Narrative Remains: Articulating Indian Identities in the Repatriation Context

GREG JOHNSON

University of Colorado at Boulder

One either has the Elgin marbles or one does not, but scarcely any story exists in the absence of competing variants or alternative claims about what really transpired.
———Nicholas Thomas (1997:48)

This article pursues two basic agendas. My primary purpose is to explore the contours of repatriation language as spoken by Native Americans directly participating in repatriation processes. To this end, I argue that a first step entails a critical assessment of the terms and assumptions by which repatriation discourse is framed by observers, participant observers included. Therefore, the first section of this article works toward a critical theory of repatriation discourse, with particular reference to religious language and narratives of identity. I make a case for approaching repatriation discourse as a rhetorical field. Questions I ask include: Who speaks? Under what constraints? With what possibilities? Addressing these questions, among others, I advocate an analytical approach to repatriation that is both specific and frank in exploring the ways group boundaries are shaped and reshaped through narrative.

The second section of this article presents three case studies of repatriation discourse that have emerged during the implementation phase of the *Native American Graves Protection and Repatriation Act of 1990* (NAGPRA).[1] I con-

Acknowledgments: Several people have made helpful comments on this paper. I would especially like to thank Bruce Lincoln, Anthony C. Yu, John J. MacAloon, Kathleen Fine-Dare, and Kari Robinson. I am also grateful to the editors, assistants, and reviewers at *Comparative Studies in Society and History* for their comments, criticism, and otherwise helpful efforts in seeing this paper through to publication. Previous versions of the paper were presented at The Center for Ethnicities, Communities and Public Policy at Bryn Mawr College, the Department of Comparative Studies at The Ohio State University, and the Department of Religious Studies at the University of Colorado, Boulder.

[1] Public Law 101-601 (25 U.S.C. 3001). The *Native American Graves Protection and Repatriation Act* (NAGPRA) was passed into law in 1990, and received its final rule and regulations in December of 1995. Fundamentally a form of human rights legislation, the law is largely redressive in intent: it provides a legal framework within which Native Americans can seek the protection of graves on federal land and the repatriation of human remains and certain cultural objects from federal institutions. Pursuant to the law, institutions that receive federal support are required to inven-

0010-4175/05/480–506 $9.50 © 2005 Society for Comparative Study of Society and History

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

sider the ways several native representatives have faced the daunting task of representing their epistemological and moral authority at multiple levels, ranging from the micro-local to the macro-cosmic. My attention is focused primarily upon the ways these representatives employ religious language to build, challenge, or otherwise reconfigure boundaries of group identity. The article concludes by returning to some of the issues raised in the first section to reflect upon the shape, ramifications, and possibilities of repatriation narratives and meta-narratives.

TOWARD A CRITICAL THEORY OF REPATRIATION DISCOURSE

We must begin by acknowledging the full weight of a history of dispossession. Rather than add my own rendition to this history, I appeal to a poem by Sherman Alexie (1992, 48), a Spokane and Coeur D'Alene Indian poet from Welpinit, Washington:

> Evolution
> Buffalo Bill opens a pawn shop on the reservation
> right across the border from the liquor store
> and he stays open 24 hours a day, 7 days a week
>
> and the Indians come running in with jewelry
> television sets, a VCR, a full-length beaded buckskin outfit
> it took Inez Muse 12 years to finish. Buffalo Bill
> takes everything the Indians have to offer, keeps it
> all catalogued and filed in a storage room. The Indians
> pawn their hands, saving their thumbs for last, they pawn
>
> their skeletons, falling endlessly from the skin
> and when the last Indian has pawned everything
> but his heart, Buffalo Bill takes that for twenty bucks
>
> closes up the pawn shop, paints a new sign over the old
> calls his venture THE MUSEUM OF NATIVE AMERICAN CULTURES
> charges Indians five bucks a head to enter.[2]

Alexie's voice—the edge, irony, and sentimentality, too—is that of a postindian warrior, to borrow Gerald Vizenor's (1994) provocative phrase. With their

tory or summarize their holdings of Native American human remains, funerary objects, objects of cultural patrimony, and sacred objects in order to provide Indian tribes with lists of items potentially available for repatriation. Native American representatives, in turn, are able to request repatriation of items based on a broad definition of "cultural affiliation" or "lineal descent" and, in some cases, on the basis of claims espoused by "traditional religious leaders." "Cultural affiliation" is defined in the statute as meaning "there is a relationship of shared group identity which can reasonably be traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group" (25 U.S.C. 3001, Sec. 2). The statute does not define "lineal descent" or "traditional religious leader." On NAGPRA generally, see, for example, Thornton (1998), Welsh (1992), D. Thomas (2000), Fine-Dare (2002), NorthSun (1999), and McKeown (2002).

[2] Sherman Alexie has been writing about cultural possession, dispossession, and repossession in striking ways for a number of years. For a more hopeful account of pawn shops and sacred objects, see "What You Pawn I Will Redeem" (2003).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

words, Alexie and other postindian warrior-poets are reclaiming their histories, their representational entitlements. In this way, they face down a history of dispossession through acts of radical repossession. But the movement is not only one of poets; postindian warriors are found elsewhere—in businesses, on reservations, in healing ceremonies, in bars, in Senate hearings. Though not always monolithic in vision or unified in force, these Indians are agitating for the right to be heard, to claim and assert their identities and to prosper.

Perhaps the clearest evidence of postindian warriors' successes is found in the repatriation movement. And with this observation we begin to see the ways Native American struggles are linked to indigenous movements around the world. From South Africa to South America, from Australia to Norway, indigenous peoples are working with—and sometimes against—museums and other institutions to facilitate the return of indigenous human remains and cultural objects to native hands (see, e.g., Fforde, Hubert, and Turnbull 2002; Barkan and Bush 2002). Most obviously, repatriation enables native peoples to put their ancestors to rest and to regain control over their material cultural heritage. Control over human remains and objects, however, cannot be understood apart from broader processes of indigenous self-representation, especially when viewed against the backdrop of modern liberalism-*cum*-emergent-multiculturalism, which simultaneously shapes the possibilities and limits of repatriation discourse. In this respect and others, the global reach of the repatriation movement alerts us to the ways in which it is a crucial site for the expression and negotiation of contemporary political, legal, and philosophical tensions attendant to the relationship between dominant institutions (including states) and indigenous peoples. Repatriation issues have also sparked moments of tension between and within indigenous groups, as we will see.

Given the host of theoretical issues so quickly amassed in our brisk movement from bones and laws to stories and identities, before we proceed further I want to spell out how and why I use certain key words. "Discourse" is the broadest term I invoke, and I understand the term to signal that all meanings—even those of objects—are not given or natural (Laclau and Mouffe 1985:107; Lincoln 1989). Though many theorists of culture and meaning would assent to this point, it nonetheless gets obscured with alarming regularity when religion enters the picture. In order to recover the impact of discursive analyses of religion, I favor the concept of "articulation" (Hall 1985; Li 2000), because it draws attention to emergent elements of identity construction. Furthermore, articulation is based on the model of speech (as opposed to models of hybridity that are implicitly organic), and thus emphasizes factors like agency, context, and audience perceptions.[3] I would add, however, that I understand articulation to include practices beyond language, such as ritual performances and the donning

[3] De Certeau's emphasis upon enunciation is similarly productive, particularly as he calls attention to the social conditions of speech acts (1984:xiii).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

of regalia. "Narrative" I use more or less interchangeably with articulation, though in my usage the term implies linked articulations that compose a story as opposed to atomized utterances.[4] Despite my attention to story, content is not the central focus of narrative analysis in the sense I intend. Rather, I argue for focusing upon the rhetorical aspirations and challenges of narrative (Tonkin 1992; Benhabib 2002; Taylor 2004).

For analytical purposes, I prefer the terms outlined above to "culture," "tradition," and "religion," primarily because the latter are plagued by tensions and slippages between scholarly and everyday uses. That said, I continue to use these categories in my work because they are the discursive links between the worlds I study and the words I produce. One ongoing project it seems I share with a number of scholars is to find ways to use and analyze these categories without effacing their potential meanings for others. In a very general sense, I understand these categories as related discursive domains, each of which has unique rhetorical possibilities. "Culture" has central utility in defining a group in the here and now over and against others. "Tradition" extends these claims across time, and "religion" extends them again in an appeal to transcendent and non-falsifiable referents as a putative source of authority. Viewed in this manner, these categories are best understood in terms of their oppositional capacities for constructing and contesting identities, which is precisely the theme I want to explore with regard to repatriation discourse.

