



Chief Red Cloud



James Cook, Agate Fossil Beds National Monument.

In the Spirit of Old Friends: Reflections on Repatriation at Agate Fossil Beds National Monument, Nebraska

**by
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Introduction

In the late 1800's, Euroamerican Nebraska Territory frontiersman and rancher James Cook (Cook 1980, Meade 1994, NPS 1980) and Oglala Sioux Chief Red Cloud (Olson 1965, Paul 1997) met for common goals: to respect and learn each other's way of life and to preserve the artifacts of a threatened culture. Their mutual respect and friendship—unique to this time of rampant conflict between these two cultures—led to a major collection of American Indian artifacts now housed at Agate Fossil Beds National Monument and subject to ongoing government-to-government consultations under the Native American Graves Protection and Repatriation Act (NAGPRA; Fine-Dare 2002). Their friendship serves as a model for reflection on the repatriation and consultation process, including the necessity of establishing long-term networks with descendant communities, and the importance of mentors in this process.

In his last visit to Agate in early May 1908, Red Cloud presented James Cook a letter thanking him for his friendship and bequeathing him a painting that Cook had commissioned. In the letter Red Cloud expressed his need for his legacy to be remembered:

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I want you to always own and keep that picture-as long as you live, and then let your oldest son have it to keep. Then I am sure my children and their children can always go and look at the face of one of the last of the old Chiefs that lived before the white men came to take our lands and turn us from the old trails we had followed for so many hundreds of years. I will soon go to join my old friends and now on my last visit to you my friend I want to say through my nephew and interpreter Mr. Phillip Romero that in you I think my people will always find a true friend and I want them to listen to your words of council.

James Cook and Red Cloud adopted an ethic that was based on mutual respect and understanding and their friendship was extraordinary for times where historical and social forces emphasized tension and distrust.

In this paper, we use their friendship as a model for reflection on the experience of working with Native peoples and land managers on issues of repatriation. Historically, Native American peoples and archaeologists have had difficulties understanding each other, particularly when dealing with issues related to reburial or repatriation (e.g., Downer 1997). Contemporary dialogues have benefited from adopting strategies that seek alliances and recognize the validity of diverse viewpoints. The allegiance between Cook and Red Cloud and their legacy of respect is reflected in contemporary dialogues between land managers and Native peoples at Agate Fossil Beds National Monument.

Agate Fossil Beds National Monument: A Brief Introduction

Agate Fossil Beds National Monument (AGFO) is a U. S. Department of the Interior NPS unit located in the “Panhandle” of northwestern Nebraska, an area that is breathtaking in its beauty and starkness. The Monument was authorized in 1965 and includes 3,070 acres along the Niobrara River, of which 2,270 are federally owned and the rest are private. AGFO is open year-round and has about 17,000 visitors from around the world each year.

This region has historically been used by many Plains Indian groups including the Apache, Arapahoe, Arikara, Cheyenne; Crow; Dakota

Sioux, Kiowa, Lakota Sioux, Nakota Sioux, Omaha, Ponca, Pawnee, and Shoshoni. Euroamerican contact drastically changed the cultural and geographic makeup of this region.

AGFO attracts visitors who primarily come to explore the fossil beds and the museum's collections of Miocene fossils. Many visitors are surprised to learn that AGFO is also home to the Cook Collection, which includes some 500 nineteenth and twentieth century Native American artifacts. A portion of this collection is displayed in a beautiful exhibit that was created in consultation with the Oglala Lakota in the 1980's and '90s. In addition, the Monument maintains, interprets, and preserves the James and Harold Cook family historical documents and ephemera related to Native culture and history. This exceptional collection was donated to the NPS by James Cook's son, Harold Cook, after his death in 1963.

