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The Power of the Tower: Contesting History at Bear Lodge/Devils Tower National Monument

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Reflective Essay

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Jan Conn lives alone, in the wooden home tucked into the hillside amid the aspen that she and her late husband Herb built in 1949. At the bend in her driveway, off a dirt road in the Black Hills of South Dakota, a hand-painted sign is nailed to a tree: "Please honk." The sign is to let her know that someone is coming: at ninety years old, her hearing is a little less than perfect, which is still above average for that age. Conn is small, barely five feet tall, and still sprightly: the result of her many decades of rock climbing, caving, and hiking. She wore a navy and green patterned sweater, blue jeans, red socks, and grey sneakers; Conn still walks several miles to her mailbox everyday. She sits with her knees tucked up to her chest with an ease and flexibility many sixty-year olds can no longer attain. Sixty-seven years ago, Conn was the first woman to climb and summit Bear Lodge/Devils Tower National Monument; four years after that, she and Jane Showacre made the first "manless" ascent there. But Conn says that if she were young nowadays, she doesn't think she would climb. "It's just too mainstream."

Given her nearly off-the-grid status, Conn was the most difficult to find out of all of those that I conducted oral history interviews with during the summer of 2015. Reaching out to her, and to the other rock climbers, National Park Service employees, Northern Plains tribal members, and historians that I interviewed was part of a year-long research process that involved innumerable hours spent in the Claremont Colleges Library, the University of Wyoming Library, and the Wyoming State Archives, as well as plenty of sunny afternoons on the back porches of my interview participants, listening to their stories of Bear Lodge/Devils Tower. I had come across the complicated history of this tremendous rock formation, located in northeastern Wyoming, by chance: I overheard a climbing partner discussing the Northern Plains tribal opposition to climbing at the Tower, and began cursory searches online and in the library's collections. During a class on American public lands with Professor Char Miller in 2014, the lack of public acknowledgement of the dispossession of Native Americans in the process of creating national parks had sparked my attention, and work in the Special Collections archives of the library revealed the extensive documentation and photography available to illuminate the complicated history of the American national parks. I felt that the situation at Bear Lodge/Devils Tower was a case study that could illuminate those issues in a more recent context.

A class on the practice and methodologies of oral history with Professor Harmony O'Rourke at Pitzer in 2015 expanded upon my research skills and methods.

These research experiences contained many practical lessons: I realized early on that this seemingly small case study was far too broad to be fully encompassed by an undergraduate thesis, let alone a semester-long project. By and large, this issue resolved naturally over the course of my summer 2015 research, supported by a Pomona College SURP grant: I could only drive so many hours and interview so many people in a summer – and others I worked through during long conversations with professors at the Claremont Colleges and the University of Wyoming. Conducting oral history research on such a topic confronted me with some of the ethical issues of the positionality of the researcher versus the participants, as well as the responsibility of the researcher to their participants versus to history. I acknowledged that I could not seek to represent the perspectives of the Northern Plains tribal members, due to my lack of background in their history and culture, and therefore shaped my thesis to focus on a critique of the narratives rock climbers promoted as to why they should be allowed to climb Bear Lodge/Devils Tower, and on the public process of creating a climbing management plan for the Tower. To access these narratives and this process, I obtained meeting minutes, newspapers, letters, and other primary sources from the National Park Service, and read through microfilm collections at the Wyoming State Archives, as well as relevant newspaper databases at the Claremont Colleges Library. I could not have written my thesis without the support of these institutions and the librarians and archivists who work there.

What I found was that many of the climbers, local whites, and National Park Service staff made reference to the history of the Tower while arguing their perspectives, but their comments lacked full historical context. Contextualizing and historicizing their arguments was a necessary part of the research, but this process also became part of my thesis: historicizing the arguments made by those who opposed any accommodation of tribal wishes voiced revealed the enduring erasure of the tribes from the monument's history. A text in the Claremont Colleges Library Special Collections – Colonel Richard Dodge's *The Black Hills* – provided a glaring example of this erasure, and was key to my understanding of the historical attitudes and more contemporary versions of history. Dodge, part of an 1875 expedition into the Black Hills, claimed that the Native Americans avoided the Black Hills entirely, and that they referred to the

Tower as “Bad God’s Tower.” This led him to call it “Devil’s Tower,” a name that is itself controversial.

Unfortunately, Native Americans and their histories are frequently left out of the narratives of American history – indeed often out of the relevant archives. Yet over the past few decades, scholars of American history have begun to integrate of these troubling elements into our national narrative. My research and resulting thesis led me to engage with this historiographical issue and exposed me to the numerous difficulties and rewards of researching and writing about tribal histories and issues. It led me from the Special Collections of the Claremont Colleges Library to government archives in Wyoming; from a milk crate of meeting notes under a climber’s desk to a drive along bumpy dirt road in search of Jan Conn.

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Research Project

“The Power of the Tower: Contesting History at
Bear Lodge/Devils Tower National Monument”

The Power of the Tower:
Contesting History at Bear Lodge/Devils Tower National Monument

Anna Marie Kramer

In partial fulfillment of a Bachelor of Arts Degree in Environmental Analysis,
2015-16 academic year, Pomona College, Claremont, California

Readers:

Dr. Char Miller, Environmental Analysis, Pomona College
Dr. Harmony O'Rourke, History, Pitzer College

Table of Contents

Acknowledgements	4
Notes	6
Acronyms	8
Introduction	9
Chapter One: Power and Place	25
I. Bear Lodge: The Tower and the Northern Plains Tribes	28
II. “Discovering” Devils Tower	34
III. The Designation of Devils Tower National Monument	38
IV. “A Rock Seemingly Built for Rock Climbing”	44
Chapter Two: Claiming the Tower	53
I. Of Crimps and Cracks: An Overview of Rock Climbing	55
II. National Park Service Management of Rock Climbing	57
III. The Work Group Meetings	63
Chapter Three: The Telling of Histories	78
I. The Right to Climb?	79
II. Climbing as a “Traditional” Use	88
Conclusion	96
Sources	100

Acknowledgements

It is a popular misconception that rock climbing is an individual sport. Images of climbers typically portray a single individual, alone on the wall, battling the rock and gravity. What such a classic depiction often fails to show is the belayer below, who is responsible for managing the rope and preventing the climber from falling to the ground. The belayer also provides advice and encouragement. Unless one is the rare individual who “free-solos” – ascending without the use of a rope – climbing is a sport built on relationships and teamwork. So it also goes for thesis writing. As a climber and as a thesis writer, I have many to thank.

First, I am tremendously thankful for my two readers, Dr. Char Miller and Dr. Harmony O’Rourke, for their mentorship, advice, and encouragement. Dr. Miller, as my advisor as well as my reader, introduced me to the field of U.S. environmental history and its many critiques. From tirelessly editing innumerable drafts, to providing endless caffeine, cookies, and heartening life advice, Dr. Miller has been instrumental in my growth as a student, and to this thesis. Dr. O’Rourke guided me through my first foray into oral history, with its complex methodologies, critical theory, and fascinating ethical questions. Her suggestions and editorial prowess have inspired many of the arguments made in this thesis, and constantly challenged me to dig further into the dynamics of power and culture within the writing of history.

Numerous other professors have influenced this thesis, through coursework, conversations, and advice. For their guidance I thank Dr. Bill Anthes, Dr. Zayn Kassam, Dr. Arash Khazeni, and Dr. Pey-Yi Chu. I also thank Abe Streep, my instructor in a Science and Environmental Writing course during the summer of 2015 at the University of Wyoming, for his support and editing.

I conducted a significant amount of the research for this thesis during the summer of 2015, supported by the Pomona College Summer Undergraduate Research Program, and thank the program for its generous assistance. A component of this research involved conducting oral history interviews, and I thank the participants who were willing to sit down and share their stories with this curious student. I especially thank Frank Sanders, who let me camp on his lawn for most of the summer, invited me into his home for meals, and gave me a tour of the Tower, his vertical home. I also thank Rene Ohms, the Chief of Resource Management at Devils Tower National Monument, for helping me to review the administrative records for the climbing management plan.

Finally, endless thanks go to my friends and family. Your inspiration, kindness, support, editing of drafts, belaying, and provisions of coffee and snacks helped me through this journey. You all reminded me that there is more to life than this thesis, and taught me, in the words of John Steinbeck, “now that you don’t have to be perfect, you can be good.”¹ I love and thank you.

¹ John Steinbeck, *East of Eden* (New York: Bantam Books, 1952), 517.

Notes

On terminology:

As of this writing, there is an ongoing debate over the name of Devils Tower National Monument. A number of members of the Northern Plains tribes, which have cultural and historical affiliations with the site, are pushing for “Devils Tower” to be renamed as “Bear Lodge,” a translation of one of the tribal names for the Tower. This is the third time a name change has been proposed or discussed since the mid-1990s. The politics surrounding the name of the Tower deserves another thesis entirely; it is therefore not the focus of this thesis and will be discussed only briefly.² I will use “Devils Tower National Monument” when referring explicitly to the National Park Service unit, and will use “Bear Lodge/Devils Tower,” or simply, “the Tower,” when referring to the place more generally. When individuals are quoted in this thesis, I retain the appellation they use.

There is also debate over the use of the terms “American Indian” or “Native American” to refer to the many nations of indigenous peoples of North America. Members of these communities themselves do not hold a unified opinion, which is understandable considering the immense diversity concealed by the broad terminology of “Native American” or “American Indian.” It is generally agreed, however, that individual tribal names should be used whenever possible, such as Lakota, Cheyenne, or Arapaho.³ Since it is frequently not possible to use such individual names when discussing the situation at Bear Lodge/Devils Tower, I instead use a regional designation – the Northern Plains tribes – to refer to the group of nations and tribes with

² For those interested in this subject more generally, I would recommend Mark Monmonier, *From Squaw Tit to Whorehouse Meadow: How Maps Name, Claim, and Inflamm* (Chicago: University of Chicago Press, 2006).

³ Arlene Hirschfelder, “What’s Correct? American Indian or Native American?” in *American Indian Stereotypes in the World of Children: A Reader and Bibliography*, ed. Arlene Hirschfelder, Paulette Fairbanks Molin, Yvonne Wakim, 2nd ed. (Lanham, Maryland: The Scarecrow Press, Inc., 1999), 27-30; Amanda Blackhorse, “Do You Prefer ‘Native American’ or ‘American Indian’? 6 Prominent Voices Respond,” *Indian Country Today Media Network*, published May 21, 2015, <http://indiancountrytodaymedianetwork.com/2015/05/21/blackhorse-do-you-prefer-native-american-or-american-indian-6-prominent-voices-respond>.

cultural and historical affiliations to the place. Again, when quoting individuals in this thesis, I retain the appellation they use.

On interviews

Between April and October of 2015, I conducted oral history interviews with seventeen individuals. Eight are current or former National Park Service administrators; six are rock climber; one is a tribal councilman for the Northern Cheyenne; one is a member of the Lakota Nation and a professor of History at the University of Wyoming; and one is a local historian and museum curator in Hulett, Wyoming. These interviews were conducted under the auspices of a spring 2015 course with Dr. Harmony O'Rourke on the methodology and practice of oral history, and a Pomona College Summer Undergraduate Research Program grant during the summer of 2015. The Institutional Review Board (IRB) of Pomona College granted an exemption for the project, file #04/10/2015AK-MP. Due to changes in the direction of this thesis, the majority of the interviews did not make it into the final draft. Interview participants named in this thesis gave me written permission to identify them.

Acronyms

AIM – American Indian Movement
AIRFA – American Indian Religious Freedom Act
AR – Administrative Record
CMP – Climbing Management Plan
DCMP – Draft Climbing Management Plan
DTNM – Devils Tower National Monument
FCMP – Final Climbing Management Plan
MSLF – Mountain States Legal Foundation
NPS – National Park Service
RMRO – Rocky Mountain Regional Office
TCP – Traditional Cultural Property

Introduction

Frank Sanders sits leaning forward with his elbows on his knees. His shirt, a faded red button-down, is left fully unbuttoned, exposing curly white chest hair. His hands are as scarred and weathered as the rocks he climbs, but are still limber enough to play jazz on the piano for the guests at his bed-and-breakfast. One hand gesticulates while he talks. The other hand cradles a cigarette and a mug of coffee, adorned with a Wyoming motif: cowboys, mountains, and Bear Lodge/Devils Tower, the 867-foot columned grey rock formation. His mangled jeans are rolled up above the ankles, exposing his toenails, recently painted a shiny maroon. Three small earrings hang from his left ear. Today he has wispy, short white hair, a tidy mustache, and a goatee, but he has been seen sporting a playful handlebar mustache and a shiny, clean-shaven head. Sanders and I sit talking in the yard outside his house, with a slackline strung between the two trees next to us and an overgrown garden a little past that. Bear Lodge/Devils Tower stands silent on the horizon less than a mile south of where we sit and talk, dominating the view from Sander's house. The Tower, from afar looking like a giant petrified tree stump, brought Sanders to this northeastern region of Wyoming nearly forty years ago. He occupies a plastic chair while I sit cross-legged on the grass, nervously flicking a tick from the strap of my sandal. We're talking to each other, but our bodies are angled towards the Tower, drawn to that otherworldly stone monolith.

I ask Sanders, a rock climber and climbing guide, about his successful attempt to climb the Tower for three hundred and sixty five days in a row, from July 4th, 2007 to July 4th, 2008. "Blessed are those who live out their dreams" – a Frank Sanders mantra – "and that was one of my dreams," he says. The stated purpose of the challenge was to raise money for a medical clinic on Pine Ridge Indian Reservation, and to call attention to the poverty and related issues on

Native American reservations. The effort, known as Project 365, involved Sanders climbing throughout June, the month during which the National Park Service (NPS) – the agency that manages Devils Tower National Monument (DTNM) – asks climbers “to voluntarily refrain from climbing...out of respect for American Indian beliefs.” I point this out to Sanders. He shrugs. “Three sixty five is three sixty five. So, and I have my convictions also. And June was my last month, of the twelve months. And it was a very spiritual experience, trust me.” He grins. “Hugely spiritual. Matter of fact I started on the Fourth of July. So June was a culmination of twelve months of yeah wow. And it was a glorious June.”⁴

Devils Tower, or Bear Lodge, as it is called by some Northern Plains tribes, is one of the premier rock climbing areas in the United States, with a vast multitude of long, sustained cracks running from base to summit that are conducive to a particular style of rock climbing, known as “crack” climbing. Until the 1980s, the Park Service and the American public considered the Tower to be strictly a geologic wonder and a haven for rock climbers, who made the pilgrimage from all corners of the United States and around the world to ascend the Tower’s columned sides. The Park Service managed the small park as a space for sightseers, local picnickers, and rock climbers. It was not until the 1980s, in response to the growing presence of Northern Plains tribes at the Tower, that the Park Service began to recognize that the Tower had an additional history, apart from that of its geology and the legacy of rock climbing. The Park Service came to understand that the Tower is also a culturally, spiritually, and historically significant site for more than twenty Northern Plains tribes, most notably the Kiowa, Crow, Cheyenne, Arapaho, Shoshone, and Lakota, and the connections of these peoples to the Tower dated back millennia

⁴ Frank Sanders, interview by Anna Kramer, June 7, 2015; National Park Service, Devils Tower National Monument, “Current Issues” park brochure, accessed September 10, 2015, <http://www.nps.gov/deto/planyourvisit/upload/current%20issues.pdf>.

before the white invasion of the Black Hills and the subsequent establishment of the Tower as America's first national monument.

The meanings and stories of the Tower for and from the Northern Plains tribes are as numerous as there are tribes associated with it. The Tower is featured in many of these tribes' oral histories, which use creation stories to explain its formation. The Tower has been, and continues to be, a site for Sun Dances, vision quests, fasts, sweat lodge ceremonies, and individual prayer. Some of the tribes, such as the Lakota and the Cheyenne, feel that rock climbing on the Tower is offensive to their cultures and traditions, and disrupts the rituals and ceremonies that occur there. The annual voluntary June climbing closure was the product of the Park Service negotiating between rock climbers, community members, and Northern Plains tribal members in the 1990s to achieve a balance between the competing claims to this sacred, and also public, space.

Between 1937, when the first true rock-climbing ascent of Bear Lodge/Devils Tower occurred, and 1977, no more than a thousand "climber days" – a measurement of one climber's day spent climbing at the Tower – occurred each year. That relatively small and manageable number skyrocketed in the late 1970s and 1980s, when nationally the sport of rock climbing exploded in popularity. The Tower attracts climbers' attention for its long, sustained cracks and unique, striking beauty. The Park Service has impressively detailed records on the number of climber days at the Tower, dating back to 1937, which show the slow development of climbing at the Tower until the late 1970s. In 1975, there were less than five hundred climbers annually at the Tower; by 1989, there were over five thousand climbers annually. More broadly, the number of rock climbers using various national parks, from Yosemite to Rocky Mountain, was increasing dramatically. The Park Service recognized that rock climbing needed to be managed

like any other user group for its impacts on the landscape and on the experiences of other users; in 1991 it directed all units with significant climbing activity to develop a climbing management plan.⁵

Two years later, Debbie Bird, the Superintendent at Devils Tower National Monument, called together a work group representing the many different groups with important connections to the Tower, including rock climbers, the Sierra Club, the County Commissioners, and representatives of several of the Northern Plains tribes. This was an advisory committee to Bird and other Monument staff who would make the final decisions regarding climbing management at the Tower. The work group considered a wide spectrum of alternatives, from a complete ban on climbing at the Tower, a mandatory June climbing closure, to unlimited and unregulated climbing. The group agreed upon June for the month of a closure, because June was understood to be a month during which certain especially significant tribal rituals and ceremonies, such as the Sun Dance, may occur.

The Final Climbing Management Plan (FCMP), released in February of 1995, included a voluntary June closure for recreational climbers and a mandatory June closure for commercial climbing guide operations; banned the use of new bolts and fixed pitons (types of climbing hardware permanently put into the rock face); created cultural interpretation programs about the connections of the Northern Plains tribe to the Tower; and implemented mandatory seasonal closures of certain areas for raptor nesting.⁶ The Access Fund, a nonprofit organization that works to protect access to climbing areas, represented climbers in the working group, and as part

⁵ Memorandum from Jim Brady, Chief, Ranger Activities Division, RMRO, to Chief Ranger, RMRO, April 28, 1992, in DTNM Climbing Management Plan Administrative Record, hereafter AR Vol. 3.

⁶ National Park Service, Devils Tower National Monument, "Final Climbing Management Plan / Finding of No Significant Impact," February 1995.

of the compromise it agreed to publicize the voluntary June closure and new regulations in climbing magazines and other outlets.

A small group of climbing guides objected to the plan and sued the Park Service in 1996, arguing that the plan was a government endorsement of a particular religion, and therefore a violation of the Establishment Clause of the First Amendment. Represented by the Mountain States Legal Foundation (MSLF), the plaintiffs in the case, *Bear Lodge Multiple Use Association v. Babbitt*, argued for an injunction against the FCMP. Objecting not only to the mandatory closure for commercial guiding operations, the plaintiffs argued that the voluntary closure was actually coercive because of the FCMP's statement that the voluntary nature of the June recreational climbing closure would be reconsidered if it was not deemed effective. Additionally, the plaintiffs argued that the cultural interpretation programs regarding the Northern Plains tribal cultures and histories at the Tower constituted a federal government endorsement of Native American religion, and resulted in an indoctrination of children who visited the Tower into the religious beliefs of Native Americans. The courts ruled in favor of the Park Service, but only after the FCMP was revised to exclude the mandatory June commercial closure.⁷

While most of the scholarly literature discussing the Bear Lodge/Devils Tower controversy focuses on the FCMP and the lawsuit – revealing key insights about the legal and political issues of sacred site management and the protection of traditional cultural resources – few scholars have addressed the negotiation and planning process that occurred prior to the publication of the FCMP and subsequent lawsuit. This thesis addresses this lacuna in the literature through a close analysis of the discourses of the work group participants and the public responses to these negotiations. Climbers, the Park Service, local white residents, and tribal

⁷ Lloyd Burton and Dave Ruppert, "Bear's Lodge or Devils Tower: Inter-Cultural Relations, Legal Pluralism, and the Management of Sacred Sites on Public Lands," *Cornell J.L. & Pub. Pol'y* 8 (1999): 227-30.

members all strove to establish the legitimacy of their particular claims to what is now legally a “public” space.

