominant among the Southern Cheyennes. In the north, the *Omisis* or Eaters band are most influential along with the *Sutaio*.<sup>1</sup>

The nomadic lifestyle on the plains for the Cheyennes did not preclude a centralized governing body within the tribe (as alluded to in the previous chapter). Unlike many Western democracies, there is no separation of church and state in the traditional Cheyenne philosophy of governance. The circle becomes a significant symbol representing continuity and a pattern capable of encompassing other views and incorporating them into Cheyenne beliefs. In its most

basic form it is symbolized by the Cheyenne camp circle.<sup>2</sup>

The traditional forms of Cheyenne government still exists in the present day although it has been repressed and is no longer recognized by the federal government. Men, such as John Collier, recognized the necessity of tribal self-governance to insure the continuance of Native American societies, but felt compelled to set them up in a manner that the federal government better understood instead of the traditional forms that had operated for centuries among the Cheyennes. This conflict between the modern, federally formed tribal government and the traditional Cheyenne government also holds some explanation for the course of events that occurred during the Southern and Northern Cheyennes' repatriation process with the National Museum of Natural History.

The governing council of the Cheyenne people until 1936 was the Council of Forty-Four Peace Chiefs. This branch of the government consisted of four chiefs from each of the ten clans and four principal chiefs. Members of the tribe selected to participate in this council were not necessarily pacifists; but once chosen as a member they were required to forfeit their warrior societies and rely more on their status as leader. The council met every ten years to replace members who had died or wished to leave the council. Council meetings have been sporadic since 1890. The division of the Cheyennes into Northern and Southern branches led to the creation of two councils.<sup>3</sup>

The second branch of Cheyenne traditional government

consisted of the headmen and the warrior societies. The six societies include the Bow Strings, Kit Fox Soldiers, Elk Soldiers, Red Shields, Crazy Dogs, and the only society to have its own clan, the Cheyenne Dog Soldiers. The warrior societies had several responsibilities, such as providing protection and fighting men for the tribe. Their other duties included carrying out the wishes of the Council of Forty-Four. Membership in a warrior society for a male Cheyenne was not mandatory.<sup>4</sup>

The Sacred Arrow Keeper and the Sacred Buffalo Hat Keeper, along with their ceremonies of the Sun Dance and the Crazy Dance made up the third segment of the traditional government. According to Cheyenne beliefs, Sweet Medicine gave the Sacred Arrows to the Keeper. The four arrows, known as *Mahuts*, are the spiritual link to *Maheo*, the All Father. Without the arrows the Cheyennes would lose their identity. Two of the arrows are symbols for the hunt and a guarantee of good fortune in this endeavor. The other two represent battle and insurance of victory. In 1830, the Pawnees captured the two war arrows during a confrontation with the Cheyennes. After a period of spiritual uncertainty, divine order and guidance led to the creation of two replacement arrows. The Sacred Arrows are also a sign of male dominance. These responsibilities explain the significance of the Sacred Arrow Keeper's role.<sup>5</sup>

The Sacred Buffalo Hat and its Keeper are the other spiritual emblem of the Cheyennes. The Hat was a gift to the

priest from Erect Horns, the *Sutaio* cultural hero. The *Sutaio* were a separate tribe incorporated into the Cheyenne Nation several centuries ago and became one of the ten clans. The Buffalo Hat is the symbol of female renewing power. The ceremony places the woman in the role of symbolic re-producer for the tribe, family, buffalo, and all creation.<sup>6</sup>

The Sun Dance is traditionally the greatest of religious ceremonies. Most of the Plains tribes celebrated the Sun Dance at one time. The Cheyennes are one of the last tribes to hold this event continually. It is held four days every summer around the solstice, most recently in the Seiling, Oklahoma, area in July 1996.<sup>7</sup>

The *Massuam* or Crazy Dance has disappeared from Cheyenne culture. This ceremony, which lasted for five days, insured good fortune on the fall hunts. As in the Sun Dance, the majority of the tribe attended. With the destruction of the buffalo herds, the practice of the *Massuam* faded and the last recorded dance occurred in 1927.<sup>8</sup>

Federal reservations and the allotment process further added to the disruption of Cheyenne traditional government. Reservation lands were assigned to Native Americans who entered into agreements or treaties with the United States in exchange for the more favorable real estate the tribes formerly occupied. Federal agents stayed on the reservations to insure increased governmental control over Indian activities. The Dawes Act, also known as the General Allotment Act, passed congress in 1887. The act intended to

teach American Indians to farm their own individual acreage; but its effects included the breakdown of tribal governments, abolishment of reservations, and forced assimilation. Enforcement of this policy ended in 1934.<sup>9</sup>

After the reservation and allotment era, the Cheyennes confronted difficulties in maintaining their tribal identity. Among the problems were the confederation or consolidation of the Southern branch of the tribe with the Southern Arapahos. Other difficulties included forced assimilation through boarding schools such as Carlisle and Haskell, the Indian Reorganization Act of 1934 that substituted a written constitution for traditional governance, and the Oklahoma Indian Welfare Act of 1936 that allowed the creation of a Cheyenne-Arapaho tribal council that has become the only Southern Cheyenne government recognized by the Bureau of Indian Affairs. Despite these problems, the traditional government and the people who comprise it continued to affect tribal affairs and the citizens of the Cheyenne Nation, both Northern and Southern.

The placement of the Southern Cheyennes and Arapahos on a single reservation proved a matter of convenience for the federal government as the two tribes shared many aspects of social structure, religious attitudes, and a similar language. Economics and military advantage were the basis for the tribes' original alliance. However, anthropologist James Mooney noted the failure of the two tribes to agree about anything during a visit to the reservation twenty years after its formation. A comparison of the situation



might be imaging a combination of the United States and Canadian governments.<sup>10</sup>

Assimilation through boarding schools and institutions, presented another obstacle for the peace chiefs, headsmen, and elders. Historian Donald Berthrong relates how the younger generation of boarding-school educated Cheyenne in the late 1920s tried to usurp the duties of the chiefs and warrior society members that had prevailed throughout Cheyenne history. The Cheyenne and Arapaho "schoolboys," as the Cheyenne elders referred to them, along with Superintendent L.S. Bonin, formed a tribal council with the intention of circumventing traditional government.<sup>11</sup> On May 25, 1929, the tribal council became the official voice of the Cheyennes and Arapahos with the adoption of the tribes first written constitution. This four article document predated by eight years the constitution that originated from the passage of the Oklahoma Indian Welfare Act of 1936. The adoption of the first constitution occurred after a compromise. The compromise, though not written into the constitution, assured that half of the elected delegates from the eleven districts would be traditional leaders and the other half the educated "schoolboys." There were forty-four members on the first elected council.<sup>12</sup>

In 1936, the Oklahoma Indian Welfare Act passed Congress. This act became an extension of the Indian Reorganization Act of 1934 that had excluded Native Americans living in Oklahoma. With the passage of the Oklahoma Indian Welfare Act, the federal government achieved

greater dominance and influence over tribal affairs. Members of the Cheyenne and Arapaho council voted on whether to accept a newly elected government and its constitution; but final approval of tribal constitutions were dependent on the approval of the Secretary of the Interior. The inducement for tribes to create governments under the Welfare Act was the threat of withholding certain federal funds.<sup>13</sup>

Formation of the new tribal government and an acceptable constitution became the responsibility of the council created in 1929. The committee that drafted the new document included four of the old Cheyenne chiefs. Afterwards, in a letter issued by Cheyenne Agency Superintendent Charles H. Berry, all Cheyenne tribal members received invitations to a mass meeting at Colony, Oklahoma, to suggest changes or amendments to the constitution. In September 1937, ratification of the new constitution succeeded by a margin of 542 to 417. Only 30 percent of the eligible tribal members participated in the election. Passage of the new tribal government meant non-recognition by federal officials of the traditional Cheyenne governing body.<sup>14</sup>

The new constitution invested all governing powers in the elected business committee. Through hard work and a commitment to the people, the traditionalists suggested amendments to the constitution that empowered a general tribal council made up of all eligible voting members of the tribe. The business committee remained the governing body, but referendums allow for the recall of business committee

officers by the tribal general council. This new ruling body led to greater factionalism within the tribe. Vine Deloria Jr. writes that these new governments created "a peculiar kind of conflict that is not easily resolved." Factions formed over economic, religious, and political issues.<sup>15</sup>

The creation of the federally-formed tribal government has not meant the demise of the traditional Cheyenne government; but it has had significant impact on the different branches. The most obvious change occurred within the Council of Forty-Four Peace Chiefs. The Southern Cheyenne have not had a full council meeting since 1949, where as the Northern band has not met since 1960 and then only sixteen members were present.<sup>16</sup>