Setting the Scene: United States and American Indian Relations *James Cook and Chief Red Cloud*

James Cook was born in Michigan in 1857 and was known for "his marksmanship and fearlessness" (Meade 1990:5). In his youth Cook traveled extensively and worked as a hand on cattle drives, sold game and supplies to the railroad and worked as a guide for geologists exploring the Plains (Meade 1990). In 1879, Cook traveled to Nebraska to visit his friend Dr. Elisha B. Graham at his '04 Ranch,' located near the Niobrara River. The ranch attracted many paleontologists and fossil hunters interested in his fossil rich land. Cook met and would later marry Graham's daughter, Kate, and purchased the '04 Ranch,' renaming it 'Agate Springs Ranch'. Cook continued with the paleontological excavations at the fossil beds and invited numerous paleontologists to Agate to collect specimens for their museum collections (Meade 1990:6).

In 1876 Cook asked Baptiste "Little Bat" Garnier, an Indian scout at the Red Cloud Agency (33 wagon miles east of Cook's ranch), to introduce him to Chief Red Cloud. Cook wanted permission to collect fossils in Sioux territory (Meade 1990:3). Red Cloud, Makhpiya-Luta, the aging chief of the Oglala Lakota, lived at the Agency when he first met Cook but he and his band were soon (1878) moved to the Pine Ridge Reservation in South Dakota. Red Cloud is perhaps best remembered

for being the only Native American leader to direct a successful war against the United States. Red Cloud and his people prevented the United States Army from advancing the Bozeman Trail and forced the United States into a peace conference in 1868 (Viegas 2005).

From their initial meeting, Cook and Red Cloud set in motion a friendship that would span over thirty years. The Pine Ridge Agency was 95 wagon miles from the Agate Springs Ranch and the Lakota needed passes (Marks 1998) to leave the Agency area. Cook frequently got permission for Red Cloud and his entourage to visit Agate Springs Ranch. The Lakota traveled by wagon for several summer weeks each visit—where they could hold traditional cultural dances and ceremonies at the Ranch, feast on beef when desired, and practice their traditional crafts sitting under the cottonwoods. Those visits were usually accompanied by gift exchanges—food and shelter for quilled and beaded moccasins and vests,

...articles representing their old wild life, things that they had kept and treasured for many years. These they would present to father [Harold Cook], knowing that he would protect and value them as relics of days that were gone forever (Cook 1968:139).

The cross-cultural material exchange was an expression of the harmony and respect between these individuals and groups.

As Dorothy Cook Meade (1990:3; Harold Cook's daughter) notes:

Sioux and Cheyenne leaders came with their families, pitching their tipis on the banks of the Niobrara, hunting pronghorns with Cook, and talking for long hours. There were long talks, tales of olden times and dances around the campfire. Although most of the chiefs spoke no English, they communicated in sign language and through interpreters when Cook's grasp of their language failed.

This mutual esteem was exemplified in Harold Cook's leave-taking from the Agate Springs Ranch in September 1907, as described by his father (Cook 1980:207-208)

"[O]ur eldest son was leaving home to attend school in Lincoln, Nebraska. It was the first time in his life that he had ever been separated from his parents and home.

The Indians, who were encamped in their lodges about one hundred yards from the ranch house, knew that our son was leaving us. When the conveyance drove up which was to take him away, the old Indian women lined up on each side of the walk leading from the door to the driveway; and as my son passed between them, each woman gave him a handshake, and then all began to chant the songs which they sing when they part from their own kinsmen. When the carriage passed the Indian camp, all the men came out, dressed in the best they owned, old Red Cloud taking the lead. The aged chieftain took my son in his arms and held him close, placing his cheek against the boy's and patting his back, and he said: "I am an old man. Your father is my friend. I and my people will give you his name and think of you with good hearts." All the men came forward and embraced the boy, whose eyes by this time were dim with tears, as were those of a number of both the red and the white women who witnessed the scene."