Rock climbers and local white residents made a number of arguments against various elements of the Climbing Management Plan (CMP) and other accommodations for tribal beliefs and wishes. One such argument sought to delegitimize the claims made by the Northern Plains tribes by claiming that there was not much, if any, tribal presence or activity at the Tower, until the 1980s and 1990s. Frank Sanders bluntly stated: “There was no Native presence at all, ok? Until, 1990s or so.” Similarly, a local rancher, whose family “goes back seven generations in Crook County and the ranching business,” claimed, “there really were no Native Americans here until they were invited by the Park Service.”⁸ Sue Skrove, the Administrative and Budget Officer for Devils Tower National Monument, confirmed this assessment to a point, saying that tribal use increased in the late 1980s, whereas previously their activities went unnoticed or did not occur, as some argue. But according to Native rights advocates like Dr. Jeff Means, an Associate Professor of History at the University of Wyoming and an enrolled member of the Oglala Lakota Tribe, tribal members did not visit, or make obvious their visits to, the Tower because tribes were prohibited from performing religious ceremonies and from reservations due to a series of regulations dating back to the nineteenth century, called the Civilization Regulations. “There’s that strong, cultural need to justify what you’ve done, in taking the Tower and the entire Black Hills away from the Lakota,” Means argued. “So when they say that there were no Natives around, they’re simply ignoring the reality of the situation.”⁹

The claim that tribal members were never present at the Tower, which implies that their claims to the space that should not be accommodated, demonstrates the need to understand the

⁸ Sanders, interview, April 10, 2015; Christopher McLeod and Malinda Maynor, *In the Light of Reverence*, Sacred Land Film Project, 2001.

⁹ Sue Skrove, interview by Anna Kramer, April 3, 2015; Jeff Means, interview by Anna Kramer, June 12, 2015.

historical foundations for the arguments made to assert control over the Tower. A careful study of the Administrative Record of the CMP, which contains thousands of relevant documents, meeting minutes, newspaper articles, and public comments, reveals that rock climbers, after realizing that the Park Service accepted the Northern Plains tribes' cultural and historical claims to the Tower as legitimate, began to borrow rhetorical strategies that tribal representatives employed to legitimize their own claims. When climbers asserted "climbing is like a religion," and "climbing is a traditional use of the Tower," they were appropriating language that tribal representatives had used to make their case. Some climbers, as well as local whites, sought to undermine tribal claims by challenging their legitimacy; many did so by denying the presence of Northern Plains tribal members at the Tower until the 1980s and 1990s. Further complicating the already labyrinthine discussions during the work group meetings, tribal representatives voiced concern about possible appropriation and exploitation of their culture and spirituality, mostly by whites. The Park Service was truly caught between a rock and a hard place, as it not only had to balance between two opposing claims to the same space but was also faced with claims by some tribal representatives that even some "Native" practices and persons were less legitimate than others.

Yet the difficult balancing act that the Park Service faced during the 1990s conceals the role of the agency, and by extension, the federal government, in controlling the discourses surrounding the Tower. The federal government was responsible for wresting the space of the Tower from its central place of cultural meaning and sovereignty for the Northern Plains tribes, and constructing it as a site that validated American national heritage. That is not to say the Tower ever lost its cultural significance for the Northern Plains tribes. Rather, the 1906 designation of the Tower as a national monument and the privileging of Euro-American histories

silenced the cultural and historic importance of the Tower for the Northern Plains tribes. As Akhil Gupta and James Ferguson argue in their influential paper, “Beyond ‘Culture’: Space, Identity, and the Politics of Difference” (1992), “states play a crucial role in the popular politics of place making and in the creation of naturalized links between places and peoples.”¹⁰

The role of the state in controlling the place of the Tower and its meanings are apparent in the court decisions on the Climbing Management Plan. Despite the rulings in favor of the Park Service’s accommodation of tribal beliefs and practices, legal scholars have been highly critical of the district court’s arguments: “Certainly not an enlightened path for the protection of the rights of religious minorities, the resultant opinion leads the law not into the future, but ties it to a repressive past.”¹¹ The bulk of the scholarly literature addressing the issues that arose at the Tower during the 1990s is focused on the *Bear Lodge* lawsuit, and discusses the legal arguments that various parties made while engaged in the controversy. These draw heavily upon a significant body of legal scholarship on the management of sacred sites and other cultural resources on public lands, and usually feature analyses of the applicability of the First Amendment’s religion clauses, on which the courts ruling on the *Bear Lodge* cases relied.¹²

¹⁰ Akhil Gupta and James Ferguson, “Beyond ‘Culture’: Space, Identity, and the Politics of Difference,” *Cultural Anthropology* 7 (1992): 12.

¹¹ Raymond Cross and Elizabeth Brenneman, “Devils Tower at the Crossroads: The National Park Service and the Preservation of Native American Cultural Resources in the 21st Century,” *Pub. Land & Resources L. Rev.* 18 (1997): 29.

¹² See Richard B. Collins, “Sacred Sites and Religious Freedom on Government Land,” *U. Pa. J. Const. L.* 5 (2003): 241-70; Patty Gerstenblith, “Identity and Cultural Property: The Protection of Cultural Property in the United States,” *B. U. L. Rev.* 75 (1995): 559-688; Sarah B. Gordon, “Indian Religious Freedom and Governmental Development of Public Lands,” *Yale L.J.* 94 (1985): 1447-71; Lydia T. Grimm, “Sacred Lands and the Establishment Clause: Indian Religions Practices on Federal Lands,” *Natural Resources & Environment* 12 (1997): 19-78; Sharon L. O’Brien, “Freedom of Religion in Indian Country,” *Mont. L. Rev.* 56 (1995): 451-84; Duane Suagee, “Tribal Voices in Historic Preservation: Sacred Landscapes, Cross-Cultural Bridges, and Common Ground,” *Vt. L. Rev.* 21 (1996): 145-224; Jack F. Trope, “Existing Federal Law and the Protection of Sacred Sites: Possibilities and Limitations,” *Cultural Survival Quarterly* 19 (1996): 30-5; Rebecca Tsosie, “Land, Culture, and Community: Reflections on Native Sovereignty and Property in America,” *Ind. L. Rev.* 34 (2001): 1291-312; Robert A. Williams Jr., “Large Binocular Telescopes, Red Squirrel Piñatas, and Apache Sacred Mountains: Decolonizing Environmental Law in a Multicultural World,” *W. Va. L. Rev.* 96 (1994): 1133-64; Anastasia P. Winslow, “Sacred Standards: Honoring the Establishment Clause in Protecting Native American Sacred Sites,” *Ariz. L. Rev.* 38 (1996): 1291-343; Marcia Yablon, “Property Rights and Sacred Sites: Federal Regulatory Responses to American Indian

Scholars generally agree that the First Amendment “may not be the most appropriate legal construct for determining whether to allow or protect Native American cultural activities on federal land.”¹³ Central to the critiques of the *Bear Lodge* ruling, as developed in Cross and Brenneman (1997), Bluemel (2005), Brady (1999), and Burton and Ruppert (1999) is the judge’s mischaracterization of all tribal activities at the Tower as religious. Brady cites Justice Brennan’s dissenting opinion in *Lyng v. Northwest Indian Cemetery Protection Association* (1988), a major case guiding federal action on the issue of sacred sites on public land: “for most Native Americans, ‘the area of worship cannot be delineated from social, political, cultur[al], and other areas o[f] Indian lifestyle.’”¹⁴

The numerous alliances formed during the *Bear Lodge* litigation with “mainstream” Western religious organizations demonstrate part of the weakness of the court’s reliance on the categorization of the tribal activities as religious. Eric Freedman (2007) discusses the legal alliances of Northern Plains tribes, the Park Service, and numerous Christian and Jewish organizations in strengthening the case for the Park Service’s climbing management plan for the Tower. Examining the implications of the Christian and Jewish organizations filing amicus briefs in support of the Park Service’s actions, Freedman exposes “the need to depend on ‘mainstream’ religious traditions to validate government policies that accommodate traditional Indian religious practices.” This dependence upon, and the failure of, the courts and land management agencies

Religious Claims on Public Land,” *Yale L.J.* 113 (2004): 1623–62; and Sandra B. Zellmer, “Sustaining Geographies of Hope: Cultural Resources on Public Lands,” *U. Colo. L. Rev.* 73 (2002): 413–519.

¹³ Erik B. Bluemel, “Prioritizing Multiple Uses on Public Lands After *Bear Lodge*,” *B. C. Envtl. Aff. L. Rev.* 32 (2005): 365.

¹⁴ Joel Brady, “‘Land Is Itself a Sacred, Living Being’: Native American Sacred Site Protection on Federal Public Lands Amidst the Shadows of *Bear Lodge*,” *Am. Indian L. Rev.* 24 (1999): 154, quoting *Lyng v. Northwest Indian Cemetery Protection Ass’n*, 485 U.S. 439, 460–61 (1988) (Brennan, J., dissenting).

to understand Native American activities as cultural, not solely religious, speaks to the fact that Native Americans are forced to argue their claims in the “Courts of the conqueror.”¹⁵

In a review published shortly after the District Court ruling, Cross and Brenneman (1997) focus on the applicability of the First Amendment’s Establishment Clause – “Congress shall make no law respecting an establishment of religion” – and argue that “Judge Downes’ historical error lies in a misapplication of the Establishment Clause as a means to analyze core Native American cultural practices using an alien system of laws and conduct.” Although the court upheld all components of the climbing management plan except the mandatory closure for commercial guiding operations, Cross and Brenneman, along with other scholars, take issue with the legal reasoning on which Downes’ based his decision. They point out numerous inconsistencies regarding the application of the various Establishment Clause tests, and issue a blistering indictment of Judge Downes’ ruling. Burton and Ruppert (1999), Brady (1999), and Bonham (2002) also criticize the use of an Establishment Clause framework to adjudicate the Climbing Management Plan for Bear Lodge/Devils Tower, not only on the basis of the issue of errantly categorizing the tribal activities as religious, but also due to inconsistent use of the various Establishment Clause tests.¹⁶

While the First Amendment’s religion clauses provide the main focus for these scholars, they additionally comment upon several key legal, and in one case, ecological, frameworks for understanding the management of climbing at the Tower. Burton and Ruppert (1999) argue that court’s reliance on First Amendment approach “is to say what the law is after having told only

¹⁵ Eric Freedman, “Protecting Sacred Sites on Public Land: Religion and Alliances in the Mato Tipila-Devils Tower Litigation” *American Indian Quarterly* 31 (2007): 3; Johnson v. M’Intosh 21 U.S. (8 Wheat.) (1823), at 588.

¹⁶ Cross and Brenneman, “Devils Tower at the Crossroads,” 29, 36; Burton and Ruppert. “Bear’s Lodge or Devils Tower,” 231; Brady, ““Land Is Itself a Sacred, Living Being,”” 155-63; Charlton H. Bonham, “Devils Tower, Rainbow Bridge, and the Uphill Battle Facing Native American Religion on Public Lands.” *Law & Ineq.* 20 (2002): 166.

half the legal story.” The “other half” that Burton and Ruppert refer to is the “trust responsibility doctrine,” which they argue that the courts and the plaintiffs of *Bear Lodge* failed to incorporate into their decisions and arguments. The “trust responsibility of the United States to its indigenous ‘nations within’” derives from Justice John Marshall’s ruling in *Cherokee Nation v. Georgia* (1831), in which he held that the tribes were “‘domestic dependent nations,’ with the relationship between the tribes and the federal government resembling that of a ‘ward to his guardian.’” While obviously problematic, given the long history of the federal government deciding that what was “best” for the tribes was forcible assimilation into white society, Burton and Ruppert note that this doctrine could be used in a more affirmative and accommodative manner. The “trust responsibility approach instead emphasizes the uniqueness of the federal government relationship to the tribes as semi-sovereign peoples rather than religious practitioners,” giving the tribes “a legal status apart from the general public.” The tribes are not “just another set of special interest groups,” Burton and Ruppert argue. While they note that the plaintiffs and the judges in *Bear Lodge* ignored this special relationship, they fail to address the fact that the CMP work group also did not heed the trust responsibility doctrine, by holding the tribal representatives as co-equal parties to climbers and the other representatives at the table.¹⁷

The trust responsibility doctrine emerged out of another problematic legal construct, the “doctrine of discovery.” Bonham (2002) focuses largely on the impact of the doctrine of discovery on the legal history of sacred site protection and in the context of *Bear Lodge*. This legal framework depended on Justice Marshall’s ruling in *Johnson v. McIntosh* (1823), in which Marshall effectively declared that “might makes right,” and that “the U.S. government gained title to Native American lands through its ‘discovery’ of America.... In other words, the ‘entry of

¹⁷ *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831); Burton and Ruppert, “Bear’s Lodge or Devils Tower,” 218-27, 231, 239.

the white man' extinguished all Native American proprietary land interests and claims."¹⁸

Bonham combines the force of the doctrine of discovery with the ecological principle of competitive exclusion, which theorizes that one group will compete with another for access to scarce resources, and that the more competitive group will exclude the other from the resource. The "realistic ramifications of the principle of competitive exclusion and the doctrine of discovery," Bonham asserts, "may lead to the limitation and diminishment of tribal access to sacred sites and decreased protection of their religious practices." Such a supposition obviously leaves little room for the possibility of a negotiated compromise between the groups with stakes in the limited resource at hand: the Tower.¹⁹

Yet a negotiated compromise *is* what happened at the Tower, to some extent. Burton and Ruppert's article addresses, if briefly, the manner in which the climbing management planning process was conducted, and looks positively upon the efforts of the Park Service to accommodate Native American cultural claims to the site.²⁰ It is important to note that Ruppert was a Park Service ethnographer who served as the facilitator for the CMP work group meetings, and thus brings important experience and an eyewitness account to the processes he and his co-author discuss. Burton expands on their shared work in his later book, *Worship and Wilderness: Culture, Religion, and Law in Public Lands Management* (2002). In this text, Burton frames various case studies of public lands with a discussion of Native American religions, cultures, and the importance of place to indigenous spirituality, as well as the conflicting and evolving Euro-American perceptions of wilderness and nature. His discussion of the legal battles over rights of access (or right to restrict access for religious purposes) is well grounded in a careful and

¹⁸ Bonham, "Devils Tower," 161-2, 173, 197. Burton and Ruppert also discuss the relations of the doctrine of discovery to the body of federal Indian law as it pertains to sacred sites on public lands. Burton and Ruppert, "Bear's Lodge or Devils Tower," 219.

¹⁹ Bonham, "Devils Tower," 161-2.

²⁰ Burton and Ruppert, "Bear's Lodge or Devils Tower," 212-216.

thoughtful discussion of various native traditions, the definitions of “culture,” “religion,” and “native,” and an emphasis on reconciliation through mutual accommodation.²¹

Approaching the issue from a thoroughly anthropological perspective, Heath Fire (1999) discusses the importance of the Tower to the Northern Plains tribes, and in particular to the Sioux Nation. He evaluates the claims made by various tribal members and representatives to the Tower, and examines why rock climbing is seen as offensive and defamatory. The presentation of the arguments from the Northern Plains tribes and the Park Service is valuable, particularly regarding the explanation of the multiple ways in which the Tower is sacred to the Lakota. Fire also discusses the possible reasons the tribes did not have much of a presence at the Tower for most of the twentieth century. He dismisses the arguments made by whites and climbers opposed to restrictions on climbing and to proposed name changes without analyzing and historicizing the arguments: “I became more, and more aware of the fact that most of the arguments against the June closure of Devils Tower are not always strong or reasonable.... I had hoped to give every side of the controversy unbiased coverage, but the Anglos against the name change and June closure do not have a valid case.”²² While this is perhaps an easy, obvious assertion for a liberally minded academic to make, it ignores the cultural, historical, and social rationale underlying such arguments.

David Kozak offers a more precise study of these arguments, through an ethnographic study of rock climbers and their encounters with traditional cultural properties (TCPs), a classification used to designate culturally important areas to the National Register of Historic Places. Kozak’s article begins with the question, “is rock climbing a right?” Interviewing

²¹ Burton, *Worship and Wilderness: Culture, Religion, and Law in Public Lands Management* (Madison: University of Wisconsin Press, 2002), 17-27.

²² Heath A. Fire, “Cultural Encounters of the Controversial Kind,” *High Plains Applied Anthropologist* 19 (1999): 34-46.

climbers at the Tower, the Grand Tetons, and Red Rocks, Nevada, Kozak demonstrates the diversity of opinion within the climbing community regarding their perceptions of Native American sacred sites, the act of rock climbing, and their rights to public lands. Additionally, he seeks to push back against what he sees as an “either-or conflict between climbers and Indians.” The article concludes that negotiated compromises between climbers and tribal members are the best means to resolve TCP-climbing issues, but in his discussion of the claims made by rock climbers to the Tower, Kozak poses difficult questions without really attempting to generate potential answers: “who is to say what constitutes cultural authenticity?... Are climbers consciously or unconsciously adopting a spiritual discourse as a strategy and as a way to legitimize their activities?... Does the climbing community represent a ‘genuine’ or ‘spurious’ culture? I offer no answers or conclusions to these questions.”²³ It is perhaps understandable why Kozak hesitated to interrogate these topics more fully, but his failure to correct the lack of understanding of the cultures and communities of rock climbing results in the absence of the historical foundations for the climbers’ arguments from the scholarly record.

Chapter One of this thesis provides this historical context for the arguments made by rock climbers, local white residents, the Park Service, and the Northern Plains tribes, and in particular focuses on the role of the nation-state in the placemaking of the Tower. It begins with an ethnohistorical discussion of the relationship between the Northern Plains tribes and the Tower, and moves chronologically through the “discovery” and violent colonization of the American West, the increasing presence of the nation-state in the subsequent designation of the Tower as a national monument, and the history of rock climbing at the Tower. This chapter relies heavily upon the few extant ethnohistories, and examines archival resources, Park Service literature and

²³ David L. Kozak, “‘Between a Rock and a Hard Place’: Rock Climbing and Traditional Cultural Properties.” *The Applied Anthropologist* 26 (2006): 170-1, 178.

records, and other government documents to examine the various histories and constructions of meanings of the Tower. There are unfortunately severe limitations to the ethnohistorical information available regarding the Northern Plains tribes and their affiliation with the Tower: a fact that speaks to absence of Native voices in the historical record, and to the reluctance of tribal members to share sacred stories and ceremonies with outsiders.

Chapter Two studies how the various meanings and histories of the Tower inform the discourse surrounding the 1990s climbing controversy. The focus here is on the CMP process, and in particular on the work group meetings, during which the Park Service negotiated a management plan with representatives from various Northern Plains tribes, the Sierra Club, climbing organizations, and the county government. Drawing upon the Monument's administrative record of the climbing management plan, newspaper articles, and oral histories from Park Service staff and administrators, this chapter highlights the processes of contesting history, identity, and meanings, of place as well as people. The discourses of power and legitimacy demonstrate how culture, in the words of Gupta and Ferguson, "[r]ather than simply a domain of sharing and commonality," is "a site of difference and contestation."²⁴

Chapter Three probes the broader public discourse surrounding the issue of climbing at the Tower. This section relies heavily on the Monument's administrative record, which contains extensive public comments and public meeting notes, and the media coverage of the issue. It will only examine the *Bear Lodge* case from the perspective of discourse analysis; the legal analysis of this case has been covered thoroughly by other scholars.²⁵

²⁴ Akhil Gupta and James Ferguson, "Culture, Power, Place: Ethnography at the End of an Era," in Akhil Gupta and James Ferguson, eds., *Culture, Power, Place: Explorations in Critical Anthropology* (Durham: Duke University Press, 1997), 5.