Cheyenne warrior society headmen remained among the leaders in dealing with the United States government. In 1935, at the Senate hearing on creating an Indian Claims Commission, Eugene Fisher, a society elder, spoke about the Northern Cheyennes' concern for the creation of a forum dealing singularly with Native American land claims and similar problems that could not be adjudicated in the United States Court of Claims. These same traditionalists were important in the repatriation actions leading to the passage of the Native American Museum Claims Act and the Native American Graves Protection and Repatriation Act. They testified before Senate committees concerning both acts. Society members instigated the return of both Northern and Southern Cheyenne remains from the Smithsonian Institution, although the tribal business committees conducted the final

arrangements.<sup>17</sup>

Sixty years after the Indian Reorganization Act and the Oklahoma Indian Welfare Act, new legislation in the form of the American Indian Religious Freedom Act, the National Museum of the American Indian Act, and the Native American Graves Protection and Repatriation Act have re-established the legitimacy of the traditional Cheyenne government in dealing with the United States government and federally funded agencies. Society elders and ceremonial leaders possessed the knowledge about material culture, how certain items were used and how they may have come to be lost. This knowledge is paramount for the success of the repatriation program.<sup>18</sup>

## CHAPTER FOUR

### DEFINING REPATRIATION AND IMPLEMENTING THE NEW LAW

The definition of repatriation is fairly simple, where as implementation under new federal law has proven complicated. The Smithsonian's National Museum of Natural History defined repatriation as having one's remains returned to a place of origin. The Confederated tribes of the Umatilla Indian Reservation in Policy and Procedure Manual for the Repatriation of Ancestral Remains and Funerary Objects, defined repatriation a little more elaborately as meaning "the physical return of any cultural item or artifact, including human remains, to its place of origin." Containing essentially the same meaning, both definitions could be viewed as the backbone of the Native American Graves Protection and Repatriation Act signed into federal law on November 16, 1990.<sup>1</sup>

This Chapter will examine the background to the passage of the Native American Graves Protection and Repatriation Act (NAGPRA). It will examine the views of anthropologists, archaeologists, museum curators, and American Indians during the designing of the new law. This chapter will further examine the affect NAGPRA has had on each group and what

they may expect or hope to accomplish in the future.

The justification for Public Law 101-601 goes back to 1863. Even though the Smithsonian was founded in 1840, more emphasis was placed on the collection of American Indian material and remains beginning in 1863. Even at this early date the museum's staff believed that the tribes were doomed to extinction. They announced their intention of "extending and completing its collection" on races of the Americas as "many articles are of a perishable nature, and the tribes themselves are passing away or exchanging their own manufacture for those of the white race." Their new policy also stated "the desire for a full series of American skulls that were to be procured 'without offense to the living.'"<sup>2</sup>

Dan Monroe and Walter Echo-Hawk, in "Deft Deliberations," emphasize that museums, especially between 1875 and 1929, acted on the assumption that Native American people were destined for extinction or assimilation. Museums therefore made exhaustive efforts to collect native materials to preserve them before they disappeared. They admit most of the acquisitions were legal, but that several items were acquired through theft or deceit. After the rationale of extinction passed, Native American material collecting was upgraded to art collecting.<sup>3</sup>

The Federal Antiquities Act made it illegal for anyone to remove objects from federal lands, including Indian reservations, without the expressed consent of the federal government. It did not protect Indian burial sites, but viewed Indian remains and burial objects as property of the

federal government. This law allowed federal agencies that oversaw reservations to come into the possession of thousands of Indian remains and funerary items.<sup>4</sup>

In 1960, Congress passed the U.S. Salvage Act which allowed for the development of salvage archaeology to recover "relics and specimens" from construction sites, to be placed in museums. This act enabled the growth of established collections of ancient Indian objects in many museums across the country.<sup>5</sup> New assertions toward self-determination by the tribes and favorable responses by the federal government, such as President Richard Nixon's approval of the return of the sacred Blue Lake to the Taos Pueblo, provided an overall change in the federal government's attitude in dealing with tribal authorities.

The American Indian Religious Freedom Act of 1978, represented the first federal legislation attempt to encompass the Native American viewpoint on museum holdings. Public Law 95-341 required a study of existing federal laws, policies, and practices to discover where they infringed on Native American religious practices. The American Indian Religious Freedom Act brought more attention to matters concerning the handling and repatriation of sacred objects, but no lawsuits have been filed against museums and no mass run, as was feared by curators, has been made on museum collections. This joint resolution has turned out to be one of the biggest disappointments in federal-Indian relations.<sup>6</sup>

In 1986, Senator John Melcher of Montana introduced the Native American Museum Claims Commission Act or the "Bones

Bill" as it was facetiously called. It intended to provide a forum for Indians and museums to settle disputes over human remains and sacred objects. Senator Melcher's bill did not require repatriation. Strong lobbying from museums eventually defeated the bill.<sup>7</sup>

Nineteen eighty-nine became a landmark year for repatriation efforts. Governor Kay Orr of Nebraska signed the first general state law requiring repatriation of sacred remains. It required Nebraska public museums to return Native American remains to the appropriate tribal governments. In November of the same year, the National Museum of the American Indian Act was signed into law. In establishing a new national museum, it also included a repatriation agreement between the Smithsonian Institution and Native American representatives. Public Law 101-185 provided for the return of human remains, the creation of a national advisory committee, and one million dollars for fiscal year 1991 to carry out inventories of human remains and funerary objects within the Smithsonian's collections.<sup>8</sup>

The Heard Museum in Phoenix Arizona sponsored the Panel for a National Dialogue on Museum/Native American Relations. The panel viewed its task as formulating policy recommendations, not drafting legislation and considered precise definitions of such terms as "funerary objects" and "cultural Affiliation" essential for evaluating and interpreting the final report they presented to the 101st Congress. The twenty-four member panel, consisting of Native Americans, museum directors, and congressional staff, met



four times during 1989.<sup>9</sup>

The Panel wrote guidelines for congress to use in the formation of NAGPRA. Among the general principals discussed were the human rights of Native Americans and the role of museums. Suggested policy guidelines included museum responsibilities, an exchange of information between museums and Native American groups, and repatriation policies and procedures.<sup>10</sup>

After oversight hearings in both the Senate and the House of Representatives, a bill was drafted pertaining to the repatriation of human remains and sacred funerary objects. On November 16, 1990, the Native American Graves Protection and Repatriation Act was signed into law. The act was the culmination of lengthy debates and hearings in congress. The Senate committee that had appointed the Panel for a National Dialogue on Museum/Native American Relations was also responsible for S. Bill 187. The Native American Rights Fund, which provided legal service for Native Americans in court or congressional proceeding, became involved over the terms and conditions of the act. Congressional committees received letters and testimonies from archaeologists and anthropologists, museum curators, and Native American leaders. The opinions expressed were mixed on both sides of the issue.

Opinions among anthropologists and archaeologists varied on the issue as exemplified in such articles as, "Burying American Archaeology," by Clement W. Meighan, and "Sharing Control of the Past," by Larry J. Zimmerman.

Meighan believes that NAGPRA means the end of physical anthropology as it is practiced in the United States. He assumes the position that "they are defining the culture of an extinct group and in presenting their research they are writing a chapter of human history that cannot be written except from archaeological investigation." Zimmerman, in defending the repatriation law, expresses the belief that archaeologists reconstruct the past from artifacts and written documents and fail to listen to the very people who are descendants from the cultures they are studying. Zimmerman, executive secretary of the World Archaeological Congress, was an instrumental member of the first Inter-Congress on the Disposition of the Dead, held in Vermillion, South Dakota, in 1989. Like the conference at the Heard Museum, the gathering in Vermillion also contributed to the passage of NAGPRA.<sup>11</sup>

The Native American Graves Protection and Repatriation Act developed guidelines and timetables for federally funded museums on the implementation of NAGPRA. However, the law also stated that once all the tribes were informed of the museum's holdings, implementation of the law resided with the tribes, who became responsible for making the request for repatriation of any human remains or funerary objects. Without information and assistance many Indian groups may not be able to attain the full benefit of the law as it was intended.<sup>12</sup>

Reaction to NAGPRA has varied among the different Indian nations. The Zunis requested that all sacred objects

be returned to their tribe; but because they have no ritual for the burial of remains they believe the various museums who hold human remains are responsible for the disposition of the deceased.<sup>13</sup> Other tribes, such as the Cheyennes, have already requested and received the remains of their ancestors for burial. The following chapters are an account of the Southern and Northern Cheyennes' repatriation efforts and the effects this process has had on the Cheyenne Nation.

## CHAPTER FIVE

### THE SOUTHERN CHEYENNE REPATRIATION

On a warm windy July day at Concho Cemetery over three hundred Southern Cheyenne, other tribal people, and assorted members of the media gathered for the burial ceremony of eighteen tribal ancestors.<sup>1</sup> The National Museum of Natural History at the Smithsonian Institution returned the remains to a Southern Cheyenne delegation on July 2, 1993, after four years of controversy and decision making.<sup>2</sup> The Native American Graves Protection and Repatriation Act, new federal legislation, allowed not only for the return of sacred artifacts important to tribal ceremonies and the remains of tribal ancestors for proper interment, but also a small measure of respectability to those who believed that keeping, studying, and displaying such remains were essential to understanding North America's first inhabitants.