The Cook Collection of American Indian artifacts, now housed at AGFO, reflects these many visits between Red Cloud's people and the Cook family from the 1880's through the early 1900's. Gifts included blankets, pipes, navel amulets, painted hides, clothing, parfleches, quillwork, and items from famous battles. James Cook cherished the collection, as did his son, Harold who displayed these items in the "bone room" so visitors could see this magnificent assemblage of American Indian artifacts (Meade 1990:12).

The Importance of This Relationship

The magnitude of James Cook and Red Cloud's friendship can only be understood by recognizing these turbulent times. By the end of the 19th Century, the US had a clear agenda: to assimilate the American Indian into the larger white society. This included the eradication of Indian culture, laws, lands, and languages. Earlier federal objectives, such as the Indian Removal Act of 1830, and the forced relocation of Indians to reservations, weakened the Indian nations. By 1887, the

US passed the General Allotment, or Dawes Act, which authorized the break-up of Indian reservations into individual allotments and the sale of “surplus” lands to white settlers. The U.S wanted to remove any vestige of ‘Indianness’ and force Indians to exchange their communal beliefs for the larger society’s individualistic ideology. After the Civil War the US was able to focus its full force and strength on westward expansion.

It is revealing that Chief Red Cloud, a warrior and a statesman and charismatic leader of the Oglala Sioux, relied on a Euroamerican rancher to preserve the legacy of his people. It is evident, though, that he had little choice. The ensuing deluge of Euroamericans overwhelmed the Plains communities and their lands. The Lakota nation wrestled with forced reservation life and was involved in numerous conflicts, including the Great Sioux War of 1876-77 (Paul 1997:7). By 1890, the Indian people were demoralized and defeated and had lost the fight against the United States. The massacre of nearly 350 Indians at Wounded Knee marked the “passing of the Indian frontier” (Utley 1984:257). The tragic and senseless 1890 slaughter of Sioux people at Wounded Knee, who had peaceably gathered for the Ghost Dance and hope of reviving their culture, signified the last hope for Indian people and the nadir of American Indian history. The assault on their cultures, their people, their lands, was now complete.

Yet, despite this acrimonious relationship with whites, Chief Red Cloud and his people respected and trusted Cook and considered him both an ally and a friend. It is in this spirit—the spirit of friendship – that the repatriation process at AGFO was undertaken. The tone of their interactions still resonates today in the ongoing and productive dialogues between land managers and Native communities.

Repatriation and Consultation at AGFO

Few issues between archaeologists and Native communities have been as heated as those surrounding repatriation.³ In 1990, the Native American Graves Protection and Repatriation Act (NAGPRA, 25 U.S.C. 3001), was passed by the U.S. Congress and signed into law to ensure sensitive treatment of Native American graves and associated grave goods. NAGPRA sanctions the repatriation—the return of—human remains, funerary objects, sacred objects, and objects of cultural

patrimony to tribes and organizations that can demonstrate lineal descent or cultural affiliation with the items subject to repatriation. NAGPRA “has fundamentally changed the way archaeologists and Native Americans interact” (Swidler et al. 1997:18). NAGPRA, though highly controversial in the ‘academy,’ has allowed for the inception of communication between constituencies. As Downer (1997:32) asserts, “archaeologists and Native Americans are beginning to discuss things and deal forthrightly with repatriation. Museums and curation facilities have not been stripped bare. Indians are seeing that archaeologists can be dealt with on this issue.”

The Consultation Process at AGFO and SCBL

In 1995 detailed inventories of material in the collections of Agate Fossil Beds and Scottsbluff (SCBL) National Monuments were included in a national mailing sent out to U. S. Native American tribes by the U. S. Department of the Interior Secretary. Mark Hertig, the AGFO Museum specialist, was responsible for these activities for both monuments and AGFO Superintendent Knudson continued in that joint effort after she moved to AGFO in 1996.

In 1996-7 a database was created by enrolled Crow Indian Yvonne Iron to describe the AGFO and SCBL Native American human remains and artifacts presumed to be sacred Native objects or items of cultural patrimony. Coincidentally, a bioanthropological description and analysis of the AGFO and SCBL collections’ human remains (except the “scalps”) verifying their Native American identity was completed by Moor-Jansen and Westcott (1999).