²⁵ See Bluemel, "Prioritizing Multiple Uses"; Bonham, "Devils Tower"; Brady, "Land Is Itself a Sacred, Living Being"; Burton, *Worship and Wilderness*; Burton and Ruppert, "Bear's Lodge or Devils Tower"; Cross and Brenneman, "Devils Tower at the Crossroads"; Allison M. Dussias "Cultural Conflicts Regarding Land Use: The Conflict Between Recreational Users at Devil's Tower and Native American Ceremonial Users," *Vt. J. Envtl. L. 2*

The Tower is a powerful place. Frank Sanders insists that the iconic monolith is “sacred to a lot of people.” He said: “I find people all over the world are attracted to that, to this place. And what is it, Anna? Is it a waterfall? Is it a growing blooming forest? Is it a river running by? No! It’s a chunk of rock! Is that amazing!” The “power of the Tower,” as Sanders refers to it, is evident to those that witness its solemn magnitude. But, as will become evident throughout this thesis, the Tower is far more than a spectacular natural wonder. It is also a site in which the discourses of “culture, power, and place” reveal how “the power of topography” is able “to conceal successfully the topography of power.”²⁶

(2001): 13–40; Freedman, “Protecting Sacred Sites;” and Jurgita Saltanaviciute, “Native American Sacred Sites: Battle for Protection” (master’s thesis, University of Wyoming, 2000).

²⁶ Sanders, interview, April 10, 2015; Gupta and Ferguson, “Culture, Power, Place,” 35.

Chapter One: Power and Place

A dark mist lay over the Black Hills, and the land was like iron. At the top of a ridge I caught sight of Devil's Tower upthrust against the gray sky as if in the birth of time the core of the earth had broken through its crust and the motion of the world was begun. There are things in nature that engender an awful quiet in the heart of man; Devil's Tower is one of them.

-N. Scott Momaday (Kiowa), *The Way to Rainy Mountain*²⁷

Bear Lodge/Devils Tower rears up out of the gentle softness of the rolling Black Hills of northeastern Wyoming in a truly awesome spectacle of geology. Rising from a small hill above a bend in the Belle Fourche River, the Tower stands 867 feet from base to summit, and is a mile in circumference at its base. It can be seen intermittently from a distance as one drives towards it, but the varied topography of this western portion of the Black Hills means that the Tower occasionally disappears from view. Approaching it from the south on Wyoming Highway 24 on a sunny June day, the motorist crests a tawny hillside, wrinkled with barbed wire fences, about five miles distant, and the Tower suddenly looms, providing a gray-green, monumental focal point in the midst of a rolling prairie-and-pines landscape. While geologists still debate the exact processes that formed the Tower, for our purposes it will suffice to understand that it is effectively a petrified remnant of the esophagus of an ancient, now eroded volcano. Deep within this volcano, a body of magma formed and solidified, and eventually erosion slowly wore away the volcano and surrounding rock, exposing the monolith that is now the Tower. The Tower is composed of a type of igneous rock known as phonolite porphyry: "phonolite" refers to the type of igneous rock, and "porphyry" refers to the crystalline texture, containing two different,

²⁷ N. Scott Momaday, *The Way to Rainy Mountain*, (Albuquerque: University of New Mexico Press, 1969), 8.

distinctive crystal sizes. The Tower is not hollow – imagine a bunch of pencils bundled tightly together – and the Tower’s columns – the metaphorical pencils – were formed during the process of the magma cooling, which produced cracks, known as columnar joints.²⁸

This is one explanation for the formation of Bear Lodge/Devils Tower. The geological creation story of the Tower is the version that Euro-Americans have sought as they encountered and continue to encounter the Tower, and the proclamation designating Devils Tower National Monument did so in recognition of its geological significance: it “is such an extraordinary example of the effect of erosion in the higher mountains as to be a natural wonder and an object of historic and great scientific interest....”²⁹ Another type of origin story exists that predates the geological explanation: the creation narratives of the various Northern Plains tribes with historical, cultural, and spiritual connections to the Tower. N. Scott Momaday, the Pulitzer Prize-winning Kiowa author, describes his tribe’s articulation of the Tower’s formation:

Two centuries ago, because they could not do otherwise, the Kiowas made a legend at the base of the rock. My grandmother said: Eight children were there at play, seven sisters and their brother. Suddenly the boy was struck dumb; he trembled and began to run upon his hands and feet. His fingers became claws, and his body was covered with fur. Directly there was a bear where the boy had been. The sisters were terrified; they ran, and the bear ran after them. They came to the stump of a great tree, and the tree spoke to them. It bade them to climb upon it, and as they did so it began to rise into the air. The

²⁸ Many thanks go to Dr. Eric Grosfils, Professor of Geology at Pomona College, for assistance in interpreting the geology articles on this subject. P. Zavada et al, “Devils Tower (Wyoming, USA): A Lava Coulee Emplaced into a Maar-Diatreme Volcano?” *Geosphere* 11 (2015): 354–75; C. Robinson, “Geology of Devils Tower National Monument, Wyoming,” *U.S. Geological Survey Bulletin* 1021 (1956): 289-302; L. V. Pirsson, “On Some Phonolitic Rocks from the Black Hills,” *American Journal of Science* 47 (1894): 341–46; C. E., Dutton and G. M. Schwartz, “Notes on the Jointing of the Devil’s Tower, Wyoming,” *Journal of Geology* 44 (1936): 717–28; “Geology of Devils Tower,” National Park Service, accessed November 15, 2015, http://www.nature.nps.gov/views/Sites/DETO/HTML/00G_Overview.htm.

²⁹ Proclamation No. 658, 34 Stat 3236 (September 24, 1906).

bear came to kill them, but they were just beyond its reach. It reared against the tree and scored the bark all around with its claws. The seven sisters were borne into the sky, and they became the stars of the Big Dipper. From that moment, and so long as the legend lives, the Kiowas have kinsmen in the night sky.³⁰

There are multiple ways to understand these different ways of knowing the Tower. Burton and Ruppert argue that we may read these origin stories as either “mutually incompatible accounts that cannot simultaneously be taken as true or correct,” or, “as mutually accommodative perspectives that can each be deemed valid within their respective realms of understanding.” The differing explanations represent “each culture’s attempt to ascribe meaning to and better understand the significance” of the Tower. The dominant culture – the Euro-American, Judeo-Christian, industrial-capitalist, and colonial culture – has decided that the geologic explanation is “true,” and has incorporated that scientific understanding of the Tower into its construction of this space as Devils Tower National Monument. The meanings imparted to this physical landmark reflect the tumultuous history of the West, and relationships of power and place. “The establishment of spatial meanings – the making of spaces into places,” note Gupta and Ferguson, “is always implicated in hegemonic configurations of power.”³¹

Those implications are deeply woven into the past and present of Bear Lodge/Devils Tower, as is revealed in this chapter on the histories of the relationships of various groups – Northern Plains tribes, Euro-American “pioneers,” the United States Government (and its agent, the Park Service), and rock climbers – to the Tower. These groups have always exerted varying levels of power, which is “the name that one attributes to a complex strategical situation in a

³⁰ Momaday, *The Way to Rainy Mountain*, 8.

³¹ Burton and Ruppert, “Bear’s Lodge or Devils Tower,” 202, 204; Gupta and Ferguson, “Culture, Power, Place,” 8.

particular society.”³² In the space of the Tower, and indeed, most of the American West, it is the nation-state that has wielded the greatest hegemony: over peoples, places, and the shifting meanings of both. This chapter examines the importance of the role of the nation-state in shaping the discourse surrounding and spatial meanings of the Tower, and discusses why and how the state’s relationship to, and the dominant culture’s discourse on, the Tower changed over time.

I. Bear Lodge: The Tower and the Northern Plains Tribes

The National Park Service states that the following twenty tribes have potential cultural affiliation with the Tower: Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation, Montana; Blackfeet; Blood (Canada); Confederated Kootenai & Salish Tribes of the Flathead Reservation, Montana; Cheyenne River Lakota; Crow; Crow Creek Lakota; Eastern Shoshone; Flandreau Santee Dakota; Lower Brule Lakota; Northern Arapaho; Northern Cheyenne; Oglala Lakota; Piikani (Canada); Rosebud Lakota; Sisseton-Wahpeton Dakota; Southern Arapaho; Southern Cheyenne; Spirit Lake Lakota; Standing Rock Lakota; The Three Affiliated Tribes (Mandan, Hidatsa, and Arikara); Turtle Mountain Chippewa; and the Yankton Dakota.³³

These tribes “shared the High Plains lifestyle of equestrian bison hunting and nomadic pastoralism,” leading to overlapping and shifting territories that at times included the Black Hills region and Bear Lodge/Devils Tower. These tribal territories shifted even further in response to the westward expansion of settlers, and today, some of these tribes are located on reservations

³² Michel Foucault, *The History of Sexuality*, vol. 1, trans. Robert Hurley (New York: Vintage Books, 1978), 93.

³³ George L. San Miguel, “How Is Devils Tower a Sacred Site to American Indians,” National Park Service: Devils Tower National Monument, last updated September 29, 2015, <http://www.nps.gov/deto/learn/historyculture/sacredsites.htm>.

that do not include traditional territories, such as the Kiowa on a reservation in southwestern Oklahoma.³⁴

Thus what Euro-Americans, like the artist George Catlin, upon arrival in the American West, mistook for a timeless, pristine landscape of “native Indians” and wilderness was in fact “a cluttered arena of cultural contest and transformation.”³⁵ The territorial movement of the Northern Plains tribes explains why such a large number of tribes have historical, cultural, and/or spiritual associations with the Tower. An ethnographic study commissioned by the Park Service, and conducted by Jeffery R. Hanson and Sally Chirinos of the University of Texas, identifies six tribes – the Crow, Kiowa, Cheyenne, Arapahoe, and Lakota – as tribes with particularly strong affiliations, relative to the other tribes listed above. The study discusses sacred narratives from these tribes about the Tower, most of which share a similar plot pattern: there is a bear chasing members of the tribe, who are saved by the formation of the Tower. In some stories the Tower begins as a tree stump, in others a rock; warriors are saved from the bear in the Cheyenne narrative, while children are the protagonists of the versions from other tribes. Most of the names given to the Tower by the affiliated Northern Plains tribes reflect the role of the bear in the Tower’s formation. The Crow call the Tower *Dabiche Asow*, “Bear’s House;” to the Cheyenne it is *Na Kovea*, “Bear’s Lodge;” the Arapaho refer to it as *Woox-niii-non*, “Bear’s Tipi;” and one of the numerous Lakota names for the Tower is *Mato Tipi* or *Tipila*, “Bear Lodge.” The Kiowa names, *T’sou’a’e*, “Aloft on a Rock,” and “Tree Rock,” as well as the Lakota name “Grey Horn Butte,” are the only names mentioned in the report that do not reference a bear.³⁶

³⁴ Jeffery R. Hanson and Sally Chirinos, “Ethnographic Overview and Assessment of Devils Tower National Monument, Wyoming,” *Cultural Resources Selections* (Intermountain Region, National Park Service), no. 9 (1997), 7-17; Burton and Ruppert, “Bear’s Lodge or Devils Tower,” 206.

³⁵ Mark David Spence, *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks* (New York: Oxford University Press, 1999), 16.

³⁶ Hanson and Chirinos, “Ethnographic Overview,” 7-23; Mary Alice Gunderson, *Devils Tower: Stories in Stone* (Glendo, Wyoming: High Plains Press, 1988), 31-57.

The majority of the narratives that Hanson and Chirinos discuss do not come directly from indigenous sources (Momaday is the exception): they have been mediated by Euro-Americans, through the translation of these stories into English and their preservation in writing by Euro-American writers, ethnographers, and historians. This is true more broadly of the available ethnographic information regarding the sacred nature of the Tower to the Northern Plains tribes, which is mostly limited to two sources: Hanson and Chirinos' 1997 study, and the collected works of Dick Stone, a white amateur anthropologist and historian from Gillette, Wyoming, who, out of his own interest, undertook the project of assembling legends and stories of the Tower from the Northern Plains tribes in the early 1930s.³⁷

It is therefore important to acknowledge the difficulties of corroborating the ethnohistorical information discussed here, and to note that, for contextual reasons and because of the power dynamics between this historian/ethnographer and his informants, we must treat this information cautiously. This issue of the positionality – the concept “that gender, race, class, and other aspects of our identities are markers of relational *positions* rather than essential qualities”³⁸ – of the historian/ethnographer and the informants is well demonstrated in the American context by revisionist critiques of a section of the New Deal’s Federal Writers’ Project, in which interviewers collected oral histories from thousands of former slaves. This project ran from 1936 to 1938, a time when “the stench of ‘strange fruit’ still lingered in the Southern countryside where many of the informants still resided.” This contextual information should alert readers of these oral histories to the fact that there were potential, if not probable, consequences to the

³⁷ Dick Stone, “History of Devils Tower; 1804-1934, (Northeastern Wyo—Indians Legends),” Microfilm Roll #0056-33-0193. Wyoming State Archives; Campbell, Walter Stanley (1877-1957) Collection, “Research correspondence ‘R-T,’” Box 109, Folder 7, Western History Collections, University of Oklahoma, Norman, Oklahoma; Dick Stone, *First Encounters: Indian Legends of Devils Tower*, compiled by Shirl (USA: Sand Creek Printing, 1982).

³⁸ Frances A. Maher and Mary Kay Tetreault, “Frames of Positionality: Constructing Meaningful Dialogues about Gender and Race,” *Anthropological Quarterly* 66 (1993): 118.

informants if they shared particular stories that upset the social order of the day, and thus the informants may have altered their narratives to protect themselves from retribution. Similarly, Stone's interviews were conducted in the early 1930s, a time when Native Americans had only recently been granted citizenship, were still unable to vote in many states, and the federal government was only beginning to reverse its policies that criminalized Native American ceremonial activities.³⁹

These complicated power dynamics also occurred in the Federal Writer's Project, as the interviewers working for the Federal Writers' Project to interview former slaves were mostly white Southerners, and "approached their work with their own beliefs and assumptions about slavery and its aftermath." There was a certain selection bias in whom these interviewers chose for informants "the most obsequious informants, 'good Negroes,'" most of whom "were old and impoverished in a rigidly segregated society," suggesting that "ex-slaves had told not what actually happened, but what their interviewers wanted to hear." Even following the interviews, mediation of the information occurred, as "many interviewers edited the informants' words, eliminating references they found indelicate, implausible, personally objectionable, or ideologically offensive." This is not to say that these recordings of the narratives of former slaves, as well as the records Dick Stone created from the narratives from tribal elders, are suspect to the point of being unusable: they must be read by the historian critically, cautiously, and with an eye to the positionalities of interviewer and informant.⁴⁰

³⁹ Robin D. G. Kelley, foreword to *Remembering Slavery: African Americans Talk About Their Personal Experiences of Slavery and Freedom*, ed. Ira Berlin, Marc Favreau, and Steven F. Miller (New York: The New Press, 1993), viii; Ira Berlin, Marc Favreau, and Steven F. Miller, introduction to Berlin, Favreau, and Miller, *Remembering Slavery*, xv; Lee Irwin, "Freedom, Law, and Prophecy: A Brief History of Native American Religious Resistance," in *Native American Spirituality*, ed. Lee Irwin (Lincoln: University of Nebraska Press, 2000), 295-304.

⁴⁰ Berlin, Favreau, and Miller, introduction to Berlin, Favreau, and Miller, *Remembering Slavery*, xvii-xx.

Among Stone's records, which largely consist of origin stories of the Tower, are typed notes from his 1934 interview with the Minneconjou Chief White Bull (1849-1947), during a celebration at Little Eagle, South Dakota.⁴¹ There are three separate accounts attributed to Chief White Bull in the manuscript; the interpreter for the first two accounts was a man named John Eagle Shield, and for the third account the interpreter was Chief White Bull's son, George White Bull. The three accounts agree upon the claims that during certain winters of Chief White Bull's life, his tribe and others had winter camps at Bear Lodge/ Devils Tower, and that the Tower belonged to the bands that occupied that portion of the Black Hills. There is a curious discrepancy, however, between the first and third accounts regarding the Sun Dance. In the first account, interpreted by John Eagle Shield, Chief White Bull reportedly said, "We did not worship this butte, we worshipped our God. We had our own worship called the Sundance near this place." The third account, translated by George White Bull, records the chief as having said, "I cannot remember the Indians having any Sundances at Devil's Tower."⁴²

Chief White Bull's short accounts also state: "*Mato Tipi* was an important place for the Indians. That Butte is well known by all Sioux Indians." Another statement takes issue with the Euro-American name for the feature: "If there had been such a thing as a Devil living there when the Indians were there all the Indians would be dead." And as for the rituals that occurred there, "only the honor men of the tribe were allowed to go to this place and pray. They would go for two or three days at a time and sleep on sagebrush beds and would not eat or drink for this period of time. Four days and nights was the longest that anyone stayed there for prayer." From this narrative it is unclear exactly which rituals occurred at the Tower – and it is possible that Chief

⁴¹ The Minneconjou are a subsection of the Lakota Sioux.

⁴² Stanley Vestal, *Warpath: The True Story of the Fighting Sioux Told in a Biography of Chief White Bull*, (Lincoln: University of Nebraska Press, 1984), v; Campbell, Walter Stanley (1877-1957) Collection, "Research correspondence 'R-T.'"

White Bull purposely obscured the details of the ceremonies because that was not information to be shared with an outsider – but what can be determined is that ceremonial activity did occur there during the Chief’s lifetime.⁴³

The Sun Dances, individual prayer, and vision quests mentioned in Chief White Bull’s narrative continue in the present day. Hanson and Chirinos’ report provides the sole contemporary publication on the ethnography of Bear Lodge/Devils Tower. The personal rituals conducted at the Tower include vision quests, sweat lodge ceremonies, and individual fasting and prayer. The Lakota Sioux are the only tribe that conducts group rituals at the Tower, in the form of Sun Dances and sweat lodges. As Hanson and Chirinos note, “accounts of traditional ritual activity within Devils Tower National Monument are somewhat vague and imprecise and, therefore, in need of improvement. However, it is clear that Native Americans are currently engaging in personal and group ritual activity within Devils Tower National Monument.” It is important to note, as do Hanson and Chirinos, that “the absence of written documentation does not mean the absence of a close relationship [of a tribe or tribes] to Devils Tower.” The lack of data at present may be largely attributed to the “cultural paradox” of the Park Service needing information on rituals and ritual sites in order to better protect and manage Bear Lodge/Devils Tower, but according to some tribal customs, the location of these sites and nature of the rituals should not be revealed to outsiders. “Thus, to provide needed data to the NPS to protect their religious interests, they risk behaving counter to their religion.”⁴⁴

It is impossible, as well as inappropriate, for outsiders to fully understand the sacred meanings of the Tower to the various Plains tribes. This paradoxical issue has led some local white residents and climbers to challenge the veracity of the historical, cultural, and religious

⁴³ Campbell, Walter Stanley (1877-1957) Collection, “Research correspondence ‘R-T.’”

⁴⁴ Hanson and Chirinos, “Ethnographic Overview,” xii, 23.

connections of the Plains tribes to the Tower. The issues of cross-cultural communication and understanding are highlighted by the difference between the geologic explanation and the Northern Plains sacred narratives. The geologic explanation and the Northern Plains tribes' sacred narratives can potentially illustrate "mutually exclusive" and irreconcilable means of understanding the Tower, or we may recognize them to be different ways of knowing the Tower, as created by a variety of distinct cultural groups.⁴⁵ Yet, as we will soon see, certain narratives and place meanings become silenced in the process of re-making the Tower from Bear Lodge to Devils Tower.

II. "Discovering" Devils Tower

The earliest known possible reference by a white person to Bear Lodge/Devils Tower is a crude map, produced most likely by a fur trapper between 1810 and 1814, indicating a "Devils Mountain" north of the Cheyenne River and east of the Little Missouri River's headwaters.⁴⁶ A series of military and scientific expeditions in the second half of the nineteenth century explored the Black Hills and encountered the Tower, if only from a distance. The first, the 1857 Warren Expedition, named for its leader Lieutenant G. K. Warren, was under orders to connect a military road from Fort Snelling, in St. Paul, Minnesota, to Fort Laramie in eastern Wyoming and South Pass City in southwestern Wyoming. Before being forced out of the Black Hills by a Sioux hunting party, Warren was able to obtain a glimpse of Bear Lodge/Devils Tower, and the nearby formation of the Little Missouri Buttes, through his spyglass. His maps refer to the Tower as *Mato Teepee* and *Bears Lodge*.⁴⁷

⁴⁵ Burton and Ruppert, "Bear's Lodge or Devils Tower," 202.