Repatriation policies and politics around the world share a common feature: In order to prevail, native representatives must speak forth narratives that persuasively link themselves and their communities to the objects in question. The stories these narratives compose are frequently complex in fascinating and revealing ways. Most notable for our purposes, many repatriation narratives are deeply oppositional in that they mark and remark upon boundaries, differences, and antagonisms. What is more, the oppositional character of repatriation narratives is not always predictable. Exploring this unpredictability sheds light on several arenas, not the least of which concerns the unintended consequences of laws that attempt to settle matters concerning tradition, culture, and religion (see Brown 2003).

While repatriation narratives defy predictability, media and scholarly accounts have for the most part been drably formulaic. For the media, it has been easy and attractive to reify the terms of repatriation disputes in order to cast such struggles as ones between non-native institutions and native peoples, with each side being represented in monolithic and monochromatic terms, regardless of the political tenor of a given media story. Scholars have done much better, but still there is a penchant for taking very generalized views of the matter that cannot help but simplify and flatten featured terrain. When scholars have

[4] For a sustained theorization of narrative in the contexts of Native American literary and political texts, see Allen (2002). On Native American identity generally, see Gonzales (1998).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

rendered more specific accounts, these tend to be cast in predictable ways: Typically, one group's interests (those of a tribe, a museum, or a cadre of physical anthropologists, for example) are celebrated and endorsed—often implicitly—with the consequence that points of potential analytical interest are passed over or otherwise submerged.[5] In many cases "secondary" scholarship in this context is better viewed as a variety of primary textuality, insofar as much of it assumes the terms of the debates it proclaims to analyze. Native religious claims, to take our central theme as an example, are often endorsed or rejected in this process, but seldom are they analyzed, let alone theorized. To be fair, much repatriation scholarship has different foci and goals than mine here. Many scholars have been concerned with the fates of objects *per se*, strictly legal issues, museum policies, and so forth. My approach is to insist on analyzing repatriation discourse as "primary" in its own right—in short, to redirect attention from law's objects and the objections of law to the power and persuasion of narrative.[6]

When viewed as narrative process, it becomes clear that repatriation implementation demands of orators something bordering upon the impossible, at several inter-related levels.[7] In a most abstract sense, repatriation politics, which are defined at least in part according to the predilections of majority publics and polities, demand that indigenous orators articulate representations of themselves that are simultaneously pre-modern (pre-colonial identity) and high-modern (identity announced according to the terms of law). In this respect, repatriation politics constitute an especially vivid example of a general representational crisis faced by indigenous peoples worldwide whose legal and political campaigns hinge upon their ability to represent themselves at multiple levels and achieve a range of rhetorical effects.[8]

A bracing analysis of this crisis in the Australian context was recently put forth by Elizabeth Povinelli in her book, *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism* (2002). She argues that indigenous speakers are compelled to present themselves on legal stages as "authentic" subject/objects who, despite their manifest engagement in political processes, must maintain an appearance of disinterestedness, since signs of "interest" may be viewed by audiences as undercutting claims to authenticity. To state this bind as a formula: natives = nature = neutral (or sacred

[5] Exceptions include, in varying degrees, Flynn and Laderman (1994), Brown (2003), Fine-Dare (2002), and Ridington (1993).

[6] It seems appropriate to say something about myself at this juncture. I am a non-native scholar of religion. My general area of study is Native American religious traditions, with particular reference to culture contact. My central theoretical interest concerns religious discourse as a modality of rhetoric. Following Kenneth Burke's (1961) insight that religion is a uniquely heightened form of persuasion, I attend to the ways persuasive religious speech functions in contested settings wherein native rights, institutional policies, public sentiments, and laws of nation-states converge.

[7] On this general theme of "impossibility" in such contexts, see Laclau (2000).

[8] On this important theme, see, for example, Warren and Jackson (2002) and Niezen (2003).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

= authentic = not profaned by engaging in politics). Indigenous representatives face the challenge of using and resisting this formula to figure their own terms of identity. Such are the mimetic politics of emergent multiculturalism wherein non-dominant groups must appear recognizable in civic and civil terms while appearing foreign in aesthetic and fetishistic regards. Successful self-narration in this legal context demands of native orators that they master the assets and liabilities of alterity, for it can gain them standing, protections, and entitlements, but it can also work against them if their claims are perceived as strange, inhuman, or otherwise beyond the pale of prevailing social constructs and habits.

At a more concrete level, indigenous representatives face the narrative impasse of articulating their communities' present connections to ancient objects and remains in the face of the objects' absence from the communities. For example, the definition of "sacred objects" under NAGPRA reads as follows: "Sacred objects shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents" (25 U.S.C. 3001 Sec. 2). This definition may be read to presuppose and require demonstrable continuities of tradition; repatriation claims, however, respond to and emerge from conditions of discontinuity. With a view to the rhetorical demands such a conundrum establishes, one begins to appreciate the narrative challenge faced by native orators. What might be glossed from a distance as the appearance of postmodern politics is better described as the constitution of identity in the face of tremendous and often conflicting narrative expectations (see Brown 2003, 21).

The weight of narrative expectation under NAGPRA is symptomatic of a tension in modern nation-state jurisprudence and constitutionalism with reference to non-dominant subjects. Repatriation laws like NAGPRA cut against the grain of modern liberalism in two significant ways: (1) their primary concern is with ethnic groups rather than states or individuals, and (2) in principle, they affirm rather than reject the role of religion (and tradition) as a form of evidence. The conjunction of these features gives rise to many questions: When seeking to advance repatriation claims, how do native groups constitute and represent themselves? Who is included and on what grounds? Who is excluded? How are these boundaries marked? How does religious rhetoric function in this context? To frame the question in a way that applies pressure to both components of Durkheim's formula: How are collective representations spoken forth in this context?

Seeking to address these questions, we begin to understand specific ways religious narratives emerge in the context of repatriation claims if we assume that such claims are not different in kind from other sorts of religious discourse. To be clear, I am not arguing for an essentialized or protective view of religion; instead, I maintain that it is analytically useful to assume that all religious claims are human and only human, emerge from the present for the purposes of the

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

present, and are, therefore, ideological in the fullest sense (Lincoln 1996). My aim is not to dismiss religious claims on these grounds; it is to appreciate the ideological load religious claims must shoulder and give to this task the analytical attention it deserves. Furthermore, my intention is not to suggest that indigenous religious claims are necessarily insincere. If we recognize that all religious discourse is human and ideological, then on what grounds can one reject some claims as politically opportunistic while unproblematically celebrating the content of others? This question is crucial, as accusations of fabrication and opportunism are frequently voiced by skeptical parties in response to native claims in the context of NAPGRA. As Cressida Fforde has recently observed, "[g]iven that spiritual concerns have been the overriding grounds for requesting the repatriation of ancestors, it is perhaps unsurprising that arguments employed to oppose these requests have sought to deny their authenticity" (2002:32). This dynamic, of course, is not unique to the repatriation context. Indeed, this sort of exchange exemplifies the form of discursive antagonisms in many situations where mutually exclusive regimes of "truth" and narrative validation come into contact, not the least of which are those contemporary moments wherein native claimants are agitating for land claims, water rights, and other entitlements based on traditional histories and knowledge.

My point is to emphasize the constructed aspect of all religious claims in order to deflect the force of accusations that some claims announced in repatriation contexts are inauthentic or otherwise bastardized.[9] Admitting religious claims as a form of evidence was a profoundly problematic move on the part of legislators. But they have done so. Now courts, indigenous representatives, and scholars must attempt to sort out the implications of this move. What will not suffice is to equate "constructedness" with inauthenticity and the latter with deception. For scholars especially, engaging in the discourse of authenticity is a poor start in that it amounts to participating in the very discursive domain we are attempting to analyze. It is far more productive to view religious claims as a kind of speech that must compete with other kinds of speech in the project of persuading audiences how to act.

What needs to be specified is the particular quality—the specific rhetorical purchase—of religious of speech in the contexts with which we are concerned. If we assume that religious claims are constructed at and as the boundary with the Other (though not always in a conscious fashion), then we see that religion is productively viewed as the maximum amplification of "tradition"—for here claims to identity are extended vertically from the horizontal plane of human experience to harness the persuasive force of transcendent authority. In repatriation contexts this move to "vertical" claims is of central importance. In codifying this narrative possibility, legislators afforded native representatives an

[9] For a discussion of authenticity and spuriousness with regard to the concept of tradition, see Handler and Linnekin (1984).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

opportunity to challenge non-native claims with religious claims that are by definition non-falsifiable. This has given rise to myriad procedural problems of the apples and oranges variety. Whose claims should be weighed more heavily, especially as NAGPRA holds that competing—and even mutually exclusive—forms of evidence shall be held equal?[10] Native representatives have been quick to understand the nature of this impasse. They understand as well that religious speech has a greater range of rhetorical possibilities than Western discourses of science and legalism. Whereas the latter are resolutely literal, religious language is defined by its playfulness, its metaphoric capacities, and, in short, its sheer capacity for narrative innovation.