Hughes (1998) completed a cultural affiliation study of the AGFO and SCBL remains and noted that none of them (excluding the Klallam skull discussed below) could be associated with a specific Indian tribe. Therefore, he identified 31 tribes as being culturally affiliated with the northwestern Nebraska Panhandle landscape in which AGFO and SCBL were located, concluding that any or all of them could be affiliated with the remains. The tribes with whom the AGFO and SCBL landscape is affiliated include the Oklahoma, Fort Sill, Jicarilla, and Mescalero Apache; Northern and Southern Arapahoe; Fort Peck Assiniboine and Sioux; Northern and Southern Cheyenne; Cheyenne River, Crow Creek, Flandreau Santee, Lower Brule, Oglala, Rosebud, Santee, Spirit Lake,

Standing Rock, and Yankton Sioux; Northwestern Band and Wind River Shoshoni; Shoshone-Bannock; Shoshoni-Paiute; Comanche; Crow; Omaha; Nebraska and Oklahoma Ponca; Pawnee; Mandan-Hidatsa-Arikara; and Kiowa.

Within the AGFO collection five artifacts had been historically identified as “human scalps” with no verification of their human nature. In 1999 Knudson had these artifacts examined by the Laramie (WY) County Coroner to adjudge their human nature; four (NPS 2001b) were determined to be of human origin, which was confirmed by their associated historic records, and one was judged to be a decoration made of horse hair. There was documentation that two of these were affiliated with the Pawnee, one with the Blackfeet, and one with the Crow. The Pawnee and Blackfeet scalps were repatriated, but the Crow have declined to request the return of the scalp of a historic Crow member.

One Native American skull in the AGFO collections had been acquired by James Cook in the early 1900s from an antiquities shop in Seattle, Washington. Documentation associated with the skull stated that it had been found on Vancouver Island, BC. Because the historic Native American community associated with the BC find spot were Klallam Indians who live on both the Canadian and U.S. sides of the Juan de Fuca Strait, Knudson initiated consultation with the Lower Elwha Klallam tribe in Port Angeles, WA. The Lower Elwha requested repatriation of the skull, all appropriate legal documents were completed (NPS 2001a), and the skull was repatriated to the Washington state tribe in 2002.

In 1999 Superintendent Knudson initiated personal contact with the 31 AGFO/SCBL-landscape-affiliated tribes, beginning conversations with them about a future NAGPRA consultation event. This event would include discussion of the scalps present in the AGFO collections, but only as ancillary to the primary discussion about the other human remains in the AGFO and SCBL collections whose cultural affiliation was initially unclear.

In 1999, Dr. Margaret Conkey, Baird’s advisor and mentor, contacted the junior author, Dr. Ruthann Knudson, the Superintendent of AGFO and after some exchange Knudson invited Baird to serve as the NAGPRA Coordinator, under her direction and sponsored by the National Park Service (NPS) and the Student Conservation Association.

Baird followed up on the initial tribal connections made by Knudson

and responded to inquiries from both NPS employees and Tribes and gathered and reviewed supporting documents for consultations with the tribes on issues of reburial and repatriation, proposed archaeological research in the Monument and its effect on traditional cultural properties. Upon completion of this task, all supporting documents were distributed for review by tribal governments and plans were initiated for a meeting to be held where tribal representatives could discuss the monuments' NAGPRA-eligible collections and related issues with representatives from both AGFO and SCBL.