⁴⁶ Bear Lodge/Devils Tower is located in this region. *Ibid.*, 209.

⁴⁷ Jeanne Rogers, *Standing Witness: Devils Tower National Monument, A History*, (Devils Tower, Wyoming: Devils Tower National Monument, National Park Service, U.S. Dept. of the Interior, 2007), 22.

Two years later, the Yellowstone expedition, led by Captain William F. Raynolds and charged with exploring the Yellowstone River watershed, came across the Tower on July 18th, 1859. In his journals, Raynolds wrote, “Far in the distance, up the valley of the Sahyenne [Cheyenne], the eye also noted the singular peak of Bear Lodge, rising like an enormous tower, and, from its resemblance to an Indian lodge, suggesting the origin of its title.” Two days later, the expedition’s topographer and the Sioux interpreter went to find the Tower, reporting back “that it is, as [Raynolds] had supposed, an isolated rock upon the bank of the [Belle Fourche] river, striking only from the fact that it rises in a valley,” which obscured it from the view of those further away. A map contained within the report of one of the expedition’s geologists designates the Tower as “Bear Lodge.”⁴⁸

The next expedition to enter the Black Hills did so illegally. The Fort Laramie Treaty of 1868 had granted “absolute and undisturbed use and occupation” of the Black Hills to the Sioux Nation. In this treaty, the United States agreed, “no [white] persons...shall ever be permitted to pass over, settle upon, or reside in the territory described in this article.” As was the case with most of the treaties made by the United States with Native American Nations, the treaty was abrogated once the government realized the resource value of lands designated to the various Native American Nations under treaty. In the case of the Black Hills, an official 1874 announcement of the discovery of gold there provided justification for Major General George Armstrong Custer that year to lead an expedition of over a thousand men into the Black Hills to search for a possible site for a fort. The expedition is not recorded as having seen Bear

⁴⁸ W. F. Raynolds, *Report on the Exploration of the Yellowstone River*, (Exec. Doc. No. 77, 40th Congress, 1st Session, 1868), 32-3; Gunderson, *Devils Tower*, 61-3.

Lodge/Devils Tower, for it was obscured by smoke and haze from a nearby fire, but it is identified on the expedition's map as "Bear Lodge."⁴⁹

Following Custer's march, in the summer of 1875 the federal government sent a scientific expedition into the Black Hills territory to study the resources offered by this "unknown" and "uninhabited" wilderness. Lieutenant Colonel Richard I. Dodge led the military escort for the expedition. Dodge, like many military and scientific "explorers" of his day, kept detailed journals of the expedition, and first wrote of the Tower on June 10th, 1875: "To the North West, the huge form of the Bear Lodge Butte dwarfed every mountain in sight." Dodge returned to this entry later to annotate above the name, "(all wrong –) as we afterwards found."⁵⁰ In *The Black Hills*, Dodge's popular account of the expedition, published in 1876, he reports that the "Indians call this shaft 'The Bad God's Tower,' a name adopted, with proper modification, by our surveyors."⁵¹ Dodge's published account popularized the name "Devils Tower," calling public attention to this striking geologic feature, despite Dodge only devoting a small portion of his book to it. The main purpose of the text is to describe the potential resources of the Black Hills: soil, grazing lands, timber, game animals, and, importantly, gold.

In *The Black Hills*, Dodge wrote of his joy at being invited to lead the military escort for the expedition: "No one but a lover of the plains and plains life, and who has himself some of that passion for 'penetrating the unknown,' can realize all the pleasure with which the writer received his billet to be one of the expedition." This is not the only sexualization and feminization of the landscape that appears in the text. In describing the Black Hills, Dodge wrote, "Though many had, afar off, gazed in wistful wonder at the long black mass, no white

⁴⁹ Treaty with the Sioux Indians at Fort Laramie, U.S. – Sioux Nation, 15 Stat. 635 (April 29, 1868); Rogers, *Standing Witness*, 22.

⁵⁰ Richard Irving Dodge, *The Black Hills Journals of Colonel Richard Irving Dodge*, ed. Wayne R. Kime (Norman: University of Oklahoma Press, 1996), 76, hereafter *Black Hills Journals*.

⁵¹ Richard Irving Dodge, *The Black Hills* (New York: James Miller, 1876), 95.

man had ever penetrated their recesses, or bared the secrets hidden in their dark bosoms [sic].” Such an explicitly gendered and violent description of the landscape provided legitimacy to the white man’s efforts to control and take from the lands whatever he so pleased.⁵²

Dodge’s descriptions of the Northern Plains tribes and their presence in, or, rather as he portrayed it, their absence from, the Black Hills neatly dovetails with the gendered discovery-and-domination narrative he employed to introduce the Hills to his readers. Not only does Dodge proffer his opinion “that the Black Hills have never been a permanent home for any Indians,” but he also manages to trot out “an Indian named Robe Raiser,” who confirmed to Dodge that “the Indians had never lived here, and did not and would not live here now; that they did not want the country and would have sold or given it away long ago to the whites, but for the ‘squaw men’ about the reservations.” It is never mentioned to which tribe this particular individual “Indian” belonged. How remarkably convenient that this landscape was not only empty – contradicting Dodge’s earlier cautionary statement about mining parties traveling together in the Black Hills “for mutual protection against Indians” – but full of resources that were up for the taking by Euro-Americans.⁵³

Bear Lodge/Devils Tower was not a “resource” as Dodge understood the term, a fact demonstrated by the very brief treatment in *The Black Hills* of what he acknowledges is “one of the most remarkable peaks in this or any country.” The dearth of information about the Tower, even in the geology section of the text, is a result of Dodge’s intent to describe the available resources in the Black Hills, while simultaneously creating space for white “penetration” by constructing an “empty” landscape devoid of any tribes. The belief that the Northern Plains

⁵² Dodge, *The Black Hills*, 9-10; for more discussion of the gendered language of the conquest of the Western landscapes and Native Americans, see Carolyn Merchant, *Reinventing Eden: The Fate of Nature in Western Culture* (New York: Routledge, 2003).

⁵³ Dodge, *The Black Hills*, 114, 136-8.

tribes largely avoided the Black Hills supports Dodge's interpretation of a supposedly tribal name for Bear Lodge/Devils Tower, which he writes that they called "The Bad God's Tower." If this is a place where a "Bad God" resides, obviously the tribes would avoid it, or at least that seems to be Dodge's logic. This is the storyline that has passed down the name "Devil's Tower" through the generations and led to the proclamation of the first national monument in the United States as Devils Tower National Monument.⁵⁴

III. The Designation of Devils Tower National Monument

During and after these expeditions, the federal government expanded its efforts to colonize the Black Hills, known to the Sioux as *Paha Sapa*. In 1875 U.S. President Grant gave secret orders that the government would no longer honor the treaties by preventing white miners from entering the Black Hills, thus creating a pretext for the need to protect U.S. citizens by either purchasing the Black Hills, or forcibly removing the Sioux. Some Sioux leaders had set the asking price for the Black Hills at \$70 million; the government preferred the military option. The U.S. military forces began a campaign to remove the Sioux, most famously losing the Battle of Little Bighorn in 1876, but ultimately prevailing after attaching what would become known as the "sell or starve" rider to the Indian Appropriations Act: food and other rations would be cut off to the Sioux dependent on the Indian Agencies until the Sioux Nation relinquished the Black Hills. In 1876, agents of the government forced Sioux to sign a treaty that would be ratified and made into law in February of 1877. In the Act of 1877, the Sioux lost the Black Hills, and were allotted roughly 900,000 acres in what is now South Dakota; twelve years later, another treaty further reduced the land designated for the Sioux, and divided it into five reservations. *Paha*

⁵⁴ According to the National Park Service, the apostrophe was dropped in a clerical error. "Frequently Asked Questions," Devils Tower National Monument, National Park Service, accessed November 18, 2015, <http://www.nps.gov/deto/faqs.htm>.

Sapa now belonged to the U.S. government, and was managed by the U.S. General Land Office (GLO), which began selling parcels to homesteaders, miners, and other private interests.⁵⁵

In 1890, the GLO removed the “great national wonder locally known as the ‘Devils Tower’ technically called the ‘Bear Lodge Butte,’” from the lands considered available for settlement claims filed under the various Homestead Acts of the late nineteenth century. Upon the urging of Wyoming’s Senator Francis E. Warren, the GLO used the Forest Reserve Act of 1891 to place Bear Lodge/Devils Tower, along with the nearby Little Missouri Buttes, in an unnamed 60.5 square mile forest reserve. An investigation by the GLO reduced the size of the reserve to 18.75 square miles shortly thereafter. Senator Warren continued his efforts to protect the area, proposing to establish “Devils Tower National Park” with the introduction of Senate bill 3364 in 1892. After the bill’s referral to the Committee on Territories, no further action was taken, and the Tower, as well as the Little Missouri Buttes, remained a forest reserve until 1906.⁵⁶

That year, Colonel Dodge’s interpretation of the name for the Tower became the site’s official appellation with the designation of the monolith as Devils Tower National Monument. President Theodore Roosevelt used the newly-created Antiquities Act of 1906, which gave the president the power “to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments,” to establish Devils Tower National Monument as the nation’s first such site. The impetus for the Antiquities Act had been the growing scientific and popular interest in the indigenous antiquities

⁵⁵ Edward Lazarus, *Black Hills White Justice: The Sioux Nation Versus the United States, 1775 to the Present* (New York: HarperCollins Publishers, 1991), 83-94, 451.

⁵⁶ Rogers, *Standing Witness*, 32-3; Ray H. Mattison, “Devils Tower National Monument: A History,” *Annals of Wyoming* 28 (1956): 7; 52 Cong. Rec. 5,700 (July 1, 1892).

of the American Southwest, and concern over vandalism and pot hunting at these sites.⁵⁷

Roosevelt seized upon the possibilities that the Antiquities Act offered, and the text of his proclamation announcing Devils Tower National Monument makes it clear that the designation's focus was on the scientific value of the Tower: "...whereas, the lofty and isolated rock in the State of Wyoming, known as the 'Devils Tower,' situated upon the public lands owned and controlled by the United States is such an extraordinary example of the effect of erosion in the higher mountains as to be 'a natural wonder and an object of historic and great scientific interest and it appears that the public good would be promoted by reserving this tower as a National monument with as much land as may be necessary for the proper protection thereof....'"⁵⁸

The Antiquities Act was one of many legislative responses to the growing American belief that the frontier, a landscape that had fundamentally defined "America," was disappearing under the relentless push of westward expansion and development. The frontier, which was almost always viewed in retrospect, was understood as a space in which American identity could be constructed, in which those truly "American" values of individualism, hard work, self-sufficiency, and freedom could emerge. Out of nostalgia for the vanishing frontier, and out of fear that those values the frontier created would disappear with it, white Americans constructed the idea of wilderness. The nineteenth century fathers of the American conservation movement explicitly connected wilderness spaces with freedom (a particularly masculine sort of freedom), and argued for the preservation of wild places. Wilderness, preserved on our federal public lands,

⁵⁷ David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, "Introduction: The Importance of the Antiquities Act," ed. David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation* (Tucson: University of Arizona Press, 2006), 3; Ronald F. Lee, "The Origins of the Antiquities Act," in Harmon, McManamon, and Pitcaithley, *The Antiquities Act*, 20-32.

⁵⁸ Proclamation No. 658, (1906).

became the reconstructed frontier, in which Americans could continue to reenact “rugged individualism.”⁵⁹

Historian Frederick Jackson Turner was responsible for the most famous articulation of the frontier as an integral space for the development of America as a nation and American as an identity. His “frontier thesis,” set out in a paper delivered before the American Historical Association in Chicago in 1893, argued that the presence of the frontier “explain[ed] American development.” The frontier permitted America to gain independence from Europe, and “in the crucible of the frontier,” immigrants to this new land “were Americanized, liberated, and fused into a mixed race.” The frontier was the wellspring of democracy, individualism, and competency; “to the frontier,” Turner wrote, “the American intellect owes its striking characteristics,” including, “that buoyancy and exuberance which comes with freedom – these are the traits of the frontier....” Yet even in 1893, Turner wrote retrospectively: “the frontier has gone, and with its going has closed the first period of American history.”⁶⁰

One of the implications of its closing, William Cronon argues, is that because the frontier was viewed as “the source of American democracy and national character.... wild country became a place not just of religious redemption but of national renewal.” Turner’s contemporaries, Cronon writes, saw in the disappearance of the frontier the need for wilderness preservation: “...for if wild land had been so crucial in the making of the nation, then surely one must save its last remnants as monuments to the American past – and as an insurance policy to protect its future. It is no accident that the movement to set aside national parks and wilderness areas began to gain real momentum at precisely the time that laments about the passing frontier

⁵⁹ William Cronon, “The Trouble with Wilderness: or, Getting Back to the Wrong Nature,” *Environmental History* 1 (1996): 13.

⁶⁰ Frederick Jackson Turner, *The Significance of the Frontier in American History*, ed. Harold P. Simonson (New York: Frederick Ungar Publishing Co., 1963), 27, 30, 44, 51, 57-8.

reached their peak. To protect wilderness was in a very real sense to protect the nation's most sacred myth of origin."⁶¹

Thus the Tower, about which there are numerous myths and origin stories, became part of this national origin story. Devils Tower National Monument, along with Yellowstone, Yosemite, the Grand Canyon, and other national parks, monuments, and forests, was made into a place of American natural heritage, a process that erased any mention of these landscapes' significance to the indigenous nations and peoples that preceded the United States. In many cases, as we have already seen with the Sioux and the Black Hills, this process involved the violent removal of indigenous peoples from their ancestral territory and sacred landscapes.

Numerous scholars have examined the subject of the dispossession of Native Americans from national parks and other "wilderness" areas, problematizing "America's Best Idea." It is through this lens of dispossession that we may best understand the dynamics of power, culture, and place at Bear Lodge/Devils Tower. The historical literature has primarily focused on the large national parks, such as Yosemite, Yellowstone, Glacier, and Grand Canyon National Parks. This is especially apparent in Mark David Spence's 1999 book, *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks*, and in Karl Jacoby's *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (2001). Robert Keller and Michael Turek's *American Indians and National Parks* (1998) examines a wide variety of national parks, from Yosemite National Park in the west, Glacier National Park in the north, Everglades National Park in the southeast, and Canyon de Chelly National

⁶¹ Cronon, "The Trouble with Wilderness," 13.

Monument in the southwest. These texts provide a history of how the federal government and the Park Service have dealt with tribes living within and bordering national parks and monuments.⁶²

Glen Coulthard, a Professor of Political Science at the University of British Columbia and a member of the Yellowknives Dene First Nation, develops a theoretical framework for understanding the dispossession of indigenous peoples from their lands, using Marx's primitive – accumulation thesis, which describes “the violent transformation of noncapitalist forms of life into capitalist ones.” Coulthard introduces a few modifications to make the thesis more relevant to the situations faced by the First Nations in Canada, the area on which he focuses.

“Colonialism,” Coulthard writes, is “a form of structured dispossession,” a process which “forcefully opened up what were once collectively held territories and resources to privatization (i.e., the enclosure of ‘the commons’), which, over time, came to produce a ‘class’ of workers compelled to enter the exploitative realm of the labor market for their survival (i.e., proletarianization).”⁶³

The problem with Marx's original thesis, Coulthard argues, is that it “portrays primitive accumulation as a historically *inevitable* process that would ultimately have a *progressive* effect on those violently drawn into the capitalist circuit.” Dispossession was therefore a necessary evil, and Marx “seemed to justify the violent dispossession of place-based, nonstate modes of Indigenous economic, political, and social activity, only this time to be carried out under the auspices of the centralized authority of *socialist* states.” Coulthard points out to “those

⁶² Spence, *Dispossessing*; Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001); and Robert H. Keller and Michael F. Turek, *American Indians and National Parks* (Tucson: University of Arizona Press, 1998). Other notable works in this field include Peter Nabokov and Lawrence Loendorf, *Restoring a Presence: American Indians and Yellowstone National Park* (Norman: University of Oklahoma Press, 2004), and Patrick C. West and Steven R. Brechin, eds., *Resident Peoples and National Parks: Social Dilemmas and Strategies in International Conservation* (Tucson: University of Arizona Press, 1991).

⁶³ Glen Coulthard, “From Wards of the State to Subjects of Recognition?: Marx, Indigenous Peoples, and the Politics of Dispossession in Denendeh,” in *Theorizing Native Studies*, ed. Audra Simpson and Andrea Smith (Durham: Duke University Press, 2014), 58.

advocat[ing] a blanket ‘return the commons’ as a redistributive counterstrategy,” that “the commons belong to somebody – the First Peoples of this land.”⁶⁴ Many, if not most, national parks, monuments, forests, and other protected landscapes had been taken from indigenous peoples; they were dispossessed from their landscapes to make way for the new American, capitalist order. This is true not only of the landscapes that would become our public lands, but also of those lands that would eventually become privately owned. American public lands – “commons” created for the American public good – reflect Coulthard’s critique of Marx’s thesis: these “commons” originally belonged to the Native American nations and peoples.

The dispossession of the Sioux, and other Northern Plains tribes, from the Black Hills opened the landscape up for settlement, and for the federal government to designate a small – just over two square miles in size – national monument called “Devils Tower,” a “public” place for Americans to enjoy their heritage. This process erased the presence and silenced the voices of the Northern Plains’ peoples for whom Bear Lodge held, and still holds, strong cultural and historical meaning, enabling other groups of Americans, such as rock climbers, to create their own meanings of and relationships to Devils Tower.

IV. “A Rock Seemingly Built for Rock Climbing”⁶⁵

Most of the popular literature about rock climbing and mountaineering focuses on the glory stories and the elites, on epic climbs and first ascents. These are adventure stories, fantastic and gripping, but they can only tell us so much about the sport of rock climbing. Reading these stories “against the grain” reveals narratives of domination and “discovery” and of the power dynamics of race, gender, sexuality, and ability. Providing a broad framework for understanding

⁶⁴ Emphasis in original. Coulthard, “From Wards of the State to Subjects of Recognition?” 59-61.

⁶⁵ Steve Gardiner, “Tackling the Tower,” Devils Tower Climbing, accessed November 17, 2015, <http://www.devilstowerclimbing.com/towertales/tales1.html>.

the history and sociology of rock climbing in the United States is Joseph E. Taylor III's exhaustive study of the rock climbing in Yosemite National Park, titled *Pilgrims of the Vertical: Yosemite Rock Climbers and Nature at Risk* (2010). Taylor's work, providing a place-based analysis of the history and changing cultures of rock climbing, provokes numerous questions about the broader culture of climbing, and informs similar questions about climbing at Bear Lodge/Devils Tower.

Taylor delves extensively into the complicated history of Yosemite climbers, addressing gender and race, trespass on Native American reservations, environmental degradation, and the contradictions between the postulated ethics and situational ethics of rock climbing. Relying primarily on climbing literature, academic discussions of recreation, and the personal writings of rock climbers, Taylor notes, "a pastime long considered escapism [is] actually intensely engaged with the broader world."⁶⁶ This observation is important to remember when discussing Bear Lodge/Devils Tower, because the histories of rock climbing contain tremendous complexity, subjectivity, and hierarchies of race, class, gender, sexuality, and ability. The events and stories that comprise this section are largely the glory stories that form the popular history of rock climbing at the Tower. Like the ethnohistories and the dominant narratives of the "opening" of the American West, we must recognize in these narratives the assertions of power and identity inscribed upon this place.