After becoming aware of NAGPRA, I was drawn to studying the narrative struggles it has fomented and I have worked through a series of case studies with varying levels of specificity (2002; 2003; 2004). Initially, I analyzed the legislative history of NAGPRA, tracking how religious claims emerged as native representatives argued passionately and persuasively for repatriation law. One conclusion I reached was that native representatives refined two basic modalities of religious rhetoric, which I heuristically called minority-specific discourse and majority-inclusive discourse. I grappled with how native peoples used the provision of the law that provided for religious claims to articulate a doubleness of identity—that they are and are not American citizens, that they are traditional and modern (as well as, for some, Christian), that they have specific needs that should be universally recognizable (cf. Collins 1998). Minority-specific discourse, I argued, works to construct group-specific religious authority and does so by appealing to historically verifiable events, places, and people as well as to reified objectifications of a group's identity (cf. N. Thomas 1997, 189–90). The latter component I understand not as disingenuous, but as a sometimes necessary rhetorical move in recognition of and in response to audience predilections and legal requirements that demand the representation of essentialized identities. Majority-specific discourse works from the opposite direction to emphasize native peoples' place within "the republic." Here themes of good citizenship, military service, and the image of soldiers missing in action proved crucial. Native representatives argued that they have served the

[10] The most relevant Senate report on the legislation reads as follows:

> The types of evidence which may be offered to show cultural affiliation may include, but are not limited to, geographical, kinship, biological, archaeological, anthropological, linguistic, oral tradition, or historical evidence or other relevant information or expert opinion. The requirement of continuity between present day Indian tribes and materials from historic or prehistoric Indian tribes is intended to ensure that the claimant has a reasonable connection with the materials. Where human remains and funerary objects are concerned, the Committee is aware that it may be extremely difficult, unfair or even impossible in many instances for claimants to show an absolute continuity from present day Indian tribes to older, prehistoric remains without some reasonable gaps in the historic or prehistoric record. In such instances, a finding of cultural affiliation should be based upon an overall evaluation of the totality of the circumstances and evidence pertaining to the connection between the claimant and the material being claimed and should not be precluded solely because of gaps in the record (U.S. Senate 1990:9).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

country in numerous regards, even dying on foreign fields of battle. Human decency and Christian ideals, they argued, demand that their ancestors and ritual objects be repatriated. As I attempted to demonstrate, many native representatives employed both modalities of discourse simultaneously, with varying degrees of emphasis on one or the other.

Repatriation in practice, however, is not the same as repatriation in principle, as Fforde, Hubert, and Turnbull have made clear (2002). Observing the implementation phase of NAGPRA, I have been challenged to rethink aspects of my model, which was based on the assumption that repatriation discourse issues from native peoples and proceeds directly to non-native legal audiences. Now I see the ways NAGPRA has put into place a constellation of discursive possibilities far more complex than this dyadic model allows. What NAGPRA does, first and foremost, is provide a template for constructing legally recognizable narrative authority.[11] That authority can be extracted from strictly dyadic legal settings to be utilized in a variety of provocative ways. Our question becomes: How is religious authority that is constituted in one domain made to speak in others? This question marks our departure into the case studies considered here.

NARRATIVE REMAINS CONTESTED: CASE STUDIES

The Enemy Within

In March of 1997 I witnessed a revealingly heated dispute at a NAGPRA Review Committee meeting in Norman, Oklahoma. The Review Committee is made up of seven people, three nominated by native groups, three nominated by museums and other institutions, and one jointly selected by the other six members. The Committee's charge under NAGPRA is to listen to disputes in an attempt to reach non-legally binding solutions in an effort to give the law applicability outside of strictly legal contexts. The issues at hand concerned a rift between tribal government representatives and self-described traditional religious leaders of the Southern Cheyenne Nation or Tsistsistas Tribe. The conflict concerned the repatriation of human remains from the Smithsonian Institution to the tribe, remains that had heightened significance due to their provenance: they were from the darkest hour of Cheyenne history, the Sand Creek Massacre.

On 29 November 1864, a several hundred-strong force of military and volunteer soldiers rode all night from Fort Lyons south of Denver to an encampment of Arapaho and Cheyenne people, who believed that they were under the protection of the U.S. military—an American flag flew in their tipi circle. As dawn broke the Indians' worst fears were realized as the soldiers descended

[11] On law and constructions of authority, see, *inter alia*, Goodrich (1990), Fitzpatrick (1992), and Coombe (1993).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

upon them, killing approximately two hundred Cheyenne and Arapaho individuals (Hoig 1961). At this time the U.S. Surgeon General was offering a bounty on Indian heads to be used in craniometry studies (Fine-Dare 2002, 33), so at Sand Creek soldiers severed heads from Indian corpses and shipped these to the Smithsonian (D. Thomas 2000, 53). This grim episode spelled the end of Cheyenne and Arapaho habitation of their high plains domain. From that time hence Cheyenne and Arapaho people have thought of themselves as survivors of Sand Creek, and those who perished there are regarded with profound honor (Ortiz 1999).[12]

Given this history, it is no minor issue when Cheyenne people dispute the right to control the disposition of human remains from the massacre. The conflict I observed unfolded in the following way. The three-day meeting was drawing to a close. The Review Committee, per usual, opened the floor for public comments. Various speakers came forward, briefly addressing a range of issues. Such was the setting when Luther Medicine Bird approached the microphone. When he began to speak, I knew I was witnessing a dramatic event:

> I am a Southern Cheyenne Priest of the Sacred Arrows, and I come before you today because our tribe is in serious trouble because of the present representation that is on the board here.
>
> For five years, maybe ten years, we have not been getting adequate information. It has been suppressed. The representative that sits on this board, Mr. Hart, does not meet with us nor does he pass on information (Review Committee 1997:232).

The Mr. Hart to whom he referred is Lawrence Hart of the Southern Cheyenne Nation. He was a Review Committee member, and this was one of his first meetings. Mr. Hart is a highly visible Cheyenne representative and was as a key organizer in the recent repatriation of Sand Creek ancestors from the Smithsonian.

Mr. Medicine Bird's complaint concerned the repatriation of the Sand Creek remains. In his view, the repatriation should not have been handled by Mr. Hart et al., since they are not "true" Cheyenne religious leaders. Because the repatriation was not conducted by the proper authorities, argued Medicine Bird, the event was a sham and sacrilege. At this point he proposed a startling remedy:

> Several years ago, these men, they were appointed by the business committee. They went to the Smithsonian Institute to get 12 skulls—20 skulls. We were not told about this. All the information was suppressed . . . And they did not contact the Keeper of our Sacred Arrows, our Blue Sky Keeper, our Arrow Priest, our Sun Dance Priest, or our 44 chiefs and headsmen. And so these men, they said they were bringing home the skulls

[12] Many years Cheyenne and Arapaho representatives stage a memorial run from the site of the massacre to Denver, where a commemorative Powwow is held. On 9–10 June 2001, the annual Arapaho Memorial Powwow was held at the University of Colorado. Arapaho representatives spoke of the event as a homecoming, declaring in a variety of ways their ancestral claim upon the Boulder area. The most poignant of these claims—and one that capped several speakers' presentations—was the assertion that the area is home to many ancestral graves and, as a result of this, is still deemed sacred by the Arapaho.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

to our people . . . And these skulls came from—they say the Sand Creek descendants. And these men did not notify the Sand Creek descendants about them burying in this land at Concho, Oklahoma.

So therefore, we are going to ask that these skulls be dug up and taken back to the Smithsonian Institute because we heard that they were not Cheyenne skulls. We don't—we don't have any information to prove that because these individuals have suppressed all this information (Review Committee 1997:234–35).

Elaborating, he accused Mr. Hart and his sympathizers of being cultural mavericks who have effectively reconstituted Cheyenne religious life outside of the proper channels of authority. Particularly egregious was the burial ritual performed for the repatriated remains.

[W]hen these skulls were buried, we don't know where they got this reburial ceremony from because we certainly don't do that in our tribe, our Cheyenne Tribe. We don't have that kind of reburial ceremony.

So therefore, we're going to ask that these skulls be dug up and brought back to the Smithsonian, because our main body was left out (Review Committee 1997:236).

Before anyone had a chance to process much of the foregoing, another self-described Tsistsistas traditionalist approached the microphone. This person introduced himself as James Mann, and he offered support for Mr. Medicine Bird's account of the situation. Specifically, he accused the Cheyenne and Arapaho business committee of usurping traditional religious authority for personal gain. This has resulted in a dangerous situation, he said. Speaking of a Sun Dance held by the business committee, he said: "And when—when I learned about this sun dance that we have—we I learned about this sun dance that was being placed at Concho, Oklahoma, the basis of our—both or our tribes' complex—I guess it would be—we had—me and my grandmother had gone over there and took part of one ceremony, but later that summer my life was put in danger because of that; my participation, and I nearly lost my foot over that" (Review Committee 1997:244).