This chapter will focus on the repatriation process between the Southern Cheyenne Tribe of Oklahoma and the Smithsonian Institution. It will present how some members of the tribe allowed themselves to be guided by the traditional culture; what role the federally recognized tribal government performed; and how various factions within the

tribe reacted to the ensuing events.

On September 13, 1989, an article appeared in the Daily Oklahoman describing the Smithsonian's policy on the repatriation of identifiable human remains within their collection. At the time of the announcement several tribes had already requested the return of their ancestral remains, including the Cheyenne-Arapaho Tribes of Oklahoma. George Sutton, a tribal committee member in a meeting with a Smithsonian anthropologist the winter before, had been able to determine that the museum had in its possession the remains of forty-three Cheyenne, including victims from the Sand Creek Massacre. This article set in motion a series of events that led to friction among some groups within the Cheyenne Nation.<sup>3</sup>

The same day the article appeared, John L. Sipes, Jr., then chairman for the Sand Creek Descendants of Oklahoma,<sup>4</sup> sent a letter to his friend Dr. Karl H. Schlesier, Professor of Anthropology at Wichita State University.<sup>5</sup> In his reply, Schlesier advised Sipes of the people necessary to contact concerning repatriation guidelines. Among these were Dr. Robert McC. Adams, Secretary of the Smithsonian Institution, and Suzan Shown Harjo, then Executive Director of the National Congress of American Indians.<sup>6</sup>

Dr. Schlesier also offered words of encouragement and his thoughts on how the repatriation should proceed. He suggested that the remains should be returned to the Sand Creek Descendants organization and that the Cheyenne-Arapaho tribal business committee should "take a second seat in this

event but assist with burial arrangements." The professor also made suggestions on the burial site. He wrote: "If the burial would be on the Sand Creek site, measures must be taken to guarantee that the grave cannot be violated again."<sup>7</sup>

Sipes, as chairman of the descendants, next submitted a memorandum to the Cheyenne and Arapaho Business Committee on September 18, 1989. In the letter Sipes informed the committee that the organization assumed full responsibility for the burial of any Sand Creek remains that were returned. He requested a written policy from the tribal business committee reflecting non-interference on all matters concerning the Sand Creek massacre victims and one that fully honored the rights of those descendants.<sup>8</sup>

The following day, Sipes wrote Secretary Adams, explaining who he represented and requesting the Smithsonian's policy regarding American Indian remains and burial artifacts, as well as the procedure required to secure the Sand Creek Massacre remains for burial by the Cheyenne Sand Creek Descendants organization. Sipes also expressed concern regarding the interview conducted with George Sutton, an Arapaho member of the Cheyenne-Arapaho Business Committee. He explained that the Sand Creek Descendants had not directed any individual from the tribal government to speak on their behalf. The letter ended with several concerns about the repatriation process and hopes of a reply from the Smithsonian in time for the next monthly meeting of the Sand Creek Descendants organization.<sup>9</sup>

During that month of September, Secretary Adams became involved with the repatriation action being filed by the tribal community of Larsen Bay, Alaska. If successful in their attempt to obtain the remains collected by physical anthropologist Alex Hrdlicka from Uyak Bay during the 1930's, the Smithsonian stood to lose nearly five percent of their entire skeletal collection. This is not intended as an excuse for Adams seeming delay in answering the Sand Creek Descendants; but it could be speculated that the delay was due to this activity.<sup>10</sup>

After two months of receiving no reply from Adams, Sipes wrote to Senator David Boren of Oklahoma seeking his intervention on behalf of the Cheyenne Sand Creek Descendants.<sup>11</sup> Sipes explained to Boren that the organization sought information from the Smithsonian on its policy concerning repatriation and had thus far been ignored.<sup>12</sup>

Three weeks later, on November 17, 1989, Senator Boren addressed a letter to the secretary of the Smithsonian describing the efforts of the Sand Creek descendants and providing a brief history of the events that occurred on November 29, 1864, in Colorado. Boren explained to Adams how the Sand Creek Massacre, over one hundred years after its occurrence, continued to tarnish relations between the United States government and Native Americans, and that the Smithsonian's action toward the Oklahoma-based organization could have positive effects on improving relations between the government and the Cheyennes.<sup>13</sup>

By December 14, 1989, John Sipes still had not received any acknowledgement from Secretary Adams concerning his request about the museum's policies on repatriation. Anxious about rumors that unauthorized persons were passing themselves as representatives of the Cheyenne Sand Creek descendants and treating with the Smithsonian prompted Sipes to write Senator Boren once more. As chairman of the Sand Creek organization, Sipes explained his concern about Secretary Adams' failure to respond to both of their requests. He also stressed the descendants' desire that the remains from the Sand Creek massacre be returned to individual families for interment. The descendants disapproved "of any mass burial efforts or non-descendants receiving skeletal remains of Sand Creek individuals." In his letter, Sipes also reminded Boren of the Little Arkansas Treaty of 1865 that established the rights of the descendants of the Sand Creek Massacre to represent themselves independently from negotiations between the Cheyenne and Arapaho tribes and the federal government.<sup>14</sup>

Recognition of a changed attitude in Washington, D.C. about repatriation of sacred objects and ancestral remains led the United Indian Nations of Oklahoma (UINO) at their regular meeting on December 20, 1989, to set up a task force to deal with all museums, such as the Smithsonian and the Stovall Museum operated by the University of Oklahoma.<sup>15</sup> The three-man "task force" included Mike Haney from the Seminole Nation, Robert Chapman from the Pawnee Nation, and John Sipes.<sup>16</sup>



Secretary Adams finally replied to Chairman Sipes after a delay of three months. Adams assured Sipes of the Smithsonian's concern for the disposition of American Indian remains and that a process had been initiated. Adams then went on to justify the museum's collection of all human remains and the benefits derived from scientific research. As secretary of the Smithsonian, he acknowledged the museum's responsibility to balance the needs of science with those of traditional American Indian cultures.<sup>17</sup>

The Smithsonian's policy on repatriation prior to November 1989 advocated the return of remains of known ancestors to their lineal descendants and the return of communally owned sacred objects as well. With the passage of the National Museum of the American Indian Act of 1989, the National Museum of Natural History broadened its policy. Any remains that could be demonstrated to be culturally affiliated with a contemporary Native American group would be returned. The law further required the Smithsonian to establish a repatriation program. The procedures required an inventory of all skeletal remains in their possession, determination of cultural and tribal affiliation, notification of such tribes, and return of the remains as expeditiously as possible if the tribes so requested.<sup>18</sup>

Handling of the repatriation program came under the authority of the Department of Anthropology at the National Museum of Natural History. The department gave highest priority to repatriation of the more recent historic collections, especially those collected for the Army Medical

Museum in the late nineteenth century.<sup>19</sup> As the data-filled computer reports reached the various tribes, the positive responses received by the Anthropology Department required the establishment of a separate repatriation office to compile the information and correspond directly with the tribes. The Smithsonian's decision to adopt the NAGPRA edicts were voluntary as they had been specifically exempted from the new law because of legislation under the National Museum of the American Indian Act.<sup>20</sup>

In October 1991, Dr. Thomas W. Killion was appointed as Acting Repatriation Office Director. With a staff of six, the Repatriation Office had to respond to the numerous request for the return of ancestral remains and funerary objects. The wording of P.L. 101-601 presented a particular dilemma to the office concerning the repatriation of the Cheyenne remains in the museum's possession. The law stated that there existed three criteria for bringing claims: (1) claims brought by lineal descendants; (2) claims brought by tribal members; and (3) claims brought by other individuals or groups who assert some degree of Native American heritage. Killion's problem stemmed from the fact that two different groups, the Cheyenne-Arapaho Business Committee and the Cheyenne Sand Creek Descendants of Oklahoma, filed for the return of the human remains. Both requests met the criteria. The law had been written so that any disputes of this nature could be settled by the federally appointed Review Committee or in the United States Court of Claims.<sup>21</sup>

During the interim between the passage of NAGPRA and

the formation of the Repatriation Office, John Sipes resigned as the chairman of the Sand Creek Descendants to pursue his duties as a task force member of the United Indian Nations of Oklahoma (UINO). These responsibilities still allowed him to keep abreast of the developments in the Cheyenne repatriation situation. He maintained a working relationship with the Cheyenne-Arapaho Business Committee through then current chairperson Juanita Learned. During the next elections for tribal office, Eddie Wilson replaced Learned as chairperson. Repatriation of the Sand Creek human remains occurred during Wilson's tenure.<sup>22</sup>

As a task force member for the UINO and a ceremonial Cheyenne member, Sipes now sought the guidance of traditional ceremonial leaders of the tribe. These leaders included the Sacred Arrow Keeper, Wayne Red Hat, Sr.; Sun Dance Priest, Terry Wilson; and Bowstring Society Headman, Everett Wilson. Because of Sipes' diligence and persistence on behalf of the Cheyenne people, these ceremonial leaders initiated Sipes into the Bowstring society. The ceremonial leaders assigned him the job of tribal historian for the Southern Cheyennes. Sipes, a former employee of the Oklahoma Historical Society, was well suited for the position.<sup>23</sup>