Rock climbing "was once only a form of practice for overcoming the difficulties of mountain ascents;" it "has become a highly technical, specialized, and competitive recreational pursuit in its own right."⁶⁷ It cannot be understood as "only" a sport, because "sports are socially

⁶⁶ Joseph E. Taylor III, *Pilgrims of the Vertical: Yosemite Rock Climbers and Nature at Risk*. (Cambridge: Harvard University Press, 2010), 3.

⁶⁷ Lawrence C. Hamilton, "Modern American Rock Climbing: Some Aspects of Social Change," *The Pacific Sociological Review* 22 (1979): 286.

constructed in particular historical contexts,” and “the most revealing and significant features of sport and leisure subcultures are likely to be found in the tensions and conflicts that exist within them.” Rock climbers “seek their goals at considerable risk and cost while acting within the framework of a complex, important, and continually changing set of rules and norms.” Bruce Erickson critiques the emphasis on style in rock climbing by observing how it relates to conceptions of straight masculinity and “whiteness,” which “connects the identity of the participants to colonial geographies of exploration. Whiteness as a classification system is mobilized to legitimate who has the authority to explore and create knowledge.”⁶⁸ Climbing, and adventure sports in general, are fertile ground for sociologists, anthropologists, and historians. The inner workings of the subcultures of rock climbing are important for understanding the development of rock climbing at the Tower, and the reactions of climbers to the Park Service’s management of climbing there.

The Park Service regards rock climbing at the Tower as “a legitimate recreational and historical activity,” a distinction that shaped the agency’s efforts to manage climbing and likely influenced the courts’ decisions in *Bear Lodge* (1996-1999).⁶⁹ As an “extraordinary example of the effect of erosion,” the Tower possesses a unique geology that has attracted climbers since 1893. Two local ranchers, Willard Ripley and William Rogers, set their sights upon the summit, which Colonel Dodge had described as “inaccessible to anything without wings.” After failed attempts with makeshift “wings” – a kite to carry a rope up to and over the summit of the Tower – Ripley and Rogers developed a method of ascent relying, as modern climbers do, on the cracks

⁶⁸ David Robbins, “Sport, Hegemony and the Middle Class: The Victorian Mountaineers,” *Theory, Culture & Society* 4 (1987): 581, 587; Hamilton, “Modern American Rock Climbing,” 287; Bruce Erickson, “Style Matters: Explorations of Bodies, Whiteness, and Identity in Rock Climbing,” *Sociology of Sport Journal* 22 (2005): 374, 385.

⁶⁹ “Frequently Asked Questions,” Devils Tower National Monument, National Park Service, accessed November 18, 2015, <http://www.nps.gov/deto/faqs.htm>. See also Matthew S. Makley and Michael J. Makley, *Cave Rock: Climbers, Courts, and a Washoe Indian Sacred Place* (Reno: University of Nevada Press, 2010), 91.

between the columns of the Tower. The two made hundreds of wooden pegs, “24 to 30 inches in length and sharpened on one end,” and hammered them “into a continuous vertical crack found between the two columns on the southeast side of the giant formation. The pegs were then braced and secured to each other by a continuous wooden strip to which the outer end of each peg was fastened.” In all, the ladder was 350 feet tall; the men would scramble up the remaining portions of the Tower.⁷⁰

Rogers and Ripley finished the ladder in late June of 1893, and the two men prepared a grand public spectacle for their ascent of the Tower. Rogers printed handbills that were sent around the county, advertising for a Fourth of July celebration at the Tower, with the climb of the Tower as the main feature. “There will be plenty to eat and drink on the grounds,” exclaimed the handbill. “Lots of hay and grain for the horses. Dancing day and night. Perfect order will be maintained. The rarest sight of a lifetime will be observed, and the 4th of July will be better spent at the Devil’s Tower than at the World’s Fair.” An estimated seven to eight hundred people from around the region came for the festivities. On July 4th, 1893, carrying a large American flag and wearing an “Uncle Sam climbing suit – a white jacket with a red emblem and blue pants,” William Rogers formally summited the Tower and hoisted the flag.⁷¹ The symbolic “conquering” of the Tower by reaching its summit and there planting the Red, White, and Blue parallels the colonial domination of the landscape and an indigenous sacred space.

Two years later, William Rogers’ wife, Linnie, became the first known woman to reach the Tower’s summit. She climbed using the stake ladder in 1895. The last person to climb using the stake ladder was stuntman Babe White, the “Human Fly,” in 1927. He recommended to the

⁷⁰ Proclamation No. 658 (1906); Dodge, *The Black Hills*, 95; Mattison, “Devils Tower National Monument: A History,” 10; Rogers, *Standing Witness*, 34-6.

⁷¹ Mattison, “Devils Tower National Monument: A History,” 10; Rogers, *Standing Witness*, 37-8; Gunderson, *Devils Tower*, 81.

Monument that the ladder, having been exposed to the elements for over thirty years, be removed. Monument staff dismantled the lower portion to prevent others from attempting to climb the now rickety and worn stakes. Without the assistance of the ladder, the Monument records state that no other climbs happened for another ten years.⁷²

In 1936, Fritz Wiessner, a German-American rock climber noted for his first ascents in the Northeastern United States, sought permission from the Park Service to climb the Tower using technical rock climbing methods. The Park Service's Washington Office at first denied Wiessner's request to climb the Tower, but granted it upon second request for the following summer. In June of 1937, Wiessner, along with Lawrence Coveney and William House, made the first modern technical climbing ascent of the Tower, reaching the summit in roughly four and a half hours. The men used pitons, slender steel pins of varying sizes with eyelets at one end, which are driven into cracks in the rock and through which a carabineer may be clipped. A rope, tied around the waist of the climber, could be clipped into the carabineer, shortening the potential fall. The trio collected samples of plants and rock from the summit, as requested by the monument's superintendent, Newell Joyner. The route used by Wiessner and his companions is today a moderate, popular route amongst rock climbers: a 2006 climbing guidebook for the Tower refers to the Wiessner route as "a rock solid testimonial to the bold and adventurous style of that era."⁷³ A year after Wiessner's ascent, American climber Jack Durrance and his climbing partner received permission to climb the Tower, and made the second ascent. The "Durrance"

⁷² Mattison, "Devils Tower National Monument: A History," 10; Rogers, *Standing Witness*, 40; Gunderson, *Devils Tower*, 84-5.

⁷³ Gunderson, *Devils Tower*, 87-91; Rachael Lynn and Zach Orenczak, *Devils Tower Climbing* (Laramie, Wyoming: Extreme Angles Publishing, 2006) 104.

route, as it is known today, is a moderate and extremely popular route at the Tower, and is one of the “Fifty Classic Climbs of North America.”⁷⁴

Durrance would return to the Tower three years later, although for this occasion he climbed not to bring himself to the Tower’s summit but to bring someone else down from its lofty heights. In October of 1941, George Hopkins, a former pilot for the British Royal Air Force and a parachutist, was in Rapid City, South Dakota, to attempt a world-record setting number of parachute jumps in a single day. The nearby Tower attracted his attention, and he set out to parachute onto the top of the Tower as a stunt to publicize his world record attempt. On October 1st, Hopkins leapt out of a plane flying over the Tower, and successfully landed on its football-field sized summit. The pilot then passed over the summit again and dropped down ropes and other descending gear, but the gear missed and was caught by brush far down the side of the Tower, out of Hopkins’ reach.⁷⁵

Hopkins would end up spending six days on the Tower’s summit, with planes continually dropping food (including a steak), water, and warm clothing onto the summit, but efforts to assist his descent proved futile. His plight attracted national media attention, landing on the front pages of national newspapers and resulting in many letters from concerned citizens to the Monument providing suggestions as to how Hopkins could be safely rescued. Durrance, then at Dartmouth College in New Hampshire, sent word to the Park Service that he would head to the Tower immediately to assist with Hopkins’ rescue. Upon Durrance’s arrival, he and seven other climbers, including the renowned mountaineer and National Outdoor Leadership School founder Paul Petzoldt, ascended the Durrance route and helped Hopkins descend safely. Monument Superintendent Newell Joyner stated: “the National Park Service doesn’t welcome this kind of

⁷⁴ Steve Roper and Allen Steck, *Fifty Classic Climbs of North America* (San Francisco: Sierra Club Books, 1979), 140-6.

⁷⁵ Gunderson, *Devils Tower*, 110-121; Rogers, *Standing Witness*, 117-125.

publicity, but we are most grateful that we were able to get George safely to the ground.” He then hastened to add that “he would ‘take steps to prevent repetition of this sort of thing.’” The Hopkins event attracted a reported seven thousand visitors to the Tower during that week, in a year where 40,757 people in total visited the monument.⁷⁶

After the Hopkins rescue, the Park Service’s records of climbing at the Tower note that only four people climbed the Tower until 1948, when Jan Conn became the first woman to free climb the Tower. “At that time you practically needed an act of Congress to climb the thing,” Conn said in an interview. Conn and her husband, Herb, who climbed the Tower with her, “got a letter from Dick Leonard, who was president of the Sierra Club, you’d think that would mean something,” to vouch for their climbing abilities. “Then we needed an equipment check, and the closest climber was in Rocky Mountain National Park, in Colorado.” After an interview with the Monument Superintendent, Raymond McIntyre, the Conn duo was allowed to climb the Tower. “So when we finally got to the rock,” Conn said, “it turned out to be real nice climbing! We enjoyed it!”⁷⁷

Upon Jan and Herb Conn’s safe return to horizontal terrain, the couple were accosted by “curious tourists,” among whom was a “brawny Minnesotan,” who “turned to Herb and asked, ‘How does it work? Do you climb up to a ledge somewhere and then haul her up?’” Jan wrote: “Herb’s careful explanation was lost to me as I fumed inwardly at the stupidity of the human race and the quirk of fate that made me look like a pudgy school girl instead of a tall, strapping Amazon. At that moment I took a solemn vow that someday I would climb Devils Tower with

⁷⁶ Gunderson, *Devils Tower*, 110-121; Rogers, *Standing Witness*, 117-125; National Park Service, “Annual Park Visitation (1904-Last Calendar Year): Devils Tower National Monument,” accessed October 11, 2015, [https://irma.nps.gov/Stats/SSRSReports/Park Specific Reports/Annual Park Recreation Visitation \(1904 - Last Calendar Year\)?Park=DETO](https://irma.nps.gov/Stats/SSRSReports/Park%20Specific%20Reports/Annual%20Park%20Recreation%20Visitation%20(1904%20-%20Last%20Calendar%20Year)?Park=DETO).

⁷⁷ Climbing statistics from Devils Tower National Monument, with thanks to Chief of Resource Management Rene Ohms, and climbing ranger Ty Johnson, Devils Tower National Monument; Jann Conn, interview by Anna Kramer, June 5, 2015.

someone who couldn't possibly 'haul me up,' someone who wouldn't get all the credit for my straining muscles. If I could find another girl."⁷⁸

Jan Conn would find another female climbing partner in Jane Showacre, an equally small (both women were under five feet, two inches) climber from Washington, D.C. The two attempted the first "manless" ascent of the Tower on July 16, 1952. Showacre, according to Conn, had a tremendous appetite, and would "have a hammer in one hand, and a plum or something in the other." For their ascent of the Tower, Showacre and Conn brought along "food enough...for six people." At one point during the climb, Conn had to squirm and wiggle her way up a chimney – a space wide enough for a full body to be wedged between two rock faces – with the food pack on her back. As Conn completed that physically exhausting section and met Showacre, Showacre reportedly said, "Golly, I hope the oranges didn't get squashed." The two celebrated at the summit by "eating most of the food [they] had brought." Upon their return to the ground, the duo heard the inevitable sexist comment: "that climb must not be very hard if THEY can do it."⁷⁹

During these early years of climbing at Bear Lodge/Devils Tower, the number of climbers annually testing themselves against the rock monolith remained low, not reaching more than a thousand per year until the late 1970s. Then, as the sport of rock climbing grew in popularity in the 1970s and '80s nationwide, the number of climbers at the Tower exploded. In 1986, there were 4,373 "climber days" recorded at the Tower; five years later, 5,213 climber days. The number of climber days peaked in 1993, at 5,771. In 2014, the most recent data available from the Park Service, the number of climber days had decreased to 3,098. The Park Service has kept relatively meticulous records of climbing at the Tower by requiring that

⁷⁸ Jan Conn, "Manless Ascent of Devils Tower," in *No Limits But the Sky: the Best Mountaineering Stories from Appalachia Journal*, ed. Christine Woodside (Boston: Appalachian Mountain Club Books, 2014), 116.

⁷⁹ Jann Conn, interview, June 5, 2015; Conn, "Manless Ascent of Devils Tower," 119.

climbers register prior to and following their climbs, which provides a fascinating historical record of climbing at the Tower.⁸⁰

It is valuable to note the difference in available information regarding rock climbing at Bear Lodge / Devils Tower, and available information regarding the spiritual, cultural, and historical connections of the various Plains tribes to this sacred site. The primary source literature and oral traditions of rock climbing at the Tower are extensive; the available primary source materials regarding the indigenous connections to the Tower are extremely limited. The reasons for this are more than simply a factor of the proximity to the present in the historical record. The lack of available information speaks to problems of cross-cultural communication, rock climbers' greater access to the media, and the erasure of indigenous people's voices and presence from the historical record.

⁸⁰ The term "Climber days" is used instead of simply "climbers," because within a period of time, a climber may climb the Tower several times, and therefore registers with the NPS several times. The number 3098 – the climber total for 2014 – does not actually reflect the number of individual climbers, but rather, the number of "climber days." Climbing statistics from Devils Tower National Monument.

Chapter Two: Claiming the Tower

The National Park Service will manage recreational activities and settings so as to protect park resources, provide for public enjoyment, promote public safety, and minimize conflicts with other visitor activities and park uses.

-1988 National Park Service Management Policies⁸¹

Bear Lodge/Devils Tower was one of many national parks, monuments, and recreation areas to witness an explosion of rock climbing activities in the 1980s. Previously, “rock climbing was the pursuit of a fringe element in just a few isolated pockets. Climbers learned locally and developed their methods in response to the demands of a specific rock type.” Specific, localized communities developed, most famously in Yosemite National Park, as well as in the Shawanagunk Mountains in New York, at Tahquitz Rock in southern California, and the Tetons of Wyoming.⁸² Climbers in areas managed by the National Park Service did not go unnoticed and unmanaged before the early 1990s, especially in Yosemite, but the National Park Service did not begin directing agency-wide management of rock climbing until 1991. In the 1988 Management Policies, the Park Service mentions “mountain and rock climbing” as one of the many allowable recreational activities on park lands, but does not discuss them further.

The climbing scene grew and changed dramatically in the 1980s, partially as a product of new gear and climbing technology that made climbing safer, and therefore, permitted climbers to try increasingly difficult routes that were seen as impossible by earlier generations. An explosion of indoor rock climbing gyms, which allowed climbers to train year round, facilitated the entry of many newcomers. There was also a cultural shift facilitated by the changing gear technology

⁸¹ National Park Service, *Management Policies* (December, 1988): 8:2.

⁸² Don Mellor, *American Rock: Region, Rock, and Culture in American Climbing* (Woodstock, Vermont: The Countryman Press, 2001): 13.

and climbing gyms, from climbing focused more on the “adventure” of the route, to climbing focused on sheer gymnastic difficulty. The expanding participation in, and impacts of, rock climbing eventually forced the Park Service to develop climbing-specific management plans for each park with intensive climbing activity, including Bear Lodge/Devils Tower.⁸³

I. Of Crimps and Cracks⁸⁴: An Overview of Rock Climbing

Rock climbing, like most pursuits, has its own jargon, which must be understood before we can understand the 1980s popularity boom of climbing and some of the issues the Park Service faced in managing climbing in its units. Nowadays there are countless climbing guidebooks, histories of climbing, and how-to books, even *The Complete Idiot’s Guide® To Rock Climbing*, but you would be hard pressed to find a rock climber who learned everything out of a book. “Despite all the printed words, mountaineering is still an oral culture performed and reproduced in small circles around the globe.”⁸⁵ This also holds true for climbing, a highly related pursuit. It is a sport, a practice, learned from other climbers, creating a vibrant subculture reliant upon other members and on magazines such as the *American Alpine Journal*, *Climbing*, and *Rock & Ice*. Today there are, generally speaking, four types of rock climbing: aid climbing, traditional climbing, sport climbing and bouldering.

Aid climbing is the oldest of the four, if we set aside the fact that humans have scrambled on, around, and up rocks for most of our species’ existence. Aid climbing is a technique that relies on gear to ascend a rock face, as well as to protect in case of a fall. Originally, and to some extent still to this day, aid climbing depended upon the use of pitons. Pitons are slender steel

⁸³ Mellor, *American Rock*, 32-9.

⁸⁴ A “crimp” is a very small handhold on a rock face; a “crack” is a split in the rock face.

⁸⁵ Stefani Jackenthal, *The Complete Idiot’s Guide® To Rock Climbing* (Pearson Education, Inc.: 2000); Taylor, *Pilgrims of the Vertical*, 356.

pins, of varying widths and lengths, with an eyelet at one end. The end opposite to the eyelet is pounded into a crack or crevice in the rock until it is secure. A carabiner is clipped through the eyelet, and one of the climber's "aiders" – like a small rope ladder, roughly five to six feet in length – is clipped to the carabiner. The climber moves as high as possible on the steps of the first aider, and then pounds in another piton, to which he or she attaches the second aider. The climber steps from the first to the second aider, clips the rope – one end is attached to the climber, the other to the belayer below – into the first piton, and repeats. Aid climbing is often required on "big wall" climbs, such as Yosemite's El Capitan and Half Dome, as well as for several routes on Bear Lodge/Devils Tower.

"Free" climbing – which includes "traditional" and "sport" climbing – is typically contrasted with aid climbing. Whereas aid climbing utilizes gear to ascend a rock face, free climbing utilizes gear, or "protection," only to protect in case of a fall. In free climbing, climbers must ascend using only their bodies.⁸⁶ This is most likely what the average non-climber envisions when thinking about rock climbing. In "traditional" free climbing, referred to colloquially as "trad" climbing, the climber uses pieces of gear that fit within cracks in the rock face. This type of gear includes pitons, but over the course of the latter half of the twentieth century, other forms of traditional gear have been introduced, such as hexes, nuts, and camming devices, or cams. This type of gear fits into a crack, either actively in the case of cams, or passively in the case of nuts, and acts as a wedge. Like the piton, a carabiner is attached to the end of the piece of gear protruding from the rock face, and the rope is clipped into the carabiner. Traditional climbing is largely limited to "crack" climbing areas, such as Bear Lodge/Devils Tower, Indian Creek in Utah, and the Shawanagunks in New York. Traditional climbers often

⁸⁶ Hands, feet, arms, knees, hips, and even heads are all tools in free climbing. Free climbing needs to be distinguished from what is known as free soloing. Free climbing typically uses a rope; free soloing is simply the climber and the rock, without a rope and gear to protect in case of a fall.

tout themselves as “clean” climbers: the gear they use for protection in the rock face can be removed easily, and typically does not scar the rock face. This is in contrast to bolts, a tool associated with sport climbing.

Sport climbing began to explode in the 1970s and 1980s in the United States. European climbers, with big limestone pocketed walls in France and other areas, had developed sport climbing techniques long before the American climbers, and it was only somewhat begrudgingly accepted in the American climbing world prior to the ‘70s and ‘80s. Sport climbing relies on bolts, which can be drilled into smooth rock faces, again with an eyelet on the protruding end through which a carabiner could be clipped. Sport climbing is more gymnastic, requires much greater finger strength, and aligns itself well with indoor rock climbing gyms. The most recent addition to the climbing world, bouldering, has similarly attracted hordes of new climbers, and fits well within the indoor gym setting. Bouldering, which usually involves routes that are less than twenty feet tall, is done without ropes or protection. A “boulderer” uses only shoes and a thick mat below, known as a crash pad.