Mann's account is by no means anomalous; there are a variety of examples of similar power struggles at other Sun Dance events throughout the Great Plains and Rocky Mountain regions.[13] Precisely because these events are so symbolically laden and invested with tremendous amounts of cultural energy, they become sites of explicit competition and status differentiation, even while the symbolism of the Sun Dance is focused on group unity and sacrifice on behalf of the group (Walker 1991; Jorgensen 1972). For all that they condense, such ritual moments become the sites of boundary negotiations, and here we

[13] See, for example, Lincoln (1994) and Wood (1980). Wood's account in particular resembles the Cheyenne situation, as she describes how several different influential men sought to represent themselves as the correct and most powerful Sun Dance leaders. One man made an explicit effort to conduct the dance in "traditional" style, while another introduced a variety of novel elements into the dance in his effort to demonstrate ritual mastery. Also resonating with the Cheyenne example, various dancers and attendees of the Ute dance claimed that illness and curses resulted from abuses of power at the ceremony.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

see an internally constructed boundary marked bodily by a ritual inversion: In Mann's view, rather than promoting health and well-being, the dance resulted in bodily danger—he had been harmed by Sun Dance power, evidence that the ritual was improper.

At this time, the Chair of the Review Committee interrupted Mr. Mann, asking him to conclude his comments as the meeting was over its allotted time. Closing, he turned to a discussion of "Truth": "I was taught to respect my Cheyenne ways and to respect the truth. The truth is the truth, and one may win with the truth or one may lose with the truth. But the truth is always there. The white man is taught to win at all costs. No matter what happens, the white man must win, that—that's where the phrase 'It doesn't matter how the game is played, as long as you win.' And right now, to me, the Tsistsistas ceremonial people, all they have is the truth and they abide by that. Thank you" (Review Committee 1997:245).

The issue is "Truth." In Mann's view, the "real" Cheyenne people possess this and it defines them. Moreover, the Cheyenne people possess truth over and against the competitiveness and duplicity of "the white man." More specifically, it is religiously marked—properly ceremonial—Cheyenne people who have access to the truth, not imposters.

The point of Mr. Mann's reflection on "Truth" was implicit, though hardly so. An ethnic division of the most clear-cut type was brought home. He and his sympathizers are the "real" Cheyenne; Mr. Hart and the business committee are "white." This analogy reveals two significant aspects of ethnic discourse: (1) In a most concrete way it illustrates the congruence of ethnic and moral language; and (2) It shows that the telescoping retraction of ethnic boundaries does not necessarily stop at the tribal border but, instead, can operate even within it. Moreover, when it does so it does not lose its oppositional quality vis-à-vis the dominant culture; rather, in a most jarring way, the opposition between "the people" and "the enemy" is internalized.[14]

Angry Spirits

Despite the fact that it contains hundreds of "Anasazi" ruins, including many spectacular cliff houses, the Ute Mountain Tribal Park is a relatively unknown place with respect to tourism in the Southwest of the United States.[15] This is

[14] This phenomenon is by no means limited to the Cheyenne. There is a long legacy within many tribes of internal tensions fueled by contact with non-Indians. On this history, usually described as the rift between "hostiles" and "friendlies" or between "traditionalist" and "progressive" factions, see Prucha (1984), Clemmer (1994), and Geertz (1997).

[15] The Anasazi, also known as Ancestral Puebloans (among other designations), inhabited the Four Corners region of the Southwest from at least 300 b.c.e until the thirteenth century. In this article I opt to use the designation Anasazi, as the term Ancestral Puebloan begs the question of cultural affiliation raised below. However, I ask readers to understand my usage as being marked by proverbial scare quotes, as Anasazi is a disputed term. On the Anasazi/Ancestral Puebloans generally, see, for example, Cordell and Gummerman (1989).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

surprising given its contiguity with Mesa Verde National Park and its proximity to other cultural and tourism sites, such as the Four Corners, Ship Rock, and Chaco Canyon. One must look to the history of the park and Ute culture to understand this situation. The park is part of the Ute Mountain Ute reservation, which was established in 1895 (Young 1997:18). Utes controlled much of the Colorado high country and surrounding canyons to the west at the time of white encroachment into their land, which accelerated rapidly in the late nineteenth century. With an influx of miners and ranchers, Utes were pushed onto several reservations in Colorado and Utah (Jorgensen 1972; Young 1997). These reservations were within Ute traditional lands, but their limitation to them radically disrupted Ute subsistence patterns and cultural life generally.

During this period newly arrived non-Indians to the region were "discovering" the ruins and remains of the Anasazi, a culture that thrived in the region for hundreds of years, practicing corn and bean agriculture and building edifices ranging from pit houses to elaborate cliff dwellings. In the late thirteenth century these people moved south for a variety of reasons, leaving behind vast amounts of material culture, principally in the form of pottery and dwellings. As European-Americans moved into the region, Anasazi objects and skeletons were quite literally put on parade at World's Fairs and elsewhere, serving an iconic role in the narrative construction of a national claim to a uniquely American antiquity (McNitt 1957; D. Smith 1988).

Utes, however, stood in a tense relationship with this phenomenon for two primary reasons. First, many Anasazi remains were on their land, which led to the unwanted presence of non-Utes on the reservation. Second, various accounts suggest that Utes of that time regarded Anasazi remains with fear, which was manifest by way of avoidance.[16] According to Ute accounts, as well as various non-Indian sources, Utes neither inhabited the many dwellings left by the Anasazi, nor does it appear that they utilized Anasazi pottery or other domestic utility objects (Stewart 1940:262). Furthermore, Ute myths of the period suggest that the Anasazi were imagined as cannibals and sexual predators, and represented chaos, danger, and disease.[17] Most relevant and challenging for our purposes, nothing in sources I have consulted suggests that Utes of this time considered themselves to be culturally or genealogically related to the Anasazi.

In the twentieth century, however, there was a shift in Ute discourse regarding the Anasazi, marked most notably by the opening of the Ute Mountain Tribal Park for tours in 1971 (Young 1997:195). Though it is much larger than Mesa Verde, the park has not been developed in similar ways. There are no paved roads or tourist facilities within the park, and tours must be accompanied by a Ute guide. The park does bring in steady income to the tribe, but it could hard-

[16] The explorer Frederick Chapin, among others, recorded accounts of Ute avoidance of Anasazi ruins (1892:131).

[17] A reliable and representative collection of Ute myths is found in A. Smith (1992).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

ly be considered a cash cow.[18] In any event, in the course of developing the park and giving tours, tribal park representatives and guides have undertaken a re-description of Ute perceptions of and relations to the Anasazi and their things. The discourse of fear and the practice of avoidance have been replaced with a discourse of respect and affiliation made evident through ritual offerings at ruins and generalized references to the ancestors.[19] In fact, in taking tours in the park and in speaking with tribal members affiliated with the park I have noticed a double narrative at work. At times elements of the older pattern emerge, with emphasis placed on the distance between Utes and the Anasazi. At other times, Ute speakers narrate continuities with the Anasazi, continuities that speak most directly of spiritual inheritance and to contemporary identity politics in the Southwest.

We need to broaden our scope somewhat in order to appreciate the context of this discursive shift. Namely, it is relevant to note that the economic and symbolic value of the Anasazi has been escalating in recent years throughout the Southwest. Along with the Utes, interest in ancestral cultural capital is shared by a diversity of Puebloan tribes and the Navajo Nation. In various ways, these groups seek to describe relationships to the Anasazi. Nowhere is this clearer than in the context of repatriation disputes. Repatriation battles at Chaco Canyon National Historic Park and Mesa Verde National Park have made this especially vivid. Both institutions must contend with more than twenty different claimants from the region, all of which assert "cultural affiliation" with the Anasazi.[20] This situation is unresolved and is placing tremendous pressure on

[18] For example, on the day that I most recently visited the park, Saturday, 9 August 2003, fewer than twenty people visited the park.

[19] Consider the following account of a ritual performed by Terry Knight, whom we will return to discuss below:

> This week he performed special prayers prior to groundbreaking for units being built near an Anasazi ruin. Dressed in jeans and a cowboy shirt, Terry built a fire and burned cedar and herbs near the old kiva wall, a round ceremonial chamber used about a.d. 1000. 'I talked to the old Anasazi spirits and told them we're going to be building some new homes, and not to let the machinery and people disrupt them. I told them families would be living there, I asked them to be more like a guardian force.' Had Terry not 'balanced' the area, Ute families would have been reluctant to move in, said Gerald Peabody, the housing director. Those who did 'most likely would be haunted and not sleep too good' (Carrier 1992:113).