Prior to Wilson's ascension to office, Dr. Thomas W. Killion and Dr. Timothy G. Baugh, met with Tribal officials in October of 1991. Dr. Killion headed the Repatriation Office as Acting Director, while Dr. Baugh was a case officer whose expertise included archaeology and ethnohistory of the plains. They also held an informal

meeting with John Sipes in his home at Norman, Oklahoma. The intentions of the meeting were to make all parties involved in the Cheyenne repatriation aware of the progress and to inform everyone involved that none of the remains at the National Museum belonged to clearly identified individuals. The repatriation officials wanted to make sure that all parties realized this ruled out the possibility of a direct return to the known descendants.<sup>24</sup>

In May of 1992, the Repatriation Office submitted its final report to the to the Secretary of the Smithsonian about the Cheyenne remains maintained by the museum. Killion sent a copy to all concerned parties in the repatriation upon completion of the internal Smithsonian review. In the report he recognized that there was still a controversy among the Cheyennes. Dr. Killion mentioned mentioned in the report he had received information from Mike Haney, the Seminole Nation member of the UINO task force. Haney related he had attempted to set up a meeting of all the parties involved in the Cheyenne repatriation case in Oklahoma, but that the meeting had been canceled for lack of participation by the tribal officials and traditional leaders. The Repatriation Office director also expressed hope that the two groups of Cheyennes would come together and "speak with one voice on the issue by the time the repatriation decision had been finalized."<sup>25</sup>

During March of 1993, Chairperson Wilson held one meeting with Sipes, in Norman, Oklahoma, at Sipes' home concerning the progress on repatriation. Sipes stressed to

Wilson that the re-burial of the Southern Cheyenne remains would require certain rituals and prayerful decisions on where the remains should be interred. During the course of the conversation Sipes informed the chairperson of several events that were unfolding. Among these were securing the necessary funds to defray some of the cost of the repatriation.<sup>26</sup>

Chairperson Wilson then went to a partial gathering of the traditional Council of Forty-Four Peace Chiefs, who in turn appointed Lawrence Hart, one of the chiefs, as a spokesman for the council. The reasons for Wilson's selection of the Council and Lawrence Hart, Director of the Cheyenne Cultural Center in Clinton Oklahoma, are unclear. By this action, the repatriation of the Southern Cheyenne remains at the National Museum of Natural History were now under the guidance of Hart and the Cheyenne-Arapaho Business Committee. The "ceremonial people" aligned with the Sacred Arrow Keeper remained uninformed of the decisions being made.<sup>27</sup>

On April 4, 1993, Hart met with members of the Council of Forty-Four Chiefs and headmen from the Kit Fox and Dog Soldier Societies to discuss the repatriation. At this time, the members present asked Hart to report on the process of repatriation at the next meeting. Two weeks later on April 18, the Cheyenne-Arapaho Business Committee appointed Lawrence Hart liaison between the chiefs, societies, and the Smithsonian. Later during April, the members signed a written request for the Cheyenne remains and addressed it to

the Smithsonian.<sup>28</sup>

On May 18, Dr. Killion, Acting Director of the Repatriation Office, and Tim Baugh, case officer for the plains region in the office, meet with the Cheyenne-Arapaho Business Committee to discuss the return of the Cheyenne remains. At this time the Cheyenne repatriation representatives were selected. Included among the seventeen elected representatives were: Edward Wilson, Chairperson of the Cheyenne-Arapaho Business Committee; Lawrence Hart, Chief and Director of the Cheyenne Cultural Center; Nathan Hart, son of Lawrence and Executive Director of Oklahoma Indian Affairs; and Connie Hart, daughter of Lawrence Hart. Missing was the most important ceremonial leader among the Southern Cheyenne people, the Sacred Arrow Keeper.<sup>29</sup>

During June, the tribal business committee finalized the schedule for the repatriation. On July 1, 1993, the repatriation representatives arrived at the Smithsonian to prepare the remains for the trip to Oklahoma. This presents one of the more controversial aspects between the ceremonial people and the tribal business committee. According to tribal historian John Sipes, there are certain preparations for the dead that the Sacred Arrow Keeper performs, such as blessing the remains and praying for guidance from *Maheo*, the Creator. Also in Cheyenne culture, only married women are to prepare the deceased. There were no married women empowered among the repatriation representatives. Regardless of these facts, Chairman Wilson the following day signed the

release forms for the Southern Cheyenne remains and the Cheyenne delegation left Washington for the return home.<sup>30</sup>

The burial ceremony on July 10, 1993, found a high wind accompanying the numerous Cheyennes who attended the interment of the remains. Several of the solemn faces seemed filled with uncertainty. There appeared to be no guidelines or traditional ceremonies for the Cheyenne to follow for this specific event. However, remains had been re-buried once before and ceremonies established, unbeknownst to keynote speaker, Edward Wilson. Once again the Sacred Arrow Keeper, the embodiment of the Cheyenne spirit, had not been invited to participate.<sup>31</sup>

That afternoon the remains of eighteen Cheyenne men, women and children were placed in separate graves laid out in a circle. The remains came from Sand Creek, Colorado; Fort Zarah and Fort Harker, Kansas; and Camp Supply, Oklahoma. Their final resting place was the Concho Cemetery located near the Cheyenne and Arapaho Agency at Concho, Oklahoma.<sup>32</sup>

Several questions still remain for some groups within the Cheyenne Nation. One involves the Smithsonian and business committee's rush to finalize the repatriation. Second, the re-burial ceremony did not include the Sacred Arrow Keeper. Third, it is questionable whether the remains should have been interred at Concho or should an attempt have been made to re-bury them at the sites from where they were taken. Answers to these questions depend upon the different perspectives of the tribal elected government or

the Cheyenne ceremonial leaders. The Smithsonian, as a government agency, believes it has fulfilled all the requirements of the law. Members of the business committee also believe they have fulfilled their duty to the Cheyenne people. The Sacred Arrow Keeper and the Sand Creek Descendants question the process and the appropriateness of the procedure.

The Southern Cheyenne repatriation has shown to be a controversial affair. At the present time, several of the ceremonial people are still unsatisfied with the final disposition of the entire affair. This information will be used to make the comparison with the Northern Cheyenne repatriation in the succeeding chapter.



## CHAPTER SIX

### THE NORTHERN CHEYENNE'S REPATRIATION EXPERIENCE

During Acting Director Thomas Killion's professional relationship with the Southern Cheyennes, he discovered that the Northern Cheyennes were also interested in the repatriation of the victims at Fort Robinson in 1879 and any other ancestral remains in the possession of the Smithsonian Institution. The circumstances surrounding the deaths of the Cheyennes that bolted the fort, under the leadership of Dull Knife, made the repatriation with the Northern Cheyennes a priority case, much the same way as the Sand Creek Massacre victims had with the Southern Cheyennes. Similar results occurred, but the methods of the two repatriations were quite different.<sup>1</sup>

Several of the Northern Cheyennes attended the Southern Cheyenne re-burial ceremony at Concho cemetery in July 1993. They observed the course of events and participated in the proceedings. The Northern Cheyennes were not informed of the failure to involve the Sacred Arrow Keeper in any of the Southern Cheyenne repatriation. Learning of this incident some time later, influenced how the Northern Cheyenne would handle their repatriation.

The Northern Cheyennes' presence at the Concho ceremony was coincidental. Clifford Long Sioux, a society leader and Northern Cheyenne ceremonial man, and compatriots were in Oklahoma visiting relatives and preparing for the upcoming Sun Dance. Alfritch Heap Of Birds, a former Sacred Arrow Keeper, invited Long Sioux and the other Northern Cheyennes to attend the re-burial and participate in the ensuing ceremony.<sup>2</sup>

Upon arriving at Concho cemetery, the Northern Cheyenne delegation remained apart from the Southern Cheyennes who were responsible for the repatriation of the ancestral remains. Curious as to the absence of the Sacred Arrow Keeper and several other Southern Cheyenne ceremonial people, they questioned John Sipes. When Sipes informed them that the others had not been included in the proceedings, the Cheyennes from Montana refused any further association with the ceremony officials.<sup>3</sup>

Thomas Killion used the presence of the Northern Cheyennes as an opportunity to introduce himself and lay the groundwork for the Northern Cheyennes' repatriation of ancestral remains that were to conclude in October. The Acting Director of the Repatriation Office did not realize at the time that these persons had the same attitude and disposition about the repatriation of the Sand Creek descendants. They would learn from the events that had occurred in Oklahoma. The repatriation in Montana took a decidedly different course than that of the Southern Cheyennes.<sup>4</sup>

In Busby, Montana, events concerning the repatriation proceeded with the business committee and the Repatriation Office much as they had in Oklahoma. The ceremonial people were determined not to make the same mistakes as their kin in Oklahoma. William Dahle, president of the Northern Cheyenne tribal council, wished to choose William Tall Bull, a member of the Repatriation Review Committee, and Steve Brady to carry out the ceremony. The ceremonial leaders of the Northern Cheyennes felt that this provided a conflict of interest and a point of contention among the different groups.<sup>5</sup>