Traditional climbers often disparage sport climbing for its focus on gymnastic difficulty rather than on adventure, and for what may be seen as a violation of the clean climbing ethic. Bumper stickers reading “Sport climbing is neither,” may still be seen at climbing areas dominated by traditional climbers. Clean climbing was, and is, touted as a more spiritual, respectful approach: in 1972, climber Doug Robinson wrote, “Clean is climbing the rock without changing it; a step closer to organic climbing for the natural man.”⁸⁷ The explosion of bolted routes, seen by some to be defacing the rock, became a critical point for land managers to tackle, and some environmental organizations, such as the Wilderness Society, frowned upon the

⁸⁷ The debates over clean climbing are explored more fully by Joseph E. Taylor III, in *Pilgrims of the Vertical*; Doug Robinson, “The Whole Natural Art of Protection,” Chouinard Catalog, 1972, quoted in Mellor, *American Rock*, 41.

proliferation of bolting. A September, 1989 letter from the Assistant Director of the Wilderness Society's National Parks Program (who, judging by the tone of the letter, may as well have been a traditional climber), to the Associate Director of Park Operations of the Park Service described the growing use of bolts at the City of Rocks in Idaho: "Climbers at 'the City' estimate that the number of bolts in the rock has grown tenfold in the last two years due to the increasing popularity of sport climbing.... sport climbers like to bolt routes so they can 'lead' flashy rehearsed climbs to impress their friends. Some of the climbers apparently feel they have a right to bolt and climb indiscriminately without regard to damage to the rock."⁸⁸ Despite the opposition, the ranks of sport climbers grew, and rock climbing became an increasingly popular sport, although it was certainly still at the fringe of American recreational pursuits.

II. National Park Service Management of Rock Climbing

The National Park Service manages many of the most popular rock climbing areas in the western United States, including Yosemite National Park, Joshua Tree National Park, Grand Teton National Park, Rocky Mountain National Park, Colorado National Monument, City of Rocks National Reserve in Idaho, and Devils Tower National Monument. Climbing areas in the eastern United States, such as the Red River Gorge, the Shawanagunks, and the Adirondacks, are managed by the National Forest Service or by state land management agencies. With the rapidly increasing number of rock climbers, the Park Service acknowledged a need to develop climbing management plans, and in July of 1991, the Washington office of the Park Service sent out a memorandum to the regional directors ordering all parks with significant recreational rock climbing activity to develop climbing management plans. This was not simply a reaction to the

⁸⁸ Brien F. Culhane, Assistant Director, National Parks Program, Wilderness Society, to Jack Morehead, Associate Director, Park Operations, National Park Service, September 5, 1989, in AR Vol. 3.

proliferation of sport climbing and its bolting practices. As discussed by historian Joseph Taylor, “climbers have always packed an environmental wallop,” with notable quantities of trash left behind on the Matterhorn in the Alps even by the 1890s, only thirty years after its first ascent. A volunteer cleanup effort in 1995 on a single route on Yosemite’s El Capitan, called *The Nose*, collected thirty garbage bags worth of trash. Climbing’s environmental impacts include litter, human waste (especially problematic on long, multi-day big wall climbs), the clearing of debris and lichen from rock to improve the climbing surface, trails and impacted areas at the base of the climb, and potential disturbances to nesting birds.⁸⁹

Responding to the July 1991 memorandum, the Rocky Mountain Regional Office (RMRO) called a meeting of climbing managers and chief rangers in Denver, in May of 1992. At the meeting, attendees represented parks as widespread as City of Rocks, Joshua Tree, Zion, Yosemite, Acadia, and Devils Tower. Debbie Bird, then superintendent at Devils Tower National Monument, was in attendance. At this meeting, the participants agreed upon an initial action plan for climbing management, which proposed the development of a nation-wide Park Service policy requiring climbing management plans for relevant parks; suggested research on the environmental impacts of climbing, in particular the affects of climbers on nesting raptors and of climbing chalk on rock integrity; a review of Park Service climbing search and rescue policy; and the development of a climbing management plan format for use by individual parks.⁹⁰

According to the meeting minutes, participants mostly focused on impacts on the physical resources of the park. Concerns abounded about the aesthetic and potential geochemical

⁸⁹ Memorandum, from Jim Brady, Chief, Ranger Activities Division, RMRO, to Chief Ranger, RMRO, April 28, 1992, in AR Vol. 3; Taylor, *Pilgrims of the Vertical*, 268.

⁹⁰ Memorandum, from Jim Brady, Chief, Ranger Activities Division, RMRO, to Chief Ranger, RMRO, April 28, 1992, in AR Vol. 3; “Climbing Meeting, Denver: 5/19/92,” in AR Vol. 3; Memorandum, from Jim Brady, Chief, Ranger Activities Division, RMRO, to Denver Climbing Meeting Participants, June 17, 1992, in AR Vol. 3; Memorandum, from Homer L. Rouse, Associate Regional Director, Park Operations, RMRO, to Superintendents, January 9, 1992, in AR Vol. 3.

impacts of chalk, damage to vegetation on and below climbing routes, and bolting. They did briefly discuss the potential conflicts of rock climbing with cultural and/or archaeological resources. Proposed solutions to the impacts on cultural or archaeological resources included surveys, closing the area, and “[recognition] that religious values may be considered.” Also in the meeting minutes is written the question, “does the climbing activity qualify as a cultural landscape?” suggesting that even at this early meeting participants grappled with cultural and historical claims by rock climbers to climbing areas.⁹¹

The staff at Devils Tower National Monument was cognizant of such cultural and religious issues that would be faced in creating a Climbing Management Plan (CMP) for the Tower, as Hanson and Chirinos’ ethnographic work increasingly made them aware of the Northern Plains tribal connections to the Tower. The staff began discussing the need for a CMP not long after the July 1991 memorandum. A November 1991 memo from Jane Gyhra, the Monument’s Chief of Resource Management, and Rick Nolan, the Monument’s Chief Ranger, to the Rocky Mountain Regional Office, sought the regional office’s opinion regarding the acceptability of rock climbing at the Tower. Gyhra and Nolan wanted to know if climbing was an acceptable use of the Tower, according to the monument’s enabling legislation and the 1988 Park Service Management Policies. The authors were aware of the potential for a large controversy over the development of a CMP for the Tower, writing: “the staff of Devils Tower believes there may be *major* ramifications and regional or national repercussions on concerns

⁹¹ Memorandum, from Homer L. Rouse, Associate Regional Director, Park Operations, RMRO, to Superintendents, January 9, 1992, in AR Vol. 3.

that will be raised in discussions relating to climbing at Devils Tower.” The staff’s primary concern was the visitor use conflict issue between Northern Plains tribes and rock climbers.⁹²

In draft public notice letters that accompanied Gyhra and Nolan’s memo, “Concern #1” is that “some Native Americans and other visitors express offense at anyone climbing on the tower.” Writing that “climbers use the tower more than the Native Americans,” the authors of one of the letters acknowledge that while fairly careful records of rock climbing at the Tower have been kept, the use of the park by tribal members was not well documented. The letter notes that the monument staff did have records of an annual Sundance ceremony being held by the Lakota at the monument every year since 1983, and intermittently before that year. Regarding the numbers of tribal members visiting the park, the letter reveals that “park personnel estimate about one vehicle per week come into the Monument during the summer and only once a month do they [tribal members] request to enter specifically for religious purposes.”⁹³

Other concerns listed in one of the letters include: climbing’s impact on the experiences of other visitors, bolting impacts, impacts on nesting birds, unattended ropes, casual trails at the base of climbing routes, route cleaning (the removal of rock and organic debris from routes), the use of pitons, human waste and litter, and the carrying capacity of climbers on Tower. Bill Pierce, the superintendent at the monument from 1987 to 1991, signed one of the letters, asking for the submission of public comments on the listed concerns to facilitate the monument’s development of a draft climbing management plan. In January 1992, the RMRO responded to the request for input, writing that they could not offer an opinion until more study was done, and suggested treating the issue through the National Environmental Protection Act (NEPA) process:

⁹² Emphasis in original. Memorandum, from Jane Gyhra, Resource Manager, DTNM, and Rick Nolan, Chief Ranger, DTNM, to Ranger Activities, Cultural Resource & Resource Management Divisions, RMR, November 19, 1991, in AR Vol. 3.

⁹³ Memorandum, from Jane Gyhra, Resource Manager, DTNM, and Rick Nolan, Chief Ranger, DTNM, to Ranger Activities, Cultural Resource & Resource Management Divisions, RMR, November 19, 1991, in AR Vol. 3.

identifying the issues, developing alternative solutions, analyzing impacts of various alternatives, soliciting public comments, selecting a course of action, and preparing an environmental assessment for publication.⁹⁴

During Pierce's superintendency, the Park Service commissioned Hanson and Chirinos to conduct an ethnographic study "to document those values held by Indian peoples who consider Devils Tower important to their cultural traditions." The research culminated with a study published by the Park Service in November 1997, with an initial report submitted to the Park Service in July 1991. This initial report focuses on the ethnohistoric connections of the six tribes – the Eastern Shoshone, Kiowa, Arapaho, Lakota, Crow, and Cheyenne – and briefly discusses these tribes' contemporary connections to the site. Amongst the author's recommendations was to prohibit climbing on the Tower, and to give it a more culturally appropriate name.⁹⁵ Hanson returned to the monument with a graduate student assistant, David Moore, and a group of anthropology undergraduates for a field school in the summer of 1992. The team located and mapped offering sites at the Tower, and interviewed fifty eight rock climbers and two tribal members, one of the Northern Arapaho and one of the Shoshone. This report does not mention who these tribal members were, nor note their roles in tribal society or government.⁹⁶

This ethnographic report contains parts of the interviews with the Shoshone and Arapaho participants. When asked how they felt about climbers on the Tower, both responded negatively, comparing the Tower to an altar and saying that climbing on the Tower was disrespectful. The Arapaho participant was recorded as having said that "you go to a Christian church, and you

⁹⁴ Memorandum, from Jane Gyhra, Resource Manager, DTNM, and Rick Nolan, Chief Ranger, DTNM, to Ranger Activities, Cultural Resource & Resource Management Divisions, RMR, November 19, 1991, in AR Vol. 3; Memorandum, from Homer L. Rouse, Acting Regional Director, RMR, to Bill Pierce, Superintendent, DTNM, January 6, 1992, in AR Vol. 3.

⁹⁵ Hanson and Chirinos, "Ethnographic Overview," iii; Hanson and Chirinos, "Ethnographic Overview and Assessment, July 23, 1991," in AR Vol. 3.

⁹⁶ Jeffery Hanson and David Moore, "Applied Ethnography at Devils Tower National Monument (Draft)," November 4, 1992, in AR Vol. 3.

jump on top of the [altar] and see how much ruckus is raised there. This is... an [altar] of God.”

The Shoshone participant commented that climbers were “dealing with spirits [by climbing the tower]. If they want to harm themselves, that’s up to them. They take matters at their own risk.”

The Arapaho participant similarly noted, in response to a question about whether the Park Service should restrict or prohibit climbing at the Tower, that their people “would be very happy if [the Park Service] would [prohibit climbing],” but said that “anybody desecrating [the tower] will have to answer to God, not to me or my people.”⁹⁷

Of the fifty-eight climbers interviewed by Hanson and Moore’s team, the majority (58%) resided more than 600 miles from the Tower; 16% of the climbers were considered local (residing within 120 miles of the Tower), and the remainder resided between 120 and 600 miles from the Tower. Most were unmarried, male, had college degrees, and climbed every week or more frequently. The study reported that 51% of the climbers were “definitely aware” of the sacred value of the Tower to the Northern Plains tribes; however, 67% of the climbers interviewed said that their views on climbing at the Tower would not change if they knew that the Northern Plains tribes objected to climbing at this sacred site. Many of the climbers stated that they felt that “their climbing was in no way [in conflict] with Native American use.”⁹⁸

When Debbie Bird arrived as the new superintendent of Monument in 1992, the monument staff obtained funding for the climbing management plan process. “When I first got there,” Bird remembered in an interview, “Devils Tower, until the climbing management plan, was known as the place where climbers came. And that’s what I thought about the place when I went there, was that it was an area that the primary constituency were rock climbers. I had no idea about the tribes and their feelings about the Tower.” Bird suggested that despite the annual

⁹⁷ Hanson and Moore, “Applied Ethnography,” in AR Vol. 3.

⁹⁸ Ibid.

Sundance and occasional request by tribal members, without Hanson and Chirinos' study, she didn't "know that anybody actually really believed that the Tower did in fact play such a significant role in the minds of a number of tribes."⁹⁹ This statement contradicts the findings of Hanson and Moore, who record the slight majority of climbers interviewed as being aware of the sacred nature of the Tower for the Northern Plains tribes.

Recognizing that the cultural value of the Tower immensely complicated the climbing management process, Bird reached out to Dave Ruppert, the Park Service's regional ethnographer, for assistance. They developed a proposal for CMP process that involved consultation with the six tribes referenced in the ethnographic study, as well as with environmental groups, local government officials, and climbing organizations. Bird and Ruppert requested and obtained \$25,000 in funding for the process from the RMRO. In the December 8, 1992 Federal Register, the Park Service published a notice of intent to prepare an environmental assessment for the CMP at DTNM. The notice states: "the effort will result in a comprehensive climbing management plan that encompasses preservation of natural and cultural resources, visitor use, and ethnographic values."¹⁰⁰

III. The Work Group Meetings

To incorporate the multitude of interested parties, Bird and her staff decided to create an advisory work group to produce a variety of potential options for the CMP. Bird and several members of her staff held the first work group meeting in Hulett, Wyoming, on April 21, 1993. The Park Service staff present included Bird; Ruppert, the official facilitator at these meetings;

⁹⁹ Debbie Bird, interview by Anna Kramer, June 25, 2015.

¹⁰⁰ Ibid.; Dave Ruppert, interview by Anna Kramer, July 23, 2015; "Agenda, Devil's Tower Climbing Management Plan Workshop," September 28-29, 1992, in AR Vol. 3; Memorandum, from Debbie Bird, Superintendent DTNM, to Boyd Evison, assistant regional director, RMRO, August 13, 1992, in AR Vol. 3.

Barbara Booher, the American Indian Liaison Coordinator from the RMRO; and Jim Schlinkmann, Chief Ranger at DTNM. The work group members were Royal Bull Bear and Joe Swift Bird, of the Grey Eagle Society from the Pine Ridge Oglala Lakota reservation; George Sutton and Joe Williams, of the Medicine Wheel Coalition, an organization of tribal elders that fought to protect the Bighorn Medicine Wheel, located in the Bighorn Mountains not far from Bear Lodge/Devils Tower; Bob Archbold, a representative from the Access Fund, a national nonprofit climbing organization promoting and protecting access to climbing areas; Carl Coy, representing the Gillette Climbing Club and the Black Hills Climbers Coalition; Janet Maxwell, a representative from the Sierra Club; and Perry Livingston, a County Commissioner.¹⁰¹

According to the meeting minutes, which are the sole documents describing what occurred at these work group meetings, the goal of this first meeting was to identify the issues of climbing at the Tower. They succeeded, but in a manner that “saw the proverbial lines drawn in the sand,” with the representatives of each “stakeholder” group insisting upon an uncompromising position. The representatives from the Grey Eagle Society and the Medicine Wheel Coalition spoke about the significance of the Tower to their tribes, stating that climbers and other whites needed to be educated as to the spiritual nature of the Tower. Members of the audience, who are unidentified in the meeting minutes but were likely either Northern Plains tribal members or sympathetic non-members, frequently commented to supplement perspectives laid out by the tribal representatives.¹⁰²

These audience perspectives more explicitly denounced climbing at the Tower than did Sutton, Bull Bear, Swift Bird, and Williams, the tribal representatives in the work group. The

¹⁰¹ Memorandum, “Climbing Management Plan Meeting Minutes,” from Colette Schlinkmann, Administrative Clerk, DTNM, to Debbie Bird, Superintendent, DTNM, April 21, 1993, in the personal papers of Bob Archbold, held by Frank Sanders (hereafter Archbold papers).

¹⁰² “Climbing Management Plan Meeting Minutes,” April 21, 1993, in Archbold papers; Burton, *Worship and Wilderness*, 131. As a meeting put together by a federal agency, the work group meetings were open to the public.

tribal representatives spoke more about the meaning of the Tower to their tribes, but nevertheless made it clear that climbing was problematic and offensive. They took issue with the use of permanent bolts on the Tower: Joe Williams asked, “why do we have to destroy the Tower to climb it,” referring to bolting, and an audience member added, “you wouldn’t put bolts on Mount Rushmore to climb it,” therefore “why [would you put bolts] on Devils Tower?” The tribal representatives and audience members compared the Tower to a church, arguing, “you wouldn’t want climbers to disturb you while you pray.”¹⁰³

Archbold and Coy, the representatives of climbers’ groups, countered by arguing that climbing was also a spiritual, meaningful expression for them. They did not explicitly claim a right to climb the Tower, but their arguments made it clear that they believed that they had a right to use this public resource. Each spoke about the importance and uniqueness of the Tower as a climbing area, noting that climbers travelled from great distances to climb at the Tower. Archbold noted: “Climbers respect the rock; it is a personal challenge to climb the Tower, [a] challenge between the climber and the Tower.” Such a statement indicates the differences in the way each group understood their relationship to the Tower, even though each framed their relationships in terms of respect for the place. For the tribal representatives, the Tower was to be respected, a place for ritual and prayer; for the climbers, the Tower was to be respected, but also to be challenged, by attempting to climb its mighty sides. Coy and Archbold evinced the belief that all could share the Tower; the tribal representatives held that the act of climbing excluded and offended them, as well as desecrated the sacred nature of the place.

Several audience members questioned the legality of climbing, in addition to bolting, at the Tower. Ruppert, the meeting’s facilitator, noted that this was the primary issue that prompted the development of the CMP and the creation of the work group. Under general Park Service

¹⁰³ “Climbing Management Plan Meeting Minutes,” April 21, 1993, in Archbold papers.

management policies, Ruppert said, climbing fell under recreational use and was therefore permitted, but that no law specifically allowed or prohibited climbing. Chief Ranger Jim Schlinkmann noted that the Tower did have specific regulations allowing and regulating climbing at the Tower. An audience member commented that the practice of bolting had broken a law. Ruppert responded that the task of the work group was to decide if the park was in violation of the law by permitting climbing at the Tower. The question that originally prompted the Park Service to develop climbing management plans was if climbing damaged the resource that the Park Service is charged with protecting. This was folded into a broader question: are climbing and Plains tribal cultural and spiritual values compatible uses of the Tower? Can both happen simultaneously, or does one preclude the other? ¹⁰⁴

One audience member argued that the Park Service was trying to compare climbing with “Native American prayer,” while in fact the two were extremely different. This person derided the attempt to describe climbing as a religious or spiritual act, a strategy Coy and Archbold were beginning to use in describing rock climbing as a “spiritual experience.” They are certainly not the first to invoke the notion that spiritual or religious moments or experiences occur while climbing. Henry David Thoreau, as he struggled to summit Mount Katahdin in Maine, had a terrifying encounter with the divine in Nature: “What is this Titan that has possession of me? Talk of mysteries!... *Contact! Contact! Who are we? where are we?*”¹⁰⁵ A generation after Thoreau, John Muir, “Yosemite’s original climbing bum,” wrote at length about his spiritual experiences in the mountains. The mountains of the High Sierra provided metaphorical proximity to the divine through their lofty heights, and in the danger posed by their unforgiving terrain. On Mount Ritter, Muir’s body momentarily fails him as he climbs a near-vertical face:

¹⁰⁴ “Climbing Management Plan Meeting Minutes,” April 21, 1993, in Archbold papers.

¹⁰⁵ Emphasis in original. Henry David Thoreau, *The Portable Thoreau*, ed. Jeffrey S. Cramer (New York: Penguin Books, 2012), 61.

I was suddenly brought to a dead stop, with arms outspread, clinging close to the face of the rock, unable to move hand or foot either up or down. My doom appeared fixed. I *must* fall.... When this final danger flashed upon me, I became nerve-shaken for the first time since setting foot on the mountains, and my mind seemed to fill with a stifling smoke. But this terrible eclipse lasted only a moment, when life blazed forth again with preternatural clearness. I seemed suddenly to become possessed of a new sense. The other self, bygone experiences, Instinct, or Guardian Angel, - call it what you will, - came forward and assumed control. Then my trembling muscles became firm again, every rift and flaw in the rock was seen as through a microscope, and my limbs moved with a positiveness and precision with which I seemed to have nothing at all to do. Had I been borne aloft upon wings, my deliverance could not have been more complete.