[20] See, for example, Fine-Dare (2002:153–56) and Brown (2003:20). The issue of cultural affiliation with reference to the Anasazi, at Chaco Canyon and Mesa Verde in particular, has been addressed by the NAGPRA Review Committee on several occasions. See, for example, NAGPRA Review Committee, Sixteenth Meeting of the Native American Graves Protection and Repatriation Act Review Committee, available at www.cast.uark.edu/other/nps/Docs/rms, Santa Fe, New Mexico, 10–12 Dec. 1998; and NAGPRA Review Committee, Official Summary of the Seventeenth Meeting of the Native American Graves Protection and Repatriation Act Review Committee, available at www.cast.uark.edu/other/nps/Docs/rms, Silver Spring, Maryland, 3–5 May 1999. Cultural affiliation issues are unresolved in the region, as demonstrated by a recent cultural affiliation study prepared for the Bureau of Land Management with regard to the Canyon of the Ancients National Monument. See SWCA Environmental Consultants, Cultural Affiliation Study for Canyon of the Ancients National Monument, Southwest Colorado, Two Rivers Report No. TR-01, 2002.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

the law as these groups explicitly and contentiously challenge one another's rights to claim the Anasazi as ancestors. In this context, Utes do not stand to emerge singularly triumphant; they have neither positivist evidence nor a substantial body of oral tradition to support their position vis-à-vis larger and wealthier tribes like the Hopi and the Navajo. But they do stand to gain something rather significant if rulings include Utes' claims to affiliation—a legally recognized anchoring point for claims to their geographical and cultural space that would be far more visible than prevailing histories and attitudes allow.

Regardless of how NAGPRA affiliation rulings emerge, I suspect that Utes will continue to look to the Anasazi as a resource for the articulation of their identities. An example of this is found in a recent newspaper article. The headline of the article caught my attention immediately: "Utes See 'Spirits' in Calamities" (Lofholm 2000:1A). The attached picture showed a representative of the Ute Mountain Ute tribe with whom I was familiar from NAGPRA-related events. The caption of the photo read: "Terry Knight, the spiritual leader of the Ute Mountain Ute Indian tribe, appears in his traditional native garb."[21] Straining to bring the headline and picture into correspondence with my understanding of Ute religion, I was reminded that representations of tradition—like all representations—often entail more and less than meets the eye.

The article, which was addressing Ute views of a forest fire then raging at Mesa Verde, began by setting up a spurious distinction between modern and traditional Utes, with the romantic conjecture that real Utes are somehow at a remove from civilization, living at a distance that allows them a window to "the spirits" and a view of time not limited by the present:

> Away from the coin clatter and flashing lights of the Ute Mountain Casino, there are still some native people here who watch and listen for signs from the natural world, signals from another dimension.
>
> These traditional Ute Mountain Ute Indians have taken to heart the stories of their fathers, grandmothers and great-grandfathers that explain events in their world. And when they look east from Sleeping Ute Mountain of their reservation at the columns of smoke standing in the hazy sky over Mesa Verde National Park, they see bad signs (Lofholm 2000:1A).

The article continues with a quotation from Terry Knight, who stated that "the old spirits that are there are not at rest. Their energy is off-balance, and this causes things to happen in the metaphysical world" (7A). More specifically, according to the article, Knight reported, "elders have told him the spirits of the ancient ones who inhabited the area from 500 to 1300 a.d. are tired of being excavated, analyzed and legislated" (7A). Knight added, "[t]here is something happening with that tribe within the ground. These spirits are getting back at people for doing this and doing that" (7A).

[21] "Traditional native garb" meant that he was attired in a typical western shirt, wearing his hair in long braids and was brandishing a beaded feather fan and a gourd rattle, ritual paraphernalia of peyote religion practitioners, a movement first introduced to the Utes in 1910 (Opler 1940).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

This retribution, which Knight asserted had been foretold by ancestors, was said to be in direct response to abuses of NAGPRA. As reported by the author, Nancy Lofholm, museums and universities holding human remains from Mesa Verde had returned only a "smattering" of the thousands of remains eligible for repatriation. Knight asked, "How can these spirits not be mad?" (7A). Knight vented his frustration with NAGPRA processes, recommending that details of the law be pushed aside in order that the remains be buried "in one huge site with proper ceremony so the spirits can rest" (7A). Then, with reference to the fire, Knight made another appeal for the necessity of a ceremony. As Lofholm reported, "Knight said a ceremony should be performed once the ashes have cooled. Or else as his late father, the medicine man Charlie Knight told him, the earth will burn again" (7A). As Knight represented the situation, Anasazi spirits were responsible for the fire, Utes communicate with these spirits, and certain Ute leaders are able to ritually manage this relationship.[22]

Much of Knight's account can be analyzed in terms of the "invention of tradition" (Hobsbawm and Ranger 1983). This observation, however, is not meant to dismiss the cultural relevance of Mr. Knight's position. Were he Kiowa or Arapaho, his relationship to Anasazi spirits would undoubtedly be expressed in different terms. But the novelty of Knight's claims and Ute discourse on the topic more generally—wherein Ute ethnic identity is recast to include rather than exclude the Anasazi—goes beyond what many models of "tradition" can account for comfortably. In this case, novel expressions have sources beyond Ute "ontology." And yet we surely want to acknowledge that Knight's claims are constitutive of tradition in the making. Thus, analysis of such discourse misses the mark if it reifies tradition in the past perfect or sees only the agentic, individual aspects of strategic speech. For comparative and theoretical purposes, then, our concern is as much with the category of tradition as it is with the ways Knight's discourse does or does not fit the category.

It seems to me that we might abandon the category (see, e.g., Scott 1998:331) or work to liberate the category from the assumption that it pertains primarily to "content" rather than to habits of mind and action over the long run. Here I am not only appealing to a model of historical structuralism, though I would suggest that Marshall Sahlins' views concerning the cultural organization of modernity illuminate much in this context (1988; 1993). I suggest linking Sahlins' conceptual understanding of tradition in action to a position that views tradition as the manifestation of applied political wisdom and strategy over time (cf. Friedman 1994; Johnson 2003). Viewed from this perspective, Knight's narrative can be understood as emerging from a tradition of fierce oratory that informs the way a group positions itself in relation to potentially helpful allies, even if those allies were ancestral foes.

[22] It should be noted that Knight did not imply having an exclusive relationship with the Anasazi. In fact, the article under consideration concludes with Knights saying, "I would encourage the Pueblo tribes after the fire to do a ceremony. They need to get things back in harmony" (7A).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

God's Plan

In November of 1999 a contingent of representatives from the Crow Nation visited the Natural History Museum of the University of Colorado at Boulder. The purpose of their visit was to consult with museum officials regarding the possible repatriation of several cultural items pursuant to NAGPRA. These included several medicine bundles as well as a variety of other objects. As part of their visit, the Crow representatives agreed to give a public presentation at the museum concerning Crow culture and religion.[23]

The primary speaker was Burton Pretty On Top, Sr. About one hundred people attended the event, and throughout Mr. Pretty On Top's presentation I observed people nodding in agreement with his points, sighing at appropriate moments, and appearing generally to assent to his arguments. I was fascinated by how well Mr. Pretty On Top managed to promote his vision, especially on "hostile territory," to an audience largely composed of museum professionals, anthropologists, and students. Reflecting on the occasion, it became clear to me that many of the rhetorical strategies Native Americans have developed over the last decades—particularly with reference to successful NAGPRA lobbying—have been carried over to non-legal arenas, with much the same persuasive affect. Indeed, I was reminded again that NAGPRA-related discourse is not somehow *sui generis,* but rather a particularly refined and focused engagement with Native American self-representations drawing upon a long history of contact with non-native peoples.

Much of Mr. Pretty On Top's success came from his skilled ability to move from local to universal themes. Time and again he exemplified the dynamic I have described above whereby Native American representatives advance a double-pronged rhetoric consisting of minority-specific (local) and majority-inclusive (universalizing) authority claims. He situated himself genealogically, stating that he is a descendent of the Whistling Water and Big Lodge Clans. He then described his status as a Crow spiritual leader and his professional position as Director of the Crow Cultural Department. After describing himself in these localized terms, he began his address by speaking at some length on "universal human spirituality." This theme, as it turns out, was not invoked lightly, and it became evident that much of Mr. Pretty On Top's recent energy had been invested in articulating the relationship of his vision of Crow religion to world spirituality. As he spoke, he shed some light on his background, mentioning, among other things, a variety of ecumenical, interfaith, and international spirituality projects he had been involved with. Among these, he described briefly his participation in the 1993 and 1999 *Parliament of the World's Religions*, where he said he came to understand better the role of Crow spirituality in attaining world peace.[24]

[23] On the Crow generally, see Lowie (1935) and Nabokov (1967).