Legally appropriate representatives from each of the related 31 tribes were invited to consult and see the collections during a June 2-3, 1999 event at Fort Robinson State Park, Crawford, Nebraska, and AGFO. The NPS proposed to pay all travel expenses and honoraria for these Native participants. Of the invited tribes, 14 (Arapahoe; Cheyenne River Sioux; Crow; Crow Creek Sioux; Duck Valley Shoshoni-Paiute; Fort Peck Assiniboine and Sioux; Lower Brule Sioux; Northern Cheyenne; Ponca of Oklahoma; Ponca of Nebraska; Rosebud Sioux; Santee Sioux, Three Affiliated Tribes of the Arikara, Hidatsa, and Mandan; and Wind River Shoshoni;) sent representatives to the event. Because of a Siouan Intertribal Repatriation Memorandum of Agreement, three other tribes (Flandreau Santee Sioux, Oglala Sioux, Yankton Sioux) were represented at the meeting as well. What was important was the tone of these exchanges and the dialogue that continues today.

The Workshop, June 2-3, 1999

On June 2, 1999 representatives from the afore-mentioned 14 tribal groups met at Fort Robinson, Nebraska at a workshop designed to facilitate the development of inter-tribal consensus about how AGFO and SCBL should interact with tribal governments in compliance with the National Historic Preservation Act, Archaeological Resources Protection Act, NAGPRA, and other legal requirements and how to manage cultural resources within the monuments. The interactions between Monument and Tribal representatives were positive and productive. The workshop was designed to assist the Monuments in understanding and addressing the needs of the tribes. In this light, the focus was on productive exchanges. Although questions and concerns were raised, these were addressed amicably and with an emphasis

on respect. During these discussions the Lower Elwha skull in the collection was mentioned, as were the four scalps, and it was decided that these items were outside the purview of the current discussions about landscape-related materials.

On June 3, 1999, the group met at Agate Fossil Beds National Monument, where the attending tribes were able to view the NAGPRA-eligible remains and associated items. After this review and their own discussions, the tribes presented to the Superintendent of Agate Fossil Beds and Scottsbluff National Monuments a signed request for the repatriation of the human remains and associated funerary objects based on an assertion of joint cultural association. That request was subsequently agreed to by the Monument managers, that agreement being published in the Federal Register (NPS 2000) with a subsequent correction because of the genetic mis-identification of bone remains (NPS 2001b). A Repatriation Agreement was signed by Superintendent Knudson and all 17 tribes (NPS 2005) and is currently on file at AGFO awaiting implementation.

Working with Descendant Communities

Consultation and collaboration with Native groups is critical to building positive relationships and requires a long-term time investment and commitment from all involved for these relationships to be fruitful. Establishing a working rapport, built on mutual trust and respect for differing worldviews and opinions is vital for these relationships to evolve. Some may argue that they do not know how to take the initial steps—that the consultation process is too cumbersome, too difficult, or they lack the connections and resources necessary for consultation. Yet, as Ben Rhodd, a Potawatomi Indian (cited in Russell 1996:15) asserts, “all it sometimes takes is sitting down with the people you fear and talking with them on a human level. A lot of it is your approach as an individual.” At AGFO lines of communication were consistently being checked and rechecked and the tribes were consulted at all stages AGFO’s implementation of a proactive approach that included all tribal groups in all stages with all relevant material in the consultation process not only facilitated communication but also improved relations.

It is also essential that people new to the consultation process have mentors to help guide them in interacting with descendant communities.

In Baird's experience, working under the tutelage of a professional archaeologist and tribal members on these issues provided invaluable insight into the consultation process. Knudson's honesty and experience working with tribal groups on multiple levels provided an opportunity to explore the consultation process. A mentor is essential in helping resolve potential conflicts and many awkward moments can be avoided with their guidance.

Conclusion

It is increasingly clear that relations between archaeologists and descendant communities must be grounded in respect for these relationships to be fruitful. The repatriation and consultation process at AGFO is one example of how interactions between these two constituencies can be positive and productive. The legacy of James Cook and Chief Red Cloud was reflected in the contemporary dialogues between the AGFO and Tribal representatives with both sides coming together with patience and fortitude to work on these issues. We must continue to reflect upon our interactions and recognize that like James Cook and Chief Red Cloud, our discourse today may inform and structure future dialogues.

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