One of the factions, in an effort to prevent the repatriation from occurring at Busby, filed an injunction in Lame Deer. They sent a letter of petition to the Smithsonian Institution submitting the names of relatives and descendants of the victims of the outbreak at Fort Robinson in 1879. In the petition Willie Gardner, Jr., grandson of Lame Girl, a six-year-old orphan who survived the last fight on January 22, 1879, described how the relatives believed it would be unfair to release the remains to only one group without proving their descentance.<sup>6</sup>

Gardner and other Fort Robinson descendants called upon John Sipes, the Southern Cheyenne tribal historian who had played an integral part in the Southern Cheyenne repatriation, to communicate with the Smithsonian's Repatriation Office on their behalf. In a letter to Acting Director Tom Killion, Sipes found himself, on behalf of his relatives in Montana, once again debating the criteria of

NAGPRA that explicitly included the rights of descendants to claim remains from museums. He explained that none of the descendants of Fort Robinson victims had ever been contacted by the petitioners; neither had they given their permission for anyone to claim such remains. The situation was similar to that in Oklahoma among the Sand Creek descendants.<sup>7</sup>

Such disagreements finally persuaded the tribal business committee that repatriation of Northern Cheyenne remains must consist of more than government-to-government relations; it had better include such leaders as the Sacred Buffalo Hat Keeper and other society headmen and elders. As a result, a delegation was appointed to make the trip to Washington. It included not only the Sacred Buffalo Hat Keeper, the most prominent ceremonial leader in Northern Cheyenne and *Sutaio* culture, but also four female direct descendants of Dull Knife. Other Northern Cheyennes were invited to attend the repatriation of the Fort Robinson victims. These included Steve Brady, a member of the Northern Cheyenne Cultural Commission; Logan Curly, Sun Dance Priest and interpreter for James Black Wolf, the Sacred Buffalo Hat Keeper; Llevando Fischer, a member of the Elk Horn Scrappers Society and Northern Cheyenne Tribal Chairperson; and Lawrence Hart, Director of the Southern Cheyenne Cultural Center who was invited as an observer to the ceremonies preparing the remains for burial.<sup>8</sup>

On Thursday October 7, 1993, the Northern Cheyenne delegation left Montana. In an article written by a Busby Gazette staff member, picked up by the Daily Oklahoman on

October 2, 1993, Brady related that "The Northern Cheyenne have been working with the museums since February 1991, when a tribal delegation visited the Smithsonian. The museum was trying to contact the tribe about the remains at the same time the tribe was trying to get in touch with the Museum."<sup>9</sup>

In a special ceremony on Friday morning, October 8, the remains were turned over to the Northern Cheyenne delegation. The ancestral remains came from the Smithsonian's Museum of Natural History, the National Museum of Health and Medicine, and Harvard's Peabody Museum of Archaeology and Ethnology. Lawrence Hart observed that "the ceremony conducted by the Sacred Buffalo Hat Keeper was very solemn and dignified." He also reported the event that occurred after the Keeper's blowing of an eagle whistle.<sup>10</sup>

One of the remains from Fort Robinson consisted of a partial skull from a warrior killed at Antelope Creek following the outbreak. It had been part of the Army Medical collection that eventually came into the possession of the Smithsonian at the beginning of the century. During the ceremony the skull fragment was wrapped and placed in a cedar box.<sup>11</sup>

After the other sixteen Fort Robinson remains had been prepared and placed in separate cedar boxes, the six remains from the Peabody Museum and the two from the National Museum of Health and Medicine were brought in for preparation. One of these partial remains consisted of the top and back portion of a skull. It had been collected from a site near Fort Robinson and sent to the Peabody Museum at Harvard. A

staff member of the Peabody who had been observing the ceremony, made a mental note about this particular remain. During a lunch break, the researcher mentioned to Killion the possibility that the two partial skull fragments, the ones from the Smithsonian and the Peabody Museum, could possibly be from the same individual. When the ceremonies continued, the discovery was announced to the Northern Cheyenne delegation. The two separate partial skulls were removed from their respective cedar boxes and put together. The investigation resulted in a perfect match.<sup>12</sup>

Hart explained, "When the Keeper was informed of this phenomenal discovery, he showed no surprise and reminded the group that it was the result of his blowing an eagle whistle." After 114 years of separation the partial skulls were reunited and the twenty-five remains involved in the repatriation became twenty four.<sup>13</sup> The extra cedar box then became used for a lock of human hair that had also been among the six remains returned from the Peabody Museum.<sup>14</sup>

On Saturday the Cheyenne participants were allowed to view Cheyenne artifacts in the Smithsonian collection. The spokesman for the Northern Cheyenne tribal delegation did not know if the artifacts would be returned, but believed that their repatriation would be considered. That evening the Northern Cheyennes prepared for their trip home.<sup>15</sup>

The delegation departed on Sunday, October 10, for Lame Deer. Four of the members were designated to drive a rented van containing the twenty five cedar boxes, while the remaining members of the delegation flew back to Montana.

The van stopped at Fort Robinson on October 12, where further ceremonies were conducted before resuming the journey to Montana.<sup>16</sup>

On Friday, the remains crossed the reservation boundary in southeastern Montana and were escorted by a procession of Northern Cheyenne tribal members back to the heart of their homeland. Saturday, October 16, 1993, at 10 a.m., the remains were interred at Two Moons Monument at Busby, Montana. The remains were buried with a traditional ceremony to honor Cheyenne war dead. After 114 years of scientific study at eastern institutions, these Northern Cheyennes were finally laid to rest.<sup>17</sup>

## CHAPTER SEVEN .

### A COMPARISON AND CONTRAST

The Southern and Northern Cheyennes' repatriation experiences contain many similarities; but the differences in the two events also deserve some exploration. The attitude and knowledge of the two branches of the Cheyenne tribe also played an integral role in the repatriation. This chapter will view how the similarities and differences affected individuals as well as their respective tribes.

The one constant in the repatriation of both Southern and Northern Cheyenne remains was Dr. Thomas Killion, who at the time was Acting Director of the Repatriation Office. He has since been named Director of this government operation. Killion's role placed him in the middle of every claim that was made to recover the Cheyenne remains from both the Sand Creek massacre and the outbreak of Dull Knife and his people at Fort Robinson. Fourth and fifth generation descendants expressed to him their desire to be involved. The stress involved became apparent to associates of Killion assigned to work on repatriation.<sup>1</sup>

One such example of the stress involved was depicted by Burkhard Bilger. Bilger, a staff writer for Oklahoma Today magazine, described Tim Baugh, a case worker on the Cheyenne



repatriation, and Killion: As white males traveling around trying to convince tribes that this time, for once, the government is negotiating in good faith, they've had to weather resentments built up by "years and years of bureaucratic inactivity and insensitivity," as Killion puts it. Bilger also quoted Baugh as saying, "I've taken a lot of heavy hits. After a while, I start to feel that I just can't be responsible for my people's indiscretions for the last 100 years."<sup>2</sup>

Stress was evident on the Cheyenne side as well. Dissension arose among the various groups that believed their claims to the Cheyenne remains from Sand Creek and Fort Robinson to be as valid as the tribal business committee's, if not more so. Slow responses and unanswered letters led to injunctions being filed and letters of petition, all attempts to have their sides heard.<sup>3</sup>

Cheyennes involved in both the Northern and Southern experience included John Sipes, Clifford Long Sioux, and Lawrence Hart. Sipes acting at first on behalf of the Sand Creek Descendants Organization, contacted the Smithsonian almost simultaneously with the Cheyenne-Arapaho business committee representatives. His efforts, although fruitless in the final disposition of the Southern Cheyenne remains, provided the Northern Cheyenne with an alternative way to handle their repatriation. Clifford Long Sioux was one of the few Cheyenne who attended both burials. He also proved to be instrumental in the Northern Cheyennes' insuring the involvement of the Sacred Buffalo Hat Keeper. Lawrence Hart

became the only Cheyenne who attended both ceremonies in Washington at the Smithsonian Institution.

Another similarity of the repatriation experience was the federal government's reluctance, through the Repatriation Office, to deal with the situation in any other method besides government-to-government. Killion expressed in his Final Report to the Secretary of the Smithsonian a desire that a compromise could be reached between the differing factions within the Southern Cheyennes, but the Director did not offer any other means or advise to help facilitate such a compromise. He had another means available to attempt to help the different groups within the Cheyennes reach a consensus.<sup>4</sup>

This other option involved the NAGPRA Review Committee. The situation involving the Southern Cheyennes provided an opportunity to discover how the committee, composed mostly of Native Americans and museum officials, would handle the situation. Instead the Native American voice remained silent. The Repatriation Office must accept responsibility for the failure to attain a compromise because of their desire of expediency and failure to invoke the Review Committee when there were clearly two legitimate claims to the Southern Cheyenne remains.