[24] On the 1993 Parliament of the World's Religions, held in Chicago, see Teasdale and Cairns

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

Mr. Pretty On Top's involvement in the 1993 Parliament deserves a brief digression, as it affords a unique perspective on his NAGPRA-related claims. According to the editors of a volume documenting the Parliament, Mr. Pretty On Top became a central figure at the event. As George Cairns and Wayne Teasedale recount, "The Parliament was a miracle of dialogue! It had moments of controversy and strain, but these were part of its genius and authenticity. When one of these situations occurred, Indians reacting to accusations by Sikhs and Kashmiris, in the Plenary for the Dispossessed, it was Native Americans, under the Crow spiritual leader, Burton Pretty On Top, who brought peace and goodwill to the gathering of several thousand by forming a sacred Hoop Dance" (1996:11).

For our purposes, what is pertinent about Pretty On Top's participation is how he represented his religious affiliations and authority. His contribution to a volume from the Parliament, "Sharing Our Visions: An Open Letter," is a remarkable document for the way it succinctly represents minority-specific and majority-inclusive authority and wields these to advance moral claims. Concerning minority-specific claims, Pretty On Top represented the bases of his traditional religious authority as obtained from visions received during multiple vision quests. In describing his vision experiences, however, Pretty On Top tapped into forms of expression that suggest a range of sources and audiences. During these visions, he wrote, he felt a calling and was filled with "the Creator": "Those times I went up those peaks on a vision quest it wasn't something that I personally chose to do, it was something that I felt, a yearning . . . Those times that I felt the calling inside me I would be at peace with myself only when I answered the calling . . . This is how I show the Creator that I love him very, very much. He is part of me and I am part of him" (Pretty On Top 1996:112).

Elaborating on his visions, he asserted that during these he had been to the spirit world and, while there, had received direct teaching from Plenty Coups, the famous Chief of the Crow. Pretty On Top also claimed that along with his teachings, Plenty Coups gave him a spiritual name, "Two Mornings" (Pretty On Top 1996:113).

Pretty On Top says that elders with whom he spoke concerning his new name were at a loss to declare its specific significance but did indicate that it was a "very powerful name." However, a Catholic priest who was present at the consultation with the elders offered an interpretation:

> You know that when Jesus was nailed to that cross as was foretold by the prophets he died on that cross and they took him off that cross and put him in a big tomb. It was foretold that he would be in that tomb for three days and after three days he would come back to life again and ascend into heaven. And you know that name, "Two Mornings,"

(1996). On the 1999 Parliament, held in Cape Town, see www.pwrsa. At the latter meeting Mr. Pretty On Top presented a talk titled, "Spiritual Journey of a Crow Indian." Also pertaining to his Parliament of World's Religions involvement, Mr. Pretty On Top was a signer of the 1999 document, "Towards a Global Ethic," drafted by The Council for a Parliament of the World's Religions.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

there is a connection with this story because when Jesus was in the tomb for three days, if you think about it, in between the three days there were two mornings. Therefore I feel that this name, "Two Mornings," is an Indian name, a Crow name for the one that was nailed to the cross, that man that we call Jesus Christ (Pretty On Top 1996:114).

Having thus offered notable grounds for his religious authority, Pretty On Top pursued two issues in ways redolent of many witnesses' testimony during the legislative history of NAGPRA. First, he broadened his rhetoric to a universal scope. A metaphor he repeatedly invoked is telling. He likened world spirituality to a great tree with many branches but one source of life. As with many versions of this image, the source of life—the trunk of the tree—turns out to be a specific religion, in this case Christianity. From this idea he switched gears to discuss the ramifications of shared humanity, namely a recognition of basic human rights. He spoke of Native American genocide at the hands of Europeans as a historical example of the violation of human rights. Developing this point, he made a comparison to the fate of Jews under Hitler's regime, a historical analogy often invoked in NAGPRA-contexts.[25] Concluding, he challenged colonial history—and still-regnant Western values—in strong terms. He offered a succinct account of how Christianity is both cause of and cure for Native American suffering: "Do you feel the hurt I feel? Do you feel the oppression that I feel? I hope that you do. Because only then can we do things to make things better on this earth. Issues need to be confronted. Spirituality with power, Native Americans have that. We must rise up, and with this resurrection of Jesus Christ comes the resurrection of the indigenous people, yet we invite the conquerors to be transformed" (118).

Let us now return to the event under consideration. After declaring his emphasis on universal human spirituality—that is, that what he was going to say pertained equally to everyone in the audience—Pretty On Top segued into a discussion of medicine bundles. He claimed that possession of these was clear demonstration that the people who held them had received great respect from their peers. In the manner of many successful NAGPRA claims, he then linked medicine bundles to burial sites and these to vision quest sites. He summarized these linkages by declaring that the areas from which bundles came are considered sacred places. Hardly pausing, he then likened the bundles to "Jewish Tabernacles" and asked that the bundles be treated as "holy objects."

Then, gazing at the audience, Pretty On Top declared, "the Crow concept of 'God' implies direct translation to monotheistic understanding." Continuing to develop this point, he said, "we are not worshiping many gods . . . our culture was given by 'Him' . . . all cultures come from 'Him.'" Building upon this idea,

[25] Earlier in his letter Pretty On Top developed the analogy with Jewish people in interesting ways: "There are a lot of similarities between Native American traditions and the Jewish faith, the Hebrew faith. Also the man who was nailed to the cross came from a tribal group of people with set laws and regulations. He came from a tribe, the Hebrews, that had a culture that was very strong with the belief in God. It's identical to the tribe I belong to" (1996:111).

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

he then stated that the "sacred comes from 'God.'" This line of presentation reached its climax when, without hesitation or qualification, he declared that the "medicine bundles come from God." On this basis, he proposed that museums defer to religious authorities and that sacred rights be held above possessory interests. Mistreatment of the bundles in museums, he bemoaned, has "desecrated what God has given us." At this point he paused again, surveying the room. "God's plan," he boomed, "is that you were meant to be here today." We, the audience, were central to God's plan to return the bundles to the Crow Nation. We, he implied, were the crucial link, for we would see God's plan and demand that it be implemented.

CONCLUSION: NARRATIVE REMAINS CONTESTED

What I hope to have made clear is an argument that the politics of repatriation cannot be understood as something guided simply by "facts." No matter how struggles over the past emerge and shift, what remains central, unavoidable, and deeply consequential is narrative. And these narratives express and construct group boundaries. In a basic sense, narratives of identity operate like an umbrella, expanding or constricting to create a privileged and protected space for those covered by them. In these terms, Pretty On Top opened his umbrella entirely, hoping to translate his Crow position of authority into moral authority extending universally. Another approach is to extend the ethnic umbrella—the boundaries of the possessors of "Truth"—to include all other Native Americans vis-à-vis non-Indians. This was evident throughout the legislative history of NAGPRA and is frequently seen in national press statements by Indians concerning the law. I suggest that this approach is utilized when the broad validity and language of the law are being contested, and is usually registered in terms of Native "Truth" versus science and Native collectivism versus Western private property interests. However, when specific implementation of the law is at issue, we often find a collapsing of affiliations and far less pan-Indian rhetoric. This dynamic was seen in our examples, first at the intra-tribal level in the Cheyenne case and then at inter-tribal levels in the Ute case. In each case religious discourse was the principal means utilized to articulate the boundaries described. Furthermore, we saw in each case that the religious language employed was markedly oppositional. Our analysis would have proceeded differently had we opted to perceive Cheyenne voices as univocal, Ute manifestations of tradition as unchanging, or Crow religious claims as easily separable from the universalizing tropes to which they are linked.

To extend our observations from these case studies, as repatriation disputes emerge and erupt in the future, we should not be surprised to see alliances and social boundaries redrawn and fought over. In the process, we should expect to see the articulation of emergent and occasionally insurgent narratives. One might argue that I have selected my case studies in order to emphasize conflict and narrative expansiveness and that, for this reason, my more general claims

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

do not hold. My response is, first, to acknowledge that I have selected cases for reasons of particular narrative interest and, second, to stress that my choices do not, however, represent anomalous situations. It is true that many hundreds of repatriations have proceeded smoothly, with evident benefits to numerous communities. Without wanting to detract deserved attention from these political successes, my analytical point has been to suggest that repatriation narratives cut many ways, which we can readily see if we read past and through simplified accounts.

Let me provide two concrete examples to support my position. Russell Thornton has written movingly about the Sand Creek repatriations in an essay titled "Repatriation as Healing the Wounds of the Trauma of History: Cases of Native Americans in the United States of America." He writes the following concerning the massacre and the occasion of reburial: "Remains from some of the Cheyenne massacred at Sand Creek were obtained by the Army Medical Museum and later transferred to the Smithsonian; in 1993, they were repatriated to the Southern Cheyenne. Tears were shed; words were spoken about how, at last, the people were being brought home and some of the pain of the Sand Creek Massacre could be eased" (2002:23).