Muir was saved from certain death by divine grace, and “soon stood upon the topmost crag in the blessed light.”¹⁰⁶

These writings of Thoreau and Muir demonstrate the fact that climbing may involve spiritual experiences, but the spirituality, or lack thereof, in the climbing experience is not the issue here. What is significant in the use of the language of spirituality or religion by climbers in the debates over climbing at the Tower is that when climbers made these claims, they were trying to assert that their claim to the Tower was equal in weight to that of the Northern Plains tribes. Aware that the Park Service acknowledged the claims of the Northern Plains tribes, which were largely argued on the basis of culture and spirituality, the climbers, consciously or not, borrowed the discourse of spirituality “as a strategy and as a way to legitimize their activities.”¹⁰⁷

¹⁰⁶ Gary Arce, *Defying Gravity: High Adventure on Yosemite's Walls* (Berkeley: Wilderness Press, 1996), 40; emphasis in original, John Muir, *The Mountains of California* (New York: The Century Co., 1894), 64-5.

¹⁰⁷ Kozak, “Between a Rock and a Hard Place,” 178.

The argument that climbing was also a spiritual activity continued throughout the work group meetings, although it was not the only means by which the climber representatives asserted their rights to the Tower. At the second work group meeting, each representative gave a presentation discussing their perspectives on and stakes in the issues at hand. Archbold acknowledged the need for whites to understand the tribal perspectives; he asked for the tribal representatives at the table to try to understand the group he represented as well. Archbold described climbing as “a spiritual experience,” that it was something through which he gained strength, learned about himself and the environment, experienced the beauty of the natural world. He spoke about the commitment and dedication required for climbing, and argued that it was more than just recreation. Archbold voiced his opinion that bolts should be a last resort for climbers, and stated that the Access Fund – the organization he represented – supported climbing closures for raptor nesting, and strongly discouraged climbing on petroglyphs and pictographs.¹⁰⁸

Coy’s presentation suggests the two seemingly diametrically opposed sides were beginning to come together as they learned about one another. Echoing Archbold’s statement that climbing was more than recreation, Coy described climbing as a lifestyle. For him, the primary issue at hand was the need for respect of the tribal religions. In a key statement, Coy “acknowledged that the religious value of the Tower existed long before the Tower assumed value as a place to climb.” He stated that despite the unique crack climbing experience the Tower offered, and despite the importance of climbing in his own life, that if “Indian people did not want people on the Tower, he personally would respect this wish.” Coy added that many climbers would likely not agree with him, but believed that education and the cultivation of

¹⁰⁸ Memorandum, “Meeting Minutes for Climbing Management Plan,” from Rosemary Sucec, Division of Cultural Resources, Regional Office, to Debbie Bird, Superintendent, DTNM, May 21 and 22, 1993, in Archbold papers.

ethics and respect amongst climbers would help more of them understand and respect the request of the tribal representatives.¹⁰⁹

Bull Bear and Williams sought to provide this education in their presentations. Through the use of allegories, animal symbols, and emblems of the Lakota Tribe, they sought to convey the sacred nature of the Tower and the erosion of their culture since the white incursion into their history. George Sutton spoke as well, asking the non-Natives at the table to realize the importance of sacred places to indigenous cultures. He acknowledged the need for cross-cultural education, while asking those at the table to recognize that “there are certain things we cannot tell,” referring to particular religious traditions and practices that were not to be shared with outsiders. In an interview, Ruppert discussed the challenging cross-cultural education that occurred at this meeting, and indicated that the climbers and other non-Natives at the table felt frustrated and confused by the elders’ use of stories to illustrate their points. “I got the very strong feeling,” Ruppert said:

that some of these elderly men viewed these younger climbers and these other people as children, because, you know at the tribal level, these elders, grandfathers, and grandmothers, would tell their youngsters, and teach their youngsters about places in the landscape, through stories, and the stories that they were telling, I think were the kind of stories that they would teach their grandchildren...they wanted these climbers to have an understanding...an Indian understanding, with these places, so they used these stories, to try to teach them, why this place was important to them and why climbing should not take place, and the climbers, the folks on the other side of the table simply had a hard time getting that message....¹¹⁰

¹⁰⁹ “Meeting Minutes for Climbing Management Plan,” May 21 and 22, 1993, in Archbold papers.

¹¹⁰ Ruppert, interview, July 23, 2015.

One tribal member who helped to smooth the process of cross-cultural communication was Elaine Quiver, who had accompanied some of the elders from the Pine Ridge Reservation to the meeting. She emerged as a “cultural broker,” according to Ruppert, and “would provide, sort of a bridge between [the elder’s] story...and what [the Tower] means to the tribe...from a cultural standpoint, a spiritual standpoint, all that. She would stand up, and she would explain, so everyone else could understand what was going on.”¹¹¹ That the cross-cultural education was beginning to succeed was demonstrated when Coy and Archbold expressed support for changing the name of the Tower to one of the traditional tribal names. After Bull Bear asked if the federal government had recognized the sacred value of the Tower before its designation as a national monument, Coy suggested that if the government was aware, it did not consider the sacred values important enough to be included in the enabling legislation; his insight demonstrated his awareness of the devaluing of the tribal relationship to the Tower in the past.

The issue of attaching “values” to the Tower arose again when the group began to discuss the possibility of a climbing closure, and when one might occur. Archbold suggested that a closure prohibiting climbing would be necessary, stating than a request for climbers to not climb during this time was unlikely to be respected. “Some climbers,” he said, “do not think they need to behave like other members of the White culture because of their achieved status as climbers.” Such a closure, Ruppert noted, could be problematic if it was identified as a closure for religious reasons. The Park Service was highly conscious of potential arguments that efforts to restrict climbing out of concern for Native American religious beliefs would be in violation of the First Amendment; thus Ruppert and Bird suggested to the group that the closure be identified as being for cultural and traditional reasons, as opposed to explicitly religious ones. The group then began brainstorming elements of various alternatives to be proposed for the climbing management plan.

¹¹¹ Ruppert, interview, July 23, 2015.

The group noted that one of the possible negative impacts of several of the alternatives that permanently or temporarily banned climbing at the Tower was an “increase in non-Indian ‘new age’ activities. This would come to greater prominence in later meetings of the work group, and threatened to put the Park Service in the awkward position of determining what religious practices at the Tower were “authentic” or “inauthentic.”¹¹²

Before the work group met again in August 1993, the Oglala Lakota hosted an international summit of US and Canadian Dakota, Lakota and Nakota nations on the Pine Ridge Reservation in South Dakota. Five hundred representatives were in attendance at the June 7th – 11th meeting. One of the resolutions to emerge from this summit was a resolution “demanding tribal participation in the protection and decision making of sacred sites.” The resolution stated, “many of our Traditional Sites were misappropriated through illegal, deceitful and corrupt Treaties, negotiated by United States Government Officials of no moral character... these Sacred Sites are located on so called ‘public domain’ lands.” “[T]he Dakota, Lakota, [and] Nakota spiritual teaching,” the resolution asserted, “has always included the Medicine Wheel in Wyoming, Devils Tower in Wyoming, Bear Butte in South Dakota, and Harney Peak in South Dakota, as primary and significant sites to our religion,” and which, along with “many others, are vital to the continuation of our traditional beliefs and values.” The resolution went on to specify the damages that federal bureaucrats had permitted to occur at these sites, stating: “the Devils Tower has been subjected to similar damage from an onslaught of rock climbers and now has hundreds of steel pins pounded into the face of this Sacred Site.” The resolution called for the inclusion of tribal participation in public land management decisions, and stated “that this

¹¹² “Meeting Minutes for Climbing Management Plan,” May 21 and 22, 1993, in Archbold papers. For a seminal discussion of notions of “authenticity” regarding Native Americans, see Paige Raibmon, *Authentic Indians: Episodes of Encounter from the Late-Nineteenth-Century Northwest Coast* (Durham: Duke University Press, 2005).

assembly does not support efforts by Federal Land Managers to allow further destruction to these Sacred Sites by tourists, hikers, or rock climbers.”¹¹³

At the same summit, the nations issued a resolution entitled the “Declaration of War Against Exploiters of Lakota Spirituality.” Arguing that the authors and signatories “represent the recognized traditional spiritual leaders, traditional elders, and grassroots advocates of the Lakota people,” it asserted that “for too long we have suffered the unspeakable indignity of having our most precious Lakota ceremonies and spiritual practices desecrated, mocked and abused by non-Indian ‘wannabes,’ hucksters, cultists, commercial profiteers and self-styled ‘New Age shamans’ and their followers.” In response to the appropriation and exploitation of their spirituality, by non-Natives as well as some of their own people, “who are prostituting our spiritual ways for their own selfish gain, with no regard for the spiritual well-being of the people as a whole,” the resolution declared “war against all persons who persist in exploiting, abusing and misrepresenting the sacred traditions and spiritual practices of our Lakota, Dakota and Nakota people.” These nations were struggling to defend not only what they saw as direct attacks on their culture and spirituality through the desecration of sacred sites, but also against more insidious appropriation of their spiritual traditions that threatened to undermine their claims to authenticity.¹¹⁴

Tribal representatives voiced such concerns at the next work group meeting, which took place in August of 1993 in Denver. Joe Williams presented the sacred sites resolution at the start of the meeting, and Elaine Quiver, who by this meeting had become an official member of the work group, “spoke of the exploitation of Native American culture by Native and non-Native

¹¹³ Irwin, “Freedom, Law, and Prophecy,” 45; Suzanne Owen, *The Appropriation of Native American Spirituality* (London: Continuum International Publishing Group, 2008), 61; “Summit V Resolution No. 93-11,” in AR Vol. 3.

¹¹⁴ Owen, *Appropriation of Native American Spirituality*, 61-3; Lakota Summit V, “Declaration of War Against Exploiters of Lakota Spirituality,” 1993, accessed November 1, 2015, <http://puffin.creighton.edu/lakota/war.html>.

Americans alike.” Quiver hoped the work group would address issues of “misinterpretation and the monetary exploitation of the religion” through educating visitors to the Tower. Williams spoke of “the problem of identifying persons who have legitimate Indian heritage and the legitimacy of religious practices through heritage,” and clarified to the work group that “what we’re trying to get across is what our spiritual lifestyle means to us,” in an effort to assert the importance of the spiritual practices occurring at the Tower.¹¹⁵

The introduction of the issues of cultural appropriation and exploitation added yet another difficulty to the morass faced by the work group. A debate over when and for how long a climbing closure would occur led to discussion of the Sun Dance, in which the tribal representatives again brought the issue of appropriation and exploitation to the forefront of their concerns. Sutton stated that tribal members needed to have tribal identification, but “just because you are a tribal member doesn’t mean your activities are legitimate. Some people who are tribal members exploit the religion for money.” Quiver criticized Charlotte Black Elk, the Lakota woman who had sponsored the Sun Dances at the Tower for a number of years prior to the work group meetings: “Charlotte doesn’t act as a Sundancer should. How can the NPS allow her to go on in this way?” Bird asked how the Park Service would know if someone was a legitimate dancer, leading Ruppert to state: “The NPS never wanted to be in the position of determining who is a legitimate Native American.”¹¹⁶

Perhaps recognizing the complexity of the situation, neither of the climbers employed the discourse of the spiritual nature of climbing during this meeting, but instead borrowed the language of “traditional use” to insist upon their rights to climb the Tower. During a brief discussion of the possibility of designating the Tower under the National Historic Preservation

¹¹⁵ “Devils Tower Climbing Management Work Group Meeting Minutes: Denver, Colorado, August 8-9, 1993,” in AR Vol. 3.

¹¹⁶ Ibid.

Act as a Traditional Cultural Property (TCP), Archbold objected to “the exclusion of climbers because of the long time traditional use of Native Americans. Climbers have a 100 year tradition of use on Devils Tower.” Ruppert responded that “climbing tradition” was not included under the Designation of Eligibility process for TCPs.¹¹⁷

Coy and Archbold also objected to what they perceived as an unfair segregation of climbers from other tourists at the Tower. Responding to the section of the sacred-sites resolution that condemned “efforts by Federal Land Managers to allow further destruction to these Sacred Sites by tourists, hikers or rock climbers,” Archbold argued: “climbers are not destroying the Tower. Climbers want to protect the Tower for future generations. Are climbers tourists who climb or are they regarded solely as tourists?” Coy also wondered if “our presence [is] offensive or is our activity offensive?” They argued that “climbers should not be segregated from tourists who also climb on some parts of the Tower,” and therefore, the tower should be closed “to hikers, walkers, lookers, drivers, everyone.” In arguing that climbers should not be treated differently from other visitors to the Tower, the two were proposing that any closure for purposes of respecting tribal cultural and spiritual practices should impact all visitors to the Tower – likely knowing this would lead to greater community opposition to such a closure.¹¹⁸

Coy and Archbold’s opposition was circumvented when in October, at the fourth meeting, the work group proposed making the climbing closure voluntary. Archbold voiced his support for “a voluntary closure with a very strong emphasis on cultural education to appeal to the climbing public pertaining to the spiritual significance of the tower to Native Americans.” He added that the Access Fund would help promote the voluntary closure with brochures and articles in climbing magazines. In interviews, Bird and Ruppert noted how Elaine Quiver,

¹¹⁷ The proposal to designate the Tower as a TCP was postponed until the next meeting. “Meeting Minutes: Denver, Colorado, August 8-9, 1993,” in AR Vol. 3.

¹¹⁸ “Meeting Minutes: Denver, Colorado, August 8-9, 1993,” in AR Vol. 3.

speaking for the tribal representatives and other tribal elders, explained their support for a voluntary closure. She “turned to me,” said Bird, “and said, ‘well, if you have to make them do it, then we don’t want that.’ She said ‘they have to make their own decision not to climb.... we don’t want you to tell them, we don’t want a law forbidding them, we want climbers to choose not to climb out of respect for our ceremonies.’”¹¹⁹

Such a stance aligns with Williams and Sutton’s description of how their culture, in which “there are few written laws,” “gains compliance with social goals”: “it is a part of the Indian life to understand and comply with ‘laws’ as they are agreed upon by the tribe. In other words, voluntary compliance is the key.”¹²⁰ The anthropologist Michael Brown affirms this “moral advantage of voluntarism,” noting that voluntarism “requires a thoughtful conversation.... If that conversation leads to a greater mutual understanding, in the long run it will do more for Native Americans than would a rights-focused imposition of respectful behavior imposed by the state and enforced by its coercive power.” The work group decided that June would be the most appropriate month for a voluntary climbing closure, after having debated a moveable closure that would more closely follow tribal ceremonies, which are not tied to the Western calendar, but rather to seasonal rhythms. Bird and Ruppert reiterated the closure was based on *cultural* grounds, not religious ones, and that the Tower was considered to be an ethnographic resource, as well as a scientific, historic, and recreational resource.¹²¹

The voluntary June closure, though it is the best-known element of the climbing controversy at the Tower, was but one of the elements considered in the Draft Climbing Management Plan (DCMP). The work group reviewed and edited the plan during the fifth

¹¹⁹ Bird, interview, June 25, 2015; Ruppert, interview, July 23, 2015.

¹²⁰ “Minutes, Climbing Management Work Group, Gillette, Wyoming,” October 24, 1993, in AR Vol. 3.

¹²¹ Michael F. Brown, *Who Owns Native Culture?* (Cambridge: Harvard University Press, 2003), 171-2; “Minutes, Climbing Management Work Group, Gillette, Wyoming,” October 24, 1993, in AR Vol. 3.

meeting in April of 1994, and the Monument published the DCMP in July of that year. The DCMP presented six alternatives, developed by the work group, which varied along a spectrum from the “least restrictive” extreme to “most restrictive” extreme. The least restrictive alternative permitted “essentially unregulated climbing on the tower and allow[ed] the greatest variety of climbing activities among all the alternatives.” It allowed the unlimited use of bolts and pitons, ended the mandatory climber registration process that was then practice at the Tower, permitted climbers to camp overnight on the Tower, and would only close routes near raptor nests during nesting seasons after climbers had reported the nests’ presence. The “no change” alternative differed from the least restrictive alternative only in that it continued to mandate climber registration and ban camping on the Tower.¹²²

The preferred alternative implemented a 30-day, voluntary closure during the month of June, to begin in 1995; prohibited new bolts but allowed the replacement of existing ones under a permit system; provided for the closure of routes within fifty meters of raptor nesting sites that would be identified by Monument staff; and encouraged the use of camouflaged climbing equipment. Another alternative also implemented the voluntary June closure, but proposed a phase-in process that would occur over three years, and which would expand from one week to three weeks over the course of the phase-in period. A fifth alternative implemented a mandatory closure to climbing in June, mandated nesting closures of routes within one hundred meters of the nest, and prohibited new bolts, the replacement of existing bolts, and the use of chalk. The “most restrictive” alternative permanently closed the Tower to all climbing activities.¹²³

Even before the publication of the DCMP, public comments were beginning to flood the Park Service offices at the Tower. According to the executive summaries of letters received by

¹²² National Park Service, Devils Tower National Monument, “Draft Climbing Management Plan and Environmental Assessment,” July 1994, iii-iv.

¹²³ National Park Service, Devils Tower National Monument, “Draft Climbing Management Plan,” iii-iv.

June 28, 1994, the comments submitted by members of the public contained similar statements to those made by the work group members. Numerous comments in support of rock climbing at the Tower insisted the climbers should not be considered separately from other user groups at the Tower, and claimed that climbing is a “traditional” and historical use of the Tower. Additionally, many of these comments described climbing as a spiritual experience, with a few explicitly likening it to a religion. The public responses to the draft and final CMPs will be more thoroughly discussed in the next chapter, which expands upon the analysis of the claims staked out during the work group meetings to study the ways the broader groups of climbers and local white residents sought to legitimize their own claims to the Tower while undermining those of the Northern Plains tribes.¹²⁴

¹²⁴ “Climbing Management Plan Executive Summary of Letters Received as of June 28, 1994,” in AR Vol. 7.

Chapter Three: The Telling of Histories

Appeals to the past are among the commonest of strategies in interpretations of the present. What animates such appeals is not only disagreement about what happened in the past and what the past was, but uncertainty about whether the past really is past, over and concluded, or whether it continues, albeit in different forms, perhaps.

-Edward Said, *Culture and Imperialism*¹²⁵

The debate over the management of rock climbing at Bear Lodge/Devils Tower was, and remains, fundamentally a debate over history. Various groups made “appeals to the past” by insisting upon versions of history that supported their claims to the Tower, and which ignored the histories of other groups. Those rock climbers and local whites opposed to the accommodation of Northern Plains tribal cultures and histories sought to legitimize their claims to the Tower by projecting their presence backwards through history. Such arguments gave their presence “a history and legitimacy that only tradition and longevity could impart.”¹²⁶ This particular construction of history prioritized a relatively recent Euro-American and rock climbing presence and “tradition” at the Tower, while discrediting the historical and contemporary presence and traditions of the Northern Plains peoples. Although the general public clearly perceived that the Park Service was on the “side” of the Northern Plains tribes in this matter, a study of Park Service literature on the history of the Tower reveals its complicity in the processes of valuing one history over another, and in ignoring the historical complexities of the tribal presence at the Tower.

¹²⁵ Edward Said, *Culture and Imperialism* (New York: Alfred A. Knopf, 1994), 3.

¹²⁶ *Ibid.*, 3, 16.

I. The Right to Climb?

The advisory work group that developed the various alternatives discussed in the Draft CMP was but one element, and an unusual one at that, of the incorporation of public and stakeholder opinions into a federal agency decision-making process, governed by the National Environmental Preservation Act (NEPA) and the National Historic Preservation Act (NHPA). As the Monument staff began developing the CMP in 1993, they notified the public and invited comments, a process that continued more formally after the publication of the DCMP in July of 1994. The Park Service held public meetings in August and September of that year, in Gillette and Laramie, Wyoming; Rapid City and Pine Ridge, South Dakota; Denver, Colorado; and St. Paul, Minnesota.¹²⁷ Following this period of public comment, the Monument staff published the FCMP in February of 1995.