Federal government officials from the Repatriation Office and individual Cheyennes offer contrasting views on the final results of the repatriations. Employees of the Repatriation Office in telephone interviews claim that the Southern Cheyenne repatriation went very smoothly when

compared to the October repatriation among the Northern Cheyennes. This is due to the Southern Cheyenne sending a committee composed mostly of individuals involved directly with the tribal business committee. In the Northern Cheyenne situation the federal government had to deal directly with religious and ceremonial leaders, such as the Sacred Buffalo Hat Keeper, as well as tribal business committee personnel.<sup>5</sup>

Cheyenne perspectives on the repatriation were in direct conflict with those presented by the federal government. John Sipes and Edward Red Hat, Jr., the Sacred Arrow Keeper, expressed the sentiments that the tribal business committee of the Southern Cheyennes acted too hastily to conclude negotiations for the repatriation of the Sand Creek and other individual remains. They do not believe that the proper protocol or rituals were followed or that the government's final disposition of these remains is in truth final. Some of the Southern Cheyenne ceremonial people are still trying to have the remains removed from Concho cemetery and relocated closer to the original sites from which they were taken.<sup>6</sup>

These same two groups offered opposing views on the Northern Cheyenne repatriation. Federal workers expressed the view that the injunction filed by Willie Gardner hindered the Northern Cheyenne repatriation. They believed that the situation in Montana was more fractious than that involving the Cheyennes in Oklahoma. The Cheyennes expressed the opinion that the Northern Cheyenne repatriation was carried out more harmoniously. This is evidenced in

correspondence between John Sipes, representing the Southern Cheyenne ceremonial people and Sand Creek descendants, and the Director of the Repatriation Office, Tom Killion. Sipes has informed Killion of the disappointment shared by the Sacred Arrow Keeper and other ceremonial people in the government's failure to perform certain ceremonies in the burial of the Southern Cheyenne remains.<sup>7</sup>

The most obvious difference between the Southern and Northern Cheyenne repatriation efforts was the selection of individuals to bring home the remains. The Southern Cheyenne opted to maintain a government-to-government relationship that precluded the involvement of the Sacred Arrow Keeper. No matter what the sentiments of any group involved in the repatriation process in Oklahoma, this man's involvement in the event should have been a foregone conclusion. He is the very embodiment of the Cheyenne Nation's spirit and link to *Maheo*, the All Father, through the Arrows. All disagreements and personal grudges should have been laid aside to insure that the proper ceremonies and rites were conducted in the return of the Southern Cheyenne remains. The courtesy of an invitation to participate in the burial at Concho Cemetery on that July day in 1993, would have gone a long way towards healing the resentments produced by refusing to involve the Arrow Keeper in the repatriation ceremony in Washington, D.C.

The Northern Cheyennes' inclusion of the Sacred Buffalo Hat Keeper insured a harmonious exchange between the Smithsonian Institution and the Cheyenne people. It

satisfied those descendants of the Fort Robinson victims not directly involved in the repatriation. The Sacred Buffalo Hat Keeper's presence also provided the ceremonies necessary to insure proper interment of the Northern Cheyenne remains.

## CHAPTER EIGHT

### CONCLUSION

In the final analysis, both the Southern and Northern Cheyennes have received the remains that were under the curatorship of the National Museum of Natural History in Washington, D.C. This comparison of the two repatriation events is intended as a chronicle. It is not intended to place blame on the failures or successes of any one individual, but to provide a history of the events as related.

The Southern Cheyenne repatriation experience lasted a little over three years and eight months. This seems like a lengthy amount of time, but considering that the Smithsonian was the curator of these remains for over a hundred years a little longer deliberation seemed in order to try to expand the consensus of more of the Cheyenne people involved in this event.

At the present time in Oklahoma, the Southern Cheyenne and the tribal business committee remain at odds with each other not only as a result of this episode, but from problems that appear deeply rooted. An example of this factionalism recently occurred during the Southern Cheyenne tribal elections. A Cheyenne ceremonial man was elected to

the tribal business committee. Since his election several attempts have been made to have him removed from office. Continuous infighting among the elected officials restricts their ability to complete any other repatriations necessary in the future.

During March of 1997 the Southern And Northern Cheyenne had the opportunity to speak before the NAGPRA Review Committee. The review committee listened to one Cheyenne compare the Native American Graves Protection and Repatriation Act to the Dawes Act. He told the committee that like the Dawes Act, NAGPRA sounded good on paper, but in reality would probably cause the Cheyenne more harm than good. Overall the ceremonial Cheyenne leaders believed that the review committee should have been consulted on the Southern Cheyenne repatriation.

During the same month, the ceremonial people from both the Northern and Southern Cheyenne instigated a repatriation from the Oklahoma Historical Society. The Society had in its possession a pipe believed to be of Cheyenne origin. With the aid of Mr Bill Welge, director of the Indian Archives division of the Society, Clifford Long Sioux, Curly Logan, John Sipes, and Terry Wilson were allowed to view the pipe and determine its history. When they related their findings to the Society about the origin of the pipe, and that it was of Northern Cheyenne origins, the Oklahoma Historical Society agreed to return it. Sometime during the summer of 1997 James Black Wolf, the Sacred Buffalo Hat Keeper, will make the journey from Lame Deer, Montana, to retrieve the

pipe and return it to its home in the north. The Oklahoma repatriation event provides an alternative example of how future repatriations could proceed.

The evidence shows that after less than forty-five years of separation the Northern and Southern Cheyenne had already developed cultural and some lingual differences. Two years on the Indian Territory reservation, located near present day El Reno, Oklahoma, could not reconcile the differences that had developed. The Northern Cheyennes' continual reservation, since 1877 to the present day, apparently has allowed a continuance of the communal lifestyle that predominated plains life prior to 1877. The Southern Cheyennes experience with the allotment process demonstrates how assimilation and integration undermined this communal spirit and tribal unity among the Cheyenne residing in Oklahoma.

The tribal unity displayed by the Northern Cheyenne demonstrates the importance of the Sacred buffalo Hat Keeper and the integral role he would play in their repatriation. Conversely, the factionalism during the Southern Cheyenne repatriation may have been deflected if the Sacred Arrow Keeper had played a more important role, reflecting his position in Cheyenne tradition. The opinions's of the Repatriation Office workers may have generated a more positive position if they had not been offered the opportunity of an official government-to-government situation, as occurred in the Southern Cheyenne repatriation.



The author believes that the opinions expressed about the Southern Cheyenne repatriation were greatly influenced by the personal interviews conducted with the Southern Cheyenne involved directly with this repatriation. Several attempts were made to interview Southern Cheyenne and Arapaho Tribal Business Committee members, regarding their opinions and involvement in this event, to no avail. The author also feels it is unfortunate that several attempts to interview Mr. Lawrence Hart also failed. Some of the opinions expressed may have not appeared as harsh or biased if the others had decided to tell their story.

It is also hopeful that this study may later provide aid to other tribes about to become involved. The ordeal of recovering ancestral remains from museums. The priority cases, such as the Sand Creek massacre and Fort Robinson outbreak victims, undoubtedly will cause the most controversy; but any remains gathered and stored by museums being returned to American tribes will involve a clash of personalities and hard decisions.

## NOTES

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<sup>2</sup>Tamara L. Bray and Thomas W. Killion, Reckoning With the Dead (Washington, D.C.: The Smithsonian Institution, 1994).

<sup>3</sup>Peter J. Powell, The Cheyennes, Ma?heo?o's People; A Critical Bibliography (Bloomington, IN: Indiana University Press, 1980).

<sup>4</sup>John Stands In Timber and Margot Liberty, Cheyenne Memories (New Haven, CT: Yale University Press, 1967), repr., Lincoln: University of Nebraska Press, 1972; Brent Ashabranner, Morning Star, Black Sun: The Northern Cheyenne Indians and America's Energy Crisis (New York: Dodd, Mead and Co., 1982)

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<sup>1</sup>Richard White, "The Winning of the West: The Expansion of the Western Sioux in the Eighteenth and Nineteenth Centuries," Major Problems in American Indian History, ed. Albert L. Hurtado and Peter Iverson (Lexington, Mass.: D.C. Heath and Co., 1994), 243-256.

<sup>2</sup>Powder River Wilderness Environmental Impact Statement, by Marvin LeNoue, State Director (Washington, D.C.: Government Printing Office, 1989).

<sup>3</sup>John H. Moore, The Cheyenne Nation (Lincoln: University of Nebraska Press, 1987), 28-9.

<sup>4</sup>Ibid.

<sup>5</sup>Stan Hoig, The Peace Chiefs of the Cheyenne (Norman: University of Oklahoma Press, 1980), 11-12.

<sup>6</sup>Brent Ashabranner, Morning Star, Black Sun: The Northern Cheyenne and America's Energy Crisis (New York: Dodd, Mead and Co., 1982), 72.

<sup>7</sup>Dan Flores, "Bison Ecology and Diplomacy: The Southern Plains 1800-1850," Major Problems in American Indian History, ed. Albert L. Hurtado and Peter Iverson (Lexington, Mass: D.C. Heath and Co., 1994), 257-271.