My intention is not to belittle or dismiss Thornton's account, for I think his view is accurate, in some measure. However, it is worth noting the ways Thornton's account stands in tension with the case study I presented. If Cheyenne people shed tears at the reburial, then, as we saw in the bitter dispute between Mr. Hart and Mr. Medicine Bird, some of them shed metaphorical blood in the struggles that ensued thereafter. A critical understanding of social processes such as repatriation demands that scholars never assume that anything—including bones, grudges, or pride—is easily buried.

A second example pertains to repatriation politics in Hawai'i. A variety of native Hawaiian groups worked closely with one another during the legislative history of NAGPRA. Doing so, Hawaiian groups became some of the most outspoken and persuasive proponents of repatriation in the American context. During the implementation phase of NAGPRA, however, native Hawaiian groups have been increasingly at odds with one another as to how, when, where, and by whose authority repatriations ought to proceed. These struggles have been expressed through words as well as deeds. In the former case, vituperation and accusations of cultural fraudulence have been hurled (e.g., Friesen 2001:163–64). In one example of the latter, objects have been sealed in a cave by one group against the wishes of others (Ayau and Tengan 2002; Johnson 2004). Such conflicts must be viewed in light of the political tumult of indigenous peoples on Hawai'i, with particular reference to the politics of sovereignty and the degree to which various groups align with or distance themselves from the policies, laws, and symbols of the nation-state. In any event, it does not suffice to gloss such complexities in the manner found in the introduction to a recent and influential volume, *The Dead and Their Possessions: Repatriation in Principle,*

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

Policy and Practice. Writing with reference to the above-mention cave dispute, the editors state, "Some groups opposed the burial of these funerary objects, arguing that they should be preserved for future generations. Those who rebury them consider that the wishes of the ancestors and traditional values necessitated this action. It seems that those who oppose the reburial of grave goods are concerned more with the preservation of cultural markers for the future and less with conforming to traditional ways of managing these objects" (Fforde, Hubert, and Turnbull 2002:10). While I appreciate the point regarding groups' divergent intentions, I find problematic the subtler moment of the quotation wherein one view of "tradition" is elevated above others, insofar as this entails reiterating rather than analyzing claims to tradition. One consequence of such a tendency is that it serves more to lend authority to one side of a dispute than it does to illuminate the dispute's ramifications.

Despite tensions and contradictions of the Hawaiian, Cheyenne, Ute, and Crow cases I have described, my view is that none of them constitute evidence that implementation of the law is failing because it has provoked moments of disagreement and fighting. Quite the opposite—that we are seeing struggle tells me that the law, the respective cultures, and democracy itself are alive and kicking. This is not to say that implementation of the law has been or will be problem free, particularly as native groups engage and challenge one another by invoking non-falsifiable religious claims. In this sense, repatriation disputes are paradigmatic of many sites of indigenous-on-indigenous conflict that have emerged in the awkward and often cramped spaces of multicultural laws. The unfortunate aspect of this dynamic is that non-native audiences are often bewildered by conflicting religious claims, which can lead to apathy and even cynicism.

As a caution to those who would rush to judgment with regard to the sorts of conflicts we have considered—and here I am particularly concerned with courts and other legal audiences—I would insist that narrative constructions emergent in these and other cases should not be viewed as somehow inherently less valid than apparently unproblematic cultural claims. Multiple narratives of identity and conflicting claims to authority do not cut against the "truth" of a culture—they constitute it. Of the many things we might say about "culture," it bears emphasizing here that it is an analytic term describing a domain of contestation over resources (both material and symbolic) within a framework of largely shared values and histories defined and constructed against those understood to be Other. And we want to note that Others include the Near-Other, as J. Z. Smith reminds us (2004). Near-Others are those close enough to one's own group to make making boundary distinctions matter. Whether announced with reference to Others near or far, narratives of identity give expression to and often cut across internal and external boundaries of "culture." The stories we have followed speak to this view of cultural life as vibrant and occasionally contentious process.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

Principled scholarship should insist on addressing the realities of cultural construction and conflict—in repatriation contexts as elsewhere—as they appear upon analysis, not as one might think others (e.g., courts, native representatives, museums, or the media) would be pleased to see them cast. But this leaves a serious issue to worry about. How should scholars address perceived abuses of repatriation rhetoric, particularly if one accepts my argument against "authenticity" as a political and analytical construct? I do not foresee how courts will wade through these issues as NAGPRA begins to receive tests, though indications are that they will raise constitutional concerns, particularly with reference to religious claims and the Establishment Clause of the First Amendment. As indigenous religious claims face judicial scrutiny it is reasonable to assume that their authenticity will be questioned. Hopefully courts will embrace a narrative view of religion in order to see the ways most repatriation stories convey sincere desires in response to harsh histories. But this is to expect too much, for the chains of "authenticity" are binding to all involved, at least as legal reifications and expectations of identity are currently configured. Loosening the seemingly impossible bonds of authenticity might begin with a shift in attention toward accountability. After all, repatriation laws have been put into place for this reason: to hold states and institutions accountable for their treatment of indigenous peoples' material heritage. Scholars and the media can help keep attention focused upon accountability, but I think courts will be most persuaded and hostile publics disarmed when they see native representatives emphasize accountability, not only to their communities, but within them as well.

As with all situations of potential conflict, a basic sense of fairness can go a long way here. A language for describing and modeling fairness needs to be developed in the repatriation context, preferably with recourse to dialogical frameworks that are more democratic in spirit than current contests over authenticity enable. For my part, I can extrapolate from my analyses to speak to matters of fairness in the repatriation context, however tentatively. Here my claims are weak, not strong. They amount to concerns over cultural bullying (from inside and out), the dangers of wounded pride, and the way authority constructed in repatriation contexts is put to use elsewhere and vice versa. In the cases we have considered, I cannot say that anyone strikes me as being guilty of these charges in a strong sense, though all of the primary speakers give me pause at moments. None of my anxiety at this level, however, causes me to think repatriation policies and politics are somehow not worth the effort people invest in them.

REFERENCES

Alexie, Sherman. 1992. *The Business of Fancy Dancing*. Brooklyn, New York: Hang Loose Press.

———. 2003. "What You Pawn I Will Redeem." *The New Yorker* 21 and 28 April:169–77.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

Allen, Chadwick. 2002. *Blood Narrative: Indigenous Identity in American Indian and Maori Literary and Activist Texts*. Durham and London: Duke University Press.
Ayau, Edward Halealoha and Ty Kawika Tengan. 2002. "Ka Huaka'i O Na Oiwi: The Journey Home." In, Cressida Fforde, Jane Hubert and Paul Turnbull, eds., *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*. London and New York: Routledge, 171–89.
Barkan, Elazar and Ronald Bush, eds. 2002. *Claiming the Stones, Naming the Bones: Cultural Property and the Negotiation of National and Ethnic Identity*. Los Angeles: Getty Research Institute.
Benhabib, Seyla. 2002. *The Claims of Culture: Equality and Diversity in the Global Era*. Princeton and Oxford: Princeton University Press.
Brown, Michael. 2003. *Who Owns Native Culture?* Cambridge and London: Harvard University Press.
Burke, Kenneth. 1961. *The Rhetoric of Religion: Studies in Logology*. Berkeley, Los Angeles, and London: University of California Press.
Carrier, James. 1992. *West of the Divide: Voices from a Ranch and a Reservation.* Golden, Colo.: Fulcrum Publishing.
Chapin, Frederick. 1892. *The Land of the Cliff Dwellers*. Boston: Appalachian Mountain Club.
Clemmer, Richard. 1994. "The Hopi Traditionalist Movement." *American Indian Culture and Research Journal* 18:125–66.
Collins, James. 1998. *Understanding Tolowa Histories: Western Hegemonies and Native American Responses*. New York and London: Routledge.
Coombe, Rosemary. 1993. "The Properties of Culture and the Politics of Identity: Native Claims in the Cultural Appropriation Controversy." *Canadian Journal of Law and Jurisprudence* 6:249–85.
Cordell, Linda and George Gummerman, eds. 1989. *Dynamics of Southwest Prehistory*. Washington, D.C. and London: Smithsonian Institution Press.
De Certeau, Michel. 1984. *The Practice of Everyday Life*. Steven Rendall, trans. Berkeley, Los Angeles, and London: University of California Press.
Fforde, Cressida. 2002. "Collection, Repatriation and Identity." In *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*. London and New York: Routledge, 25–46.
Fforde, Cressida, Jane Hubert, and Paul Turnbull, eds. 2002. *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*. London and New York: Routledge.
Fine-Dare, Kathleen. 2002. *Grave Injustice: The American Indian Repatriation Movement*. Lincoln and London: University of Nebraska Press.
Fitzpatrick, Peter. 1992. *The Mythology of Modern Law*. London and New York: Routledge.
Flynn, Johnny and Gary Laderman. 1994. "Purgatory and the Powerful Dead: A Case Study of Native American Repatriation." *Religion and American Culture* 4, 1:51–75.
Friedman, Jonathan. 1994. *Cultural Identity and Global Process*. London, Thousand Oaks, and New Delhi: Sage Publications.
Friesen, Steven. 2001. *Ancestors in Post-Contact Religion: Roots Ruptures, and Modernity's Memory*. Cambridge: Harvard University Press.
Geertz, Armin. 1997. *The Invention of Prophecy: Continuity and Meaning in Hopi Indian Religion.* Berkeley: University of California Press.
Gonzales, Angela. 1998. "The (Re)articulation of American Indian Identity: Maintaining Boundaries and Regulating Access to Ethnically Tied Resources." *American Indian Culture and Research Journal* 22, 4:199–225.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