<sup>8</sup>George E. Hyde, Life of George Bent: Written From His Letters (Norman: University of Oklahoma Press, 1968), 37.

<sup>9</sup>Ibid., 35.

<sup>10</sup>Ibid., 60.

<sup>11</sup>Moore, Cheyenne Nation, 154-58.

<sup>12</sup>Ibid., 135-37.

<sup>13</sup>Ibid., 138.

<sup>14</sup>Hyde, Life of George Bent, 96-7.

<sup>15</sup>Ibid., 97; For a more detailed account of the events at Sand Creek see Stan Hoig, The Sand Creek Massacre (Norman: University of Oklahoma Press, 1961).

<sup>16</sup>Hyde, Life of George Bent, 168.

<sup>17</sup>Ibid.

<sup>18</sup>Donald J. Berthrong, The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875-1907 (Norman: University of Oklahoma Press, 1976), 28-9.

<sup>19</sup>Ibid., 36-7.

<sup>20</sup>Ibid., 33; Orlan J. Svingen, The Northern Cheyenne Indian Reservation, 1877-1900 (Niwot, CO: University Press of Colorado, 1993), 20; For A Native American view of Dull Knife's flight from the Indian Territory, see Mari Sandoz, Cheyenne Autumn (New York: McGraw-Hill, 1953).

<sup>21</sup>The Oklahoma Indian Welfare Act of 1936, passed the state legislature two years after the Howard-Wheeler Act. Similar to the federal act in its intentions, it supposedly offered Native Americans in Oklahoma an opportunity to strive for self-governance, but in actuality imposed an alien form of government on the tribes. Francis P. Prucha, The Indians in American Society: From the Revolutionary War to the Present (Berkeley: University of California Press, 1985), 63-5.

<sup>22</sup>On August 13, 1945, President Harry S. Truman signed into law the bill creating an Indian Claims Commission. It served as a forum for the hearings of Indian claims against the United States government by tribes or groups of Native Americans. The Commission widened the grounds upon which

Indian people could file suits against the federal government in an attempt to clear all land claims, frauds, and other injustices perceived by Native Americans against their people. The Commission's original duration was set for ten years, but due to the claims received, numbering over six hundred, it lasted until 1977. U.S. Congress, House, Commission on Indian Affairs, Creation of Indian Claims Commission, 79th Cong., 1st Sess., 1945. H.R. 1198, 1; Norman A. Ross, ed., The Indian Claims Commission (New York: Clearwater Publishing Co., 1973), v; Jerome K. Kuykendall, Chairman, et al, United States Indian Claims Commission: Final Report (Washington, D.C.: Government Printing Office, 1978), 11.

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<sup>1</sup>George E. Hyde, The Life of George Bent: Written From His Letters (Norman: University of Oklahoma Press, 1968), 37-40.

<sup>2</sup>James A. Mooney, "The Cheyenne," American Anthropological Association, 1 (1907), 403.

<sup>3</sup>Brent Ashabranner, Morning Star, Black Sun: The Northern Cheyenne and America's Energy Crisis (New York: Dodd, Mead and Co., 1982), 14, 18; Donald J. Berthrong, The Southern Cheyenne (Norman: University of Oklahoma Press, 1963), 71-2; Stan Hoig, The Peace Chiefs of the Cheyenne (Norman: University of Oklahoma Press, 1988), 11; James A. Mooney, "The Cheyenne," American Anthropological Association, 1 (1907), 403; John Stands In Timber and Margot Liberty, Cheyenne Memories (New Haven, CT: Yale University Press, 1967; repr., Lincoln: University of Nebraska Press, 1972), 47-50.

<sup>4</sup>Ashabranner, Morning Star, 18; Berthrong, Southern Cheyenne, 74-8.

<sup>5</sup>Peter J. Powell, Sweet Medicine: The Continuing Role of the Sacred Arrows, the Sun Dance, and the Sacred Buffalo Hat in Northern Cheyenne History, 2 vols. (Norman: University of Oklahoma Press, 1969), 3-4; Berthrong, Southern Cheyenne, 56-7; Stands In Timber, Cheyenne Memories, 86-90.

<sup>6</sup>Powell, Sweet Medicine, 5; Stands In Timber, Cheyenne Memories, 74-8.

<sup>7</sup>Stands In Timber, Cheyenne Memories, 91; Terry Wilson, Sun Dance Priest, interview with author, notes, Cheyenne Agency, Concho, Oklahoma, October 22, 1995.

<sup>8</sup>Karl H. Schlesier, The Wolves of Heaven: Cheyenne Shamanism, Ceremonies, and Prehistoric Origins (Norman: University of Oklahoma Press, 1987), 88-109.

<sup>9</sup>Stephen L. Pevar, The Rights of Indians and Tribes: The Basic ACLU Guide to Indians and Tribal Rights, 2nd ed., rev. (Carbondale: Southern Illinois University Press, 1992), 5; Francis P. Prucha, The Indians in American Society: From the Revolutionary War to the Present (Berkeley: University of California Press, 1985), 16-9, 47-8.

<sup>10</sup>Arn Henderson and Richard D. Bouman, Indian Environmental Studies: The Cheyenne and Arapaho Tribes of Oklahoma ([Norman, OK: ?] [1973]), 19; Virginia Shaw, "The End of the Cheyenne-Arapaho Alliance," Paper presented at the Annual Meeting of the American Society for Ethnohistory, 1977, 2, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma; James A. Mooney, "The Ghost Dance Religion and the Sioux Outbreak of 1890," Fourteenth Annual Report (Part 2) of the B.A.E. to the Smithsonian Institution, 1892-93 (Washington, D.C.: Government Printing Office, 1896), 1027.

<sup>11</sup>Donald J. Berthrong, "Struggle For Power: The Impact of Southern Cheyenne and Arapaho 'Schoolboys' on Tribal Politics," American Indian Quarterly (Winter 1992), 1-24.

<sup>12</sup>Ibid., 7.

<sup>13</sup>Lawrence Armand French, The Winds of Injustice: American Indians and the United States Government (New York: Garland Publishing, 1994), 64; Pevar, Rights of Indians, 83.

<sup>14</sup>Charles H. Berry, Agency Superintendent, Letter, Concho, Oklahoma, to all Cheyenne and Arapaho Indians of the jurisdiction, June 19, 1937, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, OK; Cheyenne-Arapaho Constitution and By-Laws (1937), By-Laws art. 5, Certificate of Adoption, Manuscript Division, Indian Archives, Oklahoma Historical Society Oklahoma City, OK.

<sup>15</sup>Cheyenne-Arapaho Constitution and By-Laws (1937), art. 5, sec. 1, Manuscript Division, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK; Cheyenne-Arapaho Constitution and By-Laws (1974), art. 4, sec. 1, Manuscript Division, Indian Archives, Oklahoma Historical Society, OK; Howard Meredith, Modern American Tribal Government and Politics (Tsaile, AZ: Navajo Community College Press, 1993), 51; Pevar, Rights of Indians, 84-5.

<sup>16</sup>John Sipes, Cheyenne Tribal Historian, interview by author, notes, Cheyenne Agency, Concho, Oklahoma, October 22, 1995; Stands In Timber, Cheyenne Memories, 49.

<sup>17</sup>U.S. Congress, Senate, Committee on Indian Affairs, Indian Claims Commission Act, 74th Cong., 1st Sess., 1935, s. 2731, 50-2; U.S. Congress, Senate, Select Committee on Indian Affairs, Native American Museum Claims Commission

Act, 100th Cong., 2d Sess., 1988, S.187, 154-69; U.S. Congress, Senate, Committee on Indian Affairs, Oversight Hearing on Understanding How the Native American Grave Protection and Repatriation Act is Being Implemented, 103rd Cong., 1st Sess., 1993, S. 103, 269, 295; Watonga Republican (Oklahoma), October 7, 1993.

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<sup>1</sup>Barbara Meister, ed., Mending the Circle: A Native American Repatriation Guide (New York: American Indian Ritual Object Repatriation Foundation, 1996), 134, 118, 97.

<sup>2</sup>Rick Hill, "Reflections of a Native Repatriator," Mending the Circle, ed. Barbara Meister (New York: American Indian Ritual Object Repatriation Foundation, 1996), 84.

<sup>3</sup>Dan Monroe and Walter Echo-Hawk, "Deft Deliberations," Museum News, (July-August 1991), 57.

<sup>4</sup>Walter Echo-Hawk, "Museum Rights vs, Indian Rights: Guidelines for Assessing Competing Legal Interest in Native Cultural Resources," Review of Law and Social Change (Vol. XIV: 437, 1986), 448-49; Hill, Mending the Circle, 85.

<sup>5</sup>Hill, Mending the Circle, 86.

<sup>6</sup>Sarah B. Gordon, "Indian Religious Freedom and Governmental Development of Public Lands," The Yale Law Journal (Vol. 94, 1985), 1448; Echo-Hawk, Review of Law and Social Change, 451; Hill, Mending the Circle, 87.

<sup>7</sup>Hill, Mending the Circle, 89; U.S. Congress, Senate, Select Committee on Indian Affairs, To Provide for the Protection of Native American Rights for the Remains of Their Dead and Sacred Artifacts, and For the Creation of Native American Cultural Museums (Washington, D.C.: Government Printing Office, 1988), 100th Cong., 2d Sess., S. 187.

<sup>8</sup>Meister, ed., Mending the Circle, Appendix F, 119; Hill, Mending the Circle, 91-92.

<sup>9</sup>"Panel for a National Dialogue on Museum/Native American Reflections," report, (Phoenix, AZ: Barry M. Goldwater Center for Cross Cultural Communications at the Heard Museum, February 1990), 3-10.

<sup>10</sup>Ibid., 11-19.

<sup>11</sup>Clement W. Meighan, "Burying American Archaeology," Archaeology, Vol. 47, No. 6 (November/December 1994), 64;

Larry J. Zimmerman, "Sharing Control of the Past," Archaeology, Vol. 47, No. 6 (November/December 1994), 65; World Archaeological Congress, "The Vermillion Accord," held at Vermillion, South Dakota, August 1989, in author's possession.

<sup>12</sup>Meister, Mending the Circle, 97-105.

<sup>13</sup>Hill, "Reflections," 82.

#### CHAPTER FIVE

<sup>1</sup>Oklahoma Historical Society, 'Repatriation Burial of Cheyenne,' recorded by Roger Harris, videotape, 55 min., July 10, 1993, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, OK.

<sup>2</sup>Thomas W. Killion, Scott Brown, J. Stuart Speaker, Naevahoo'ochtseme, Cheyenne Repatriation: The Human Remains (Washington, D.C.: Smithsonian Institution, 1992).

<sup>3</sup>Ed Kelly, "Smithsonian to Return Bones," Daily Oklahoman, September 13, 1989, 1.

<sup>4</sup>The Cheyenne Sand Creek Descendants of Oklahoma, a charter organization recognized by the state, assisted Cheyenne Sand Creek Descendants in establishing genealogy and family histories. In addition, the organization pursued all rights and claims recognized by the United States Government as proclaimed in the Little Arkansas Treaty of 1865, article six.

<sup>5</sup>John Sipes met Dr. Karl Schlesier several years before while the professor researched his book on prehistoric origins of Cheyenne ceremonies. See Also Karl H. Schlesier, Wolves of Heaven: Cheyenne Shamanism, Ceremonies, and Prehistoric Origins (Norman: University of Oklahoma Press, 1987).

<sup>6</sup>Karl H. Schlesier to John L. Sipes Jr., letter, September 22, 1989, John L. Sipes Collection, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, OK.

<sup>7</sup>Ibid.

<sup>8</sup>John L. Sipes Jr. to Cheyenne-Arapaho Business Committee, letter, September 18, 1989, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>9</sup>John L. Sipes Jr. to Robert McC. Adams, letter, September, 19, 19989, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>10</sup>Tamara L. Bray and Thomas W. Killion, eds., Reckoning With the Dead: The Larsen Bay Repatriation and the Smithsonian (Washington, D.C.: Smithsonian Press, 1994), viii-xiii.

<sup>11</sup>Since this time, David Boren has resigned his seat in the Senate and assumed the position as President at the University of Oklahoma.

<sup>12</sup>John L. Sipes Jr. to Senator David Boren, letter, October 25, 1989, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>13</sup>Senator David Boren to Secretary Robert McC. Adams, letter, November 17, 1989, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>14</sup>John L. Sipes Jr. to Senator David Boren, letter, December 14, 1989, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>15</sup>The United Indian Nations Of Oklahoma (UINO) represents twenty one of the thirty eight federally recognized tribes now residing in Oklahoma. They hold meetings and invite guest speakers to lecture over matters concerning these tribes in their state. These meetings include updates by the Bureau of Indian Affairs, Indian Health Service, and the Oklahoma Indian Affairs Commission. UINO minutes from December, 20, 1989, meeting held at the Saddleback Inn in Oklahoma City, OK, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>16</sup>Ibid.

<sup>17</sup>Robert McC. Adams to John L. Sipes Jr., letter, December 20, 1989, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>18</sup>Bray, Reckoning With the Dead, 166.

<sup>19</sup>These collections primarily consisted of skulls collected by Army medical officers from such sites as Sand Creek and Dull Knife's flight from Fort Robinson. John L. Sipes, Cheyenne tribal historian, interview by author, notes, Norman, Oklahoma, October 26, 1996.

<sup>20</sup>Stephanie Manweller-Kelly, case worker in the Repatriation Office at the National Museum of Natural History, telephone interview with author, notes, October 31, 1996.

<sup>21</sup>Ibid.; Thomas W. Killion, Director of the Repatriation Office, telephone interview with author, notes, October 31, 1996.



<sup>22</sup>John L. Sipes, Cheyenne tribal historian, telephone interview with author, notes, November 7, 1996.

<sup>23</sup>John L. Sipes, interview with author in the presence of the Sacred Arrow Keeper, notes, Longdale, Oklahoma, April 7, 1996.

<sup>24</sup>John L. Sipes, Cheyenne tribal historian, interview with author, notes, Norman, Oklahoma, October 26, 1996.

<sup>25</sup>Killion, Naevahoo'ohsteme, Cheyenne Repatriation, 1-2.

<sup>26</sup>John L. Sipes, interview with author, notes, Norman, Oklahoma, October 26, 1996.

<sup>27</sup>Ibid.; "Naevahoo'ohsteme: We Are Going Back Home," memorial folder passed out at the re-burial ceremony in Concho, Oklahoma, July 10, 1993, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>28</sup>"Naevahoo'ohsteme," 3.

<sup>29</sup>Ibid.; Thomas W. Killion to John L. Sipes, letter, January 25, 1994, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>30</sup>"Naevahoo'ohsteme," 3; John L. Sipes, Cheyenne tribal historian, interview with author, notes, October 26, 1996.

<sup>31</sup>"Naevahoo'ohsteme," 3.

<sup>32</sup>Oklahoma Historical Society, "Repatriation Burial of Cheyenne," Oklahoma Historical Society, Oklahoma City, OK.

## CHAPTER SIX

<sup>1</sup>Thomas Killion, Scott Brown, J. Stuart Speaker, Naevahoo'ohsteme, Cheyenne Repatriation: The Human Remains (Washington, D.C.: Smithsonian Institution, 1992), 3.

<sup>2</sup>John L. Sipes, interview with author, notes, Norman, Oklahoma, March 30, 1997.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

<sup>6</sup>Willie Gardner to Smithsonian Institution Repatriation Office, letter of petition, in author's possession, October 2, 1993.

<sup>7</sup>John L. Sipes to Thomas Killion, letter, in author's possession, October 2, 1993.

<sup>8</sup>List of the Northern Cheyenne Attending the Repatriation of the Fort Robinson Remains, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK.

<sup>9</sup>Daily Oklahoman, October 2, 1993.

<sup>10</sup>Ibid.; Watonga Republican (Watonga, Oklahoma), October 14, 1993; The Sunday Oklahoman, October 10, 1993.

<sup>11</sup>Ibid.

<sup>12</sup>Ibid.

<sup>13</sup>To avoid confusion, the author feels obligated to explain to the reader that none of the Cheyenne ancestral remains returned by the Smithsonian were complete skeletons. That is why the two skull fragments had been counted as two separate remains.

<sup>14</sup>Ibid.

<sup>15</sup>Ibid.

<sup>16</sup>Ibid.

<sup>17</sup>Ibid.

## CHAPTER SEVEN

<sup>1</sup>John L. Sipes Jr. to Robert McC. Adams, letter, September 19, 19989, John L. Sipes Collection, Indian Archives, Oklahoma Historical Society, Oklahoma City, OK; Willie Gardner to the Smithsonian Institution Repatriation Office, letter of petition, in author's possession, October 2, 1993; John L. Sipes to Thomas Killion, letter, in author's possession, October 2, 1993.

<sup>2</sup>Burkhard Bilger, "Bringing Home the Bones," Oklahoma Today, Vol. 14, No. 3 (May/June 1993), 39-48.

<sup>3</sup>See Chapters five and six

<sup>4</sup>Thomas W. Killion, Scott Brown, J. Stuart Speaker, Naevahoo'ohsteme, Cheyenne Repatriation: The Human Remains (Washington, D.C.: Smithsonian Institution, 1992), 2.

<sup>5</sup>Stephanie Manweller-Kelly, case worker in the Repatriation Office and Thomas W. Killion, Director of the Repatriation Office, telephone interview with author, notes, October 31, 1996.

<sup>6</sup>Edward Red Hat Jr., Sacred Arrow Keeper, interview with author, notes, Longdale, Oklahoma, April 7, 1996; John L. Sipes, Cheyenne tribal historian, interview with author, notes, Norman, Oklahoma, October 26, 1996.

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