Goodrich, Peter. 1990. *Languages of Law: From Logics of Memory to Nomadic Masks.* London: Weidenfeld and Nicolson.
Hall, Stuart. 1985. "Religious Ideologies and Social Movements in Jamaica." In, Robert Bocock and Kenneth Thompson, eds., *Religion and Ideology*. Manchester: Manchester University Press, 269–96.
Handler, Richard and Jocelyn Linnekin. 1984. "Tradition, Genuine or Spurious?" *Journal of American Folklore* 97:273–90.
Hobsbawm, Eric and Terrence Ranger, eds. 1983. *The Invention of Tradition*. Cambridge: Cambridge University Press.
Hoig, Stan. 1961. *The Sand Creek Massacre.* Norman and London: University of Oklahoma Press.
Johnson, Greg. 2002. "Tradition, Authority and the Native American Graves Protection and Repatriation Act." *Religion* 32:355–81.
———. 2003. "Ancestors Before Us: Manifestations of Tradition in a Hawaiian Dispute." *Journal of the American Academy of Religion* 71:327–46.
———. 2004. "Naturally There: Discourses of Permanence in the Repatriation Context." *History of Religions* 44, 1:36–55.
Jorgensen, Joseph. 1972. *The Sun Dance Religion: Power for the Powerless*. Chicago and London: University of Chicago Press.
Laclau, Ernesto. 2000. "Identity and Hegemony: The Role of Universality in the Constitution of Political Logics." In, Judith Butler, Ernesto Laclau, and Slavoj Zizek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*. London and New York: Verso, 44–89.
Laclau, Ernesto and Chantal Mouffe. 1985. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London and New York: Verso.
Li, Tanya Murray. 2000. "Articulating Indigenous Identity in Indonesia." *Comparative Studies in Society and History* 42:149–79.
Lincoln, Bruce. 1989. *Discourse and the Construction of Society: Comparative Studies of Myth, Ritual and Classification.* New York and Oxford: Oxford University Press.
———. 1994. "A Lakota Sun Dance and the Problematics of Sociocosmic Reunion." *History of Religions* 34:1–14.
———. 1996. "Theses on Method." *Method and Theory in the Study of Religion* 8:225–27.
Lofholm, Nancy. 2000. "Utes See 'Spirits' in Calamities." *The Denver Post* 28 July:1A, 7A.
Lowie, Robert. 1935. *The Crow Indians*. New York: Farrar and Rinehart, Inc.
McKeown, C. Timothy. 2002. "Implementing a 'True Compromise': The Native American Graves Protection and Repatriation Act after Ten Years." In *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*. London and New York: Routledge, 108–32.
McNitt, Frank. 1957. *Richard Wetherill, Anasazi: Pioneer Explorer of Southwestern Ruins.* Albuquerque: University of New Mexico Press.
Nabokov, Peter. 1967. *Two Leggings: The Making of a Crow Warrior*. New York: Crowell.
Native American Graves Protection and Repatriation Act. 1990. Public Law 101-601 (25 U.S.C. 3001).
Niezen, Ronald. 2003. *The Origins of Indigenism: Human Rights and the Politics of Identity*. Berkeley, Los Angeles and London: University of California Press.
NorthSun, Nila. 1999. "NAGPRA-Prayer Poem." *American Indian Culture and Research Journal* 23:187.
Opler, Marvin. 1940. "The Character and History of the Southern Ute Peyote Rite." *American Anthropologist* 42:463–78.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

Ortiz, Simon. 1999. *From Sand Creek.* Tucson: University of Arizona Press.
Povinelli, Elizabeth. 2002. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham and London: Duke University Press.
Pretty On Top, Burton. 1996. "Sharing Our Vision: An Open Letter." In, Wayne Teasdale and George Cairns, eds., *The Community of Religions: Voices and Images of the Parliament of the World's Religions*. New York: Continuum, 110–12.
Prucha, Francis Paul. 1984. *The Great Father: The United States Government and the American Indians*. Lincoln and London: University of Nebraska Press.
Review Committee. 1997. Official Transcript of the Thirteenth Meeting of the *Native American Graves Protection and Repatriation Act* Review Committee. National Park Service. Norman, Oklahoma, 25–27 March.
Ridington, Robin. 1993. "A Sacred Object as Text: Reclaiming the Sacred Pole of the Omaha Tribe." *American Indian Quarterly* 17:83–99.
Sahlins, Marshall. 1988. "Cosmologies of Capitalism: The Trans-Pacific Sector of 'The World System.'" *Proceedings of the British Academy* 74:1–51.
———. 1993. "Goodbye to *Tristes Tropes*: Ethnography in the Context of Modern World History." *Journal of Modern History* 65:1–25.
Scott, James. 1998. *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven and London: Yale University Press.
Smith, Anne. 1992. *Ute Tales.* Salt Lake City: University of Utah Press.
Smith, Duane. 1988. *Mesa Verde National Park: Shadows of the Centuries.* Lawrence: University Press of Kansas.
Smith, Jonathan Z. 2004. *Relating Religion: Essays in the Study of Religion*. Chicago and London: University of Chicago Press.
Stewart, Omer. 1940. "Culture Elements Distribution List: XVIII: Ute-Southern Paiute." *Anthropology Records* 6, 4. Berkeley: University of California Press.
Taylor, Charles. 2004. *Modern Social Imaginaries*. Durham and London: Duke University Press.
Teasdale, Wayne and George Cairns, eds. 1996. *The Community of Religions: Voices and Images of the Parliament of the World's Religions*. New York: Continuum.
Thomas, David Hurst. 2000. *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity*. New York: Basic Books.
Thomas, Nicholas. 1997. *In Oceania: Visions, Artifacts, Histories*. Durham and London: Duke University Press.
Thornton, Russell. 1998. "Who Owns Our Past? The Repatriation of Native American Human Remains and Cultural Objects." In, Russell Thornton, ed., *Studying Native America: Problems and Prospects*. Madison and London: University of Wisconsin Press, 385–415.
———. 2002. "Repatriation as Healing the Wounds of the Trauma of History: Cases of Native Americans in the United States of America." In, Cressida Fforde, Jane Hubert, and Paul Turnbull, eds., *The Dead and Their Possessions: Repatriation in Principle, Policy and Practice*. London and New York: Routledge, 17–24.
Tonkin, Elizabeth. 1992. *Narrating Our Pasts: The Social Construction of Oral History*. Cambridge: Cambridge University Press.
U.S. Senate. 1990. *Senate Report 101-473 on S. 1980*, "Providing for Repatriation of Native American Graves and the Repatriation of Native American Remains and Cultural Patrimony." 26 Sept.
Vizenor, Gerald. 1994. *Manifest Manners: Postindian Warriors of Survivance*. Hanover and London: Wesleyan University Press.
Walker, James. 1991. *Lakota Belief and Ritual*. Raymond DeMaille and Elaine Jahner, eds. Lincoln and London: University of Nebraska Press.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press

Warren, Kay and Jean Jackson, eds. 2002. *Indigenous Movements, Self-Representation, and the State in Latin America*. Austin: University of Texas Press.
Welsh, Peter. 1992. "Repatriation and Cultural Preservation: Potent Objects, Potent Pasts." *University of Michigan Journal of Law Reform* 25:837–65.
Wood, Nancy. 1980. *When the Buffalo Free the Mountains: The Survival of America's Ute Indians.* Garden City, N.Y.: Doubleday and Company, Inc.
Young, Richard. 1997. *The Ute Indians of Colorado in the Twentieth Century.* Norman and London: University of Oklahoma Press.

https://doi.org/10.1017/S0010417505000228 Published online by Cambridge University Press