The FCMP's purpose was "to protect the natural and cultural resources of Devils Tower and to provide for visitor enjoyment and appreciation of this unique feature," a statement that obviously parallels the dual-mandate for the Park Service as stipulated in its 1916 Organic Act: "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." To fulfill this mandate, the FCMP designated the Preferred Alternative as its course of action; this alternative implemented the voluntary June climbing closure as of June 1995, beginning immediately with the entire month. "The 30-day closure," the plan noted, "could become mandatory if judged not successful," a determination that would occur after a three to five year evaluation period. Other components of

¹²⁷ Such an advisory group incorporating representatives of the primary stakeholders in an issue is not a normal part of such review processes. A local climbing club and climbing gym jointly sponsored the public meeting in St. Paul, MN. Press Release, "Devils Tower to Develop Climbing Management Plan," Devils Tower National Monument, National Park Service, August 1993, in AR Vol. 4; "Public Meeting Comments/Notes/Questions on the DETO CMP/EA," in AR Vol. 7.

the plan included a ban on new bolts and fixed pitons, although replacement could occur through a permit system; the rehabilitation of access and summit trails; and the mandatory closure of routes within fifty meters of raptor nests, which would be identified by Monument staff in the early spring. The plan stipulated that the Park Service would not enforce the voluntary June closure, instead relying on self-regulation and a cultural educational program. Stating, “NPS staff will not climb on the tower in June except to enforce laws and regulations or to perform emergency operations,” the plan noted, “commercial use licenses for June climbing guide activities will not be issued for June 1996 and beyond.” This implemented the mandatory ban on commercial guides during the month of June that would ultimately be struck down by the District Court.¹²⁸

Rock climbers opposed to the CMP made six major arguments throughout and after the CMP process. They protested what they saw as the Park Service unfairly singling out rock climbers from other user groups at the Tower, whom they generally claimed were responsible for more of the impacts on the physical and cultural resource, and expressed concern that the voluntary June closure would set a dangerous precedent for further climbing closures at the Tower and elsewhere. Many argued that rock climbing was a “right,” and that such a closure would be an unconstitutional violation of the First Amendment, a point that would form the basis of the plaintiffs’ arguments in the *Bear Lodge* cases (1998 and 1999).¹²⁹ A significant number of climbers claimed that climbing was also a religious, spiritual experience, a strategy that co-opted the language of religion used by the Northern Plains tribes. This logic also provided grounds for yet another First Amendment violation: if climbing was a “religious activity,” then the

¹²⁸ National Park Service, Devils Tower National Monument, “Final Climbing Management Plan,” i, 22-3; National Park Service Organic Act, 39 Stat. 535 (1916).

¹²⁹ As mentioned in the introductory chapter of this thesis, many scholars have evaluated this constitutional argument in the context of the *Bear Lodge* case, and thus it does not need repeating here. See note 25.

interference with or prohibition of climbing at the Tower was an unconstitutional interference with a climber's right to the free exercise of their "religion."

Many climbers also argued that climbing was a "traditional" and "historical" use of the Tower – a statement supported by Park Service literature. The claims that climbing was a religious or spiritual activity, and that it was a traditional, historical use of the Tower, appropriate the language used by the Northern Plains tribes to argue their claims to the Tower before the Park Service, and both lines of reasoning seek to position the rock climbers' claim to the Tower as equal to that of the tribes. It is critical to historicize the arguments made by the rock climbers, recognizing that "all associations of place, people, and culture are social and historical creations to be explained, not given natural facts."¹³⁰ This chapter will review each of the aforementioned primary arguments, but will focus primarily on the claim that climbing is a "traditional" or "historical" use.

The Access Fund and its representatives were particularly strident in arguing against what was perceived as discrimination against climbers, and in viewing the closure as a possible precedent for climbing access at other areas. Bob Archbold, representing the Access Fund at the work group meetings, had argued numerous times against segregating climbers from other user groups at the Tower, and stated that if a closure were to be mandatory, it should impact all groups. In an article in *Climbing* published during the winter of 1993-1994, Sam Davidson, the national coordinator for the Access Fund at the time, asked, "Why are climbers being singled out? Why would the proposed month-long closure of the Tower each summer apply only to climbers, allowing the normal carnival of 'look but don't touch' tourism to continue?"¹³¹ Rock

¹³⁰ Gupta and Ferguson, "Culture, Power, Place," 4.

¹³¹ "Meeting Minutes" August 8-9, 1993, AR Vol. 3; "Minutes, Climbing Management Work Group, Gillette, Wyoming, October 24, 1993" AR Vol. 3; Sam Davidson, "Devil's bargain?" *Climbing* (December 1993/January 1994), 67, in AR Vol. 7.

climbers represented a very small proportion of visitors to the Tower: at that time, Monument Superintendent Deb Liggett, who had succeeded Debbie Bird in early 1994, estimated that climbers and Northern Plains tribal members each represented roughly one percent of the four hundred thousand annual visitors to the Tower.¹³² It is therefore perhaps understandable why climbers felt unfairly targeted by the CMP, since non-climbing visitors could also disturb the privacy and quiet requested by tribal members for ceremony and prayer.

The Northern Plains tribal elders and representatives made it clear, however, that for a number of reasons climbing on the Tower was particularly offensive to them and a desecration of a sacred site. The hammering of pitons and drilling of bolts, physical acts altering, however slightly, the Tower, was an act of defacement, according to Arvol Looking Horse, a traditional cultural leader of the Cheyenne River Sioux Tribe and the nineteenth generation Keeper of the Sacred White Buffalo Calf Pipe: “When climbers hammer objects into the butte...it is like they are pounding stakes into our bodies.” Johnson Holy Rock, a tribal elder of the Lakota Sioux tribe living on the Pine Ridge Reservation in South Dakota, noted the detrimental impact of climbing the Tower on the elders’ efforts to educate tribal youth: “To see climbers up there is in conflict with what we tell our children about respecting sacred sites.”¹³³ Although some climbers may have seen the act of climbing the Tower as one of respect, it is evident that it did not appear so to many of the Northern Plains tribal members commenting on the issue. Climbing and mountaineering narratives often involve descriptions of “conquering” and “dominating” a mountain or cliff, language that, not coincidentally, is the language of colonialism and empire. From its inception, climbing was a “simultaneously geophysical and political project,”

¹³² John Young, “National Parks Service reviews current Devils Tower climb policy,” *Indian Country Today*, August 10, 1994, A1-2, in AR Vol. 7.

¹³³ Jason Marsden, “Judge Oks ‘voluntary ban,’” *Casper Star-Tribune*, April 3, 1998, A1 and A12, in Archbold papers; “Affidavit of Arvol Looking Horse,” *Bear Lodge Multiple Use Association v. Babbitt*, in AR Vol. 9; Mindy Sink, “Religion and Recreation Clash at Park,” *New York Times*, July 1, 1996.

represented by “imperial symbolism.” While no longer so explicitly linked with empire, climbing is frequently described as a contest between man and nature, with the cliff or mountain posing a challenge to be overcome.¹³⁴

The assertion of the “right to climb” is also based on the historical associations of exploration, the “conquering of the frontier,” wilderness, and the national parks. In 1987, one of the patron saints of rock climbing, Yvon Chouinard, wrote, “The Climbers Bill of Rights: *You have the right to climb anywhere* in any style you wish, as long as it doesn’t alter the medium or infringe on the next person’s experience.” Eleven years later another rock climber made a similar, but more specific claim about his right to climb on Devils Tower National Monument: “It’s my rock, too, and no one can tell me to stay off it as long as I’m not hurting it.”¹³⁵ These assertions of the right and freedom to recreate – through climbing – can be traced not only to a sense of common ownership of public lands, but also to the historical connections between the American frontier, wilderness, and freedom.

The writings of many of the giants of American conservation and environmentalism cemented the ties between the frontier, wilderness, and freedom. In Henry David Thoreau’s renowned essay “Walking,” he wrote: “I wish to speak a word for Nature, for absolute freedom and wildness, as contrasted with a freedom and culture merely civil.” Thoreau’s “freedom” is not explicitly freedom in the patriotic “American” sense of the word, but rather a greater, universal freedom. For Thoreau, “all good things are wild and free.” Thoreau, a gentleman of the eastern United States, like so many others of his day drew the connection between the western United States, wilderness, and freedom: “Eastward I go only by force; but westward I go free.... It is

¹³⁴ Reuben Ellis, *Vertical Margins: Mountaineering and the Landscapes of Neoimperialism* (Madison: University of Wisconsin Press, 2001), 7, 15; Erickson, “Style Matters,” 385; Taylor, *Pilgrims of the Vertical*, 4-6, 20, 26.

¹³⁵ Emphasis added, Yvon Chouinard, “Coonyard Mouths Off – Part II,” *Climbing* (February 1987), 46, in AR Vol. 7; Burton, *Worship and Wilderness*, 143.

hard for me to believe that I shall find fair landscapes or sufficient wildness and freedom behind the eastern horizon.” Only a few decades after Thoreau’s writing, however, “the free frontier was gone and America was now a land of limits.” Americans would have to designate wilderness to substitute for the disappeared frontier.¹³⁶

National parks and other public lands, all “wilderness” to varying degrees, became the spaces where Americans could re-discover this elusive but apparently essential freedom. The legislation creating these spaces ratified American’s freedom to recreate, and yet the history of public lands in this country has been a history of determining limits to that freedom. The national parks have struggled to craft a balance between the dual-mandate of their enabling legislation, to balance between preserving the physical, historical, and now, at the Tower, cultural resources of national park lands and allowing for the enjoyment of these same resources. This dual mandate is frequently problematic, as demonstrated by the controversy over climbing at Bear Lodge/Devils Tower, and even Chouinard moderated his declaration of the “right to climb anywhere,” by adding that such a right existed as long as one did not “infringe on the next person’s experience.” To the claims of a “right to climb” the Tower, one tribal leader retorted, “The climbers say that the Constitution guarantees them the right to climb. Well I’ve read the Constitution, and it doesn’t say anything about rock climbing.”¹³⁷

Another concern was that the CMP would set a “dangerous precedent for the management of other climbing areas. Sam Davidson told the *Casper Star-Tribune*, “We would be reluctant to establish a precedent at Devils Tower which would basically mean the Native Americans – no matter how sympathetic their cause – could start calling for actions that would

¹³⁶ Thoreau, *The Portable Thoreau*, 557, 567, 579; Philip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998), 108.

¹³⁷ Chouinard, “Coonyard Mouths Off,” 46, in AR Vol. 7; Brown, *Who Owns Native Culture?*, 161.

have a real deleterious effect on climbing.”¹³⁸ The precedent argument was founded not as much on history as it was, obviously, on concerns about the future of climbing access. One of the few cases of climbing and sacred site values colliding that occurred prior to the Tower controversy is that of Shiprock, a striking formation on the Navajo Reservation in New Mexico. In 1939, David Brower, the late famed environmental leader and former Executive Director of the Sierra Club, was among the first team to climb Shiprock. The Navajo Nation formally banned climbing on Shiprock in 1971. The Director of the Navajo Parks and Recreation Department wrote that Shiprock, along with a number of other monoliths on the reservation, “are considered sacred places. To climb them is to profane them.”¹³⁹

Climbers could hardly contest the closing of Shiprock to climbing, as it exists on the Navajo Reservation. They could, however, fight to protect their right to climb at the Tower, as well as at Cave Rock, a site on the shores of Lake Tahoe managed by the National Forest Service. Father-son duo Matthew and Michael Makley have written an excellent volume on the Cave Rock debate, which details how the Washoe Tribe, for which Cave Rock is a tremendously sacred and spiritually powerful site, successfully convinced the Forest Service to prohibit climbing on the rock. Debate began around the same time as the Park Service began the CMP process at Bear Lodge/Devils Tower, but the Cave Rock controversy lasted far longer, with the final court decision occurring in 2007. The Access Fund, the plaintiff in the case, “viewed the Devil’s Tower/Bear Lodge decision as critical because the only loss it entailed to climbers was on a voluntary basis.” Sam Davidson nevertheless asked in the Access Fund Newsletter in 1997,

¹³⁸ Burton, *Worship and Wilderness*, 132; Michael Riley, “Voluntary Devils Tower climbing ban proposed,” *Casper Star-Tribune*, August 14, 1994, in AR Vol. 7.

¹³⁹ Taylor, *Pilgrims of the Vertical*, 114-5; Letter from Charles S. Damon, Director, Navajo Parks and Recreation Department, the Navajo Tribe, to Steve Roper, editor, *Ascent Magazine*, May 12, 1971, online at “Desert Pioneers,” the American Alpine Club, accessed November 21, 2015, <http://www.americanalpineclub.org/clubhouse/desert-pioneers/>.

writing about the Cave Rock debate, if climbers should “abandon ‘every rock that Native Americans assert has spiritual value?’” Ultimately, the court ruled that a secular, not a religious, purpose “motivated the protection of Cave Rock as a cultural, historical, and archaeological monument,” and that, unlike at Bear Lodge/Devils Tower, climbing at Cave Rock was only a recent development, and therefore not a historical use.¹⁴⁰

Considering that the controversies over climbing at Cave Rock and Bear Lodge/Devils Tower overlapped in time, it is unsurprising that similar arguments were invoked to assert climbers’ claims to each place. One such argument was that climbing was a religion, or was a religious or spiritual activity, depending upon the phrasing of the individual. A female climber, in a letter to *Rock and Ice* in July of 2003, argued: “since when did the Forest Service have jurisdiction to determine what public areas should be closed to aid in the practice of a specific religion? Isn’t this the land of the free? To me climbing is a religion, and if I’m on public land I should be allowed to wear a cross, say a prayer or climb a rock.”¹⁴¹ Local climbers commenting on the Bear Lodge/Devils Tower controversy made similar statements: “If the government’s going to support the Indian’s religion, they should support mine as much.” Climbing guide Andy Petefish, one of the plaintiffs in the *Bear Lodge* lawsuit, “said climbing is a spiritual experience in itself, ‘so they’re stopping us from pursuing our spiritual activities.’”¹⁴²

While perhaps not all climbers would argue to the extent that climbing is a religion, many submitting public comments to the Park Service regarding the CMP did make that claim, or at least argued that it was or was like a spiritual and/or religious activity. The following is a

¹⁴⁰ Sam Davidson, *Access Notes* Vol. 19 (Fall 1997) and Vol. 20 (Winter 1997), in Makley and Makley, *Cave Rock*, 58-9; Makley and Makley, *Cave Rock*, 61, 90-1.

¹⁴¹ Melanie Rives, “‘Gender Politics’ (Letter),” *Rock and Ice*, July 2003, 20-1.

¹⁴² Karen J. Coates, “Tower’s users are irked by proposal,” *Gillette News-Record*, September 7, 1994, in AR Vol. 7; Valerie Kiger, “Tower bedeviled by lawsuit threat,” *Gillette News-Record*, March 10, 1996, in Archbold papers.

sampling of public comments from the administrative record on the CMP at Devils Tower National Monument:

- ♦ “Many climbers are very reverent and gain a closeness with nature through their climbing. It is an expression, for many of us, of our own spirituality...and hence our religion.”
- ♦ “I am writing in hopes you will understand how vitally important climbing is to me. It borders on being a sort of spiritual experience. Climbing helps to connect me with the power and majesty of this planet earth and the one who created it.”
- ♦ “Why do Native Americans and you want climbers to be the sacrificial lambs when we are the most committed worshippers. Just because our ‘rites’ differ does not make them any less significant.”
- ♦ “I hear the Indians have the tower in June. Can the Catholics have it in July? I heard the Virgin Mary appeared on the North Face and so climbers should not be allowed over there in July. And the Pentecostals would please like August reserved for them. Climbing is like a religion to a lot of people...”
- ♦ “Climbing is more than fun, it’s a religion.”

An attendee at the public meeting held in Pine Ridge, South Dakota, on the Pine Ridge Reservation (Lakota Sioux), countered these claims: “Most [climbers] only feel excitement, it is not feeling true spiritual power.”¹⁴³

“Devils Tower,” wrote Sam Davidson in an article in *Climbing*, “has been the site of divine revelations to climbers since the 1890s. Spectacular lightening storms, exposed routes, and strenuous cracks are all catalysts of sudden religious conviction.”¹⁴⁴ The notion of climbing

¹⁴³ “Climbing Management Plan Executive Summary of Letters Received as of June 28, 1994,” in AR Vol. 7.

¹⁴⁴ Sam Davidson, “Devil’s bargain?” 67, in AR Vol. 7.

as a spiritual or religious experience was not new, but climbers employed this language during the Tower controversy specifically to establish an equal claim to that of the Northern Plains tribes. Such a pretense allowed climbers like Petefish to then argue that any attempt to interfere with climbing was an interference with their religion, and therefore was a violation of the First Amendment. This is an admittedly thorny topic, one which the Forest Service supervisor overseeing the Cave Rock controversy dealt with succinctly: “while the Forest Service appreciated the passion of the climbing community, ‘climbing does not meet the legal definition of a religion to receive the accommodation protections provided by the U.S. Constitution.’”¹⁴⁵

II. Climbing as a “Traditional” Use

There is a certain “combativeness with which individuals and institutions decide on what is tradition and what is not,” a fact that is glaringly evident in the case of Bear Lodge/Devils Tower. Like the use of the claim that climbing is or is like a religion, the argument that climbing is a traditional or historical use of the Tower was a strategy adopted from its obvious success for the claims made by Northern Plains tribes as to their traditional use of the Tower. “Climbing should be recognized as a traditional use,” wrote one individual to the Park Service regarding the CMP. Another wrote, “It cannot be denied that climbers have been climbing at Devils Tower for over one hundred years, as such this has been a traditional use of the area since before it was designated as a National Monument.”¹⁴⁶ This argument is the most obvious attempt by the climbers to legitimize their presence at the Tower, allowing them to argue that if the Park Service sought to include the Northern Plains tribes by accommodating their traditional use of the Tower, the Park Service therefore excluded climbers by interfering with or prohibiting *their*

¹⁴⁵ Maribeth Gustafson, “Record of Decision,” quoted in Makley and Makley, *Cave Rock*, 84.

¹⁴⁶ Said, *Culture and Imperialism*, 4; “Climbing Management Plan, Executive Summary of Letters Received as of June 28, 1994,” in AR Vol. 7.

traditional use of the Tower. Yet, as noted by historian Mark Spence in his discussion of the dispossession of Native Americans from the American wilderness, “popular conceptions of certain wilderness areas have precluded alternative visions of the same landscapes.”¹⁴⁷ By insisting upon the importance of climbing’s traditional, historic use, it was climbers who were denying the Northern Plains tribes’ traditional, historical, *and* contemporary relationship to the Tower.

Local, non-climbing whites also sought to assert their claims to the Tower by calling upon their multi-generational histories in the area. A number of families in the area are descendants of pioneers who homesteaded the region, and have not been shy about using this fact to argue against Park Service accommodations of the Northern Plains tribes. “Our family goes back seven generations in Crook County and the ranching business,” said one prominent local rancher. “Our culture is as important as the Indian culture,” explained Winnie Bush, the Mayor of Hulett, the town nearest to the Tower, “and we people who have lived here all our lives, we have our own culture that is being invaded by the Indians coming here all the time and taking over, I think.”¹⁴⁸ This statement, reflecting the fear “that the recent resurgence of American Indian religious activity devalues their own pioneer history and tradition,” demonstrates the selection of one history – “pioneer” traditions – and the silencing of another: the invasion and conquest of the West, during which whites violently colonized the landscape, peoples, and cultures of Native America.¹⁴⁹

While numerous local white residents expressed concerns over the economic impacts of limiting rock climbing, these arguments asserting the “pioneer” history of the area are invoked

¹⁴⁷ Spence, *Dispossessing*, 5.

¹⁴⁸ McLeod and Maynor, *In the Light of Reverence*.

¹⁴⁹ James Brooke, “What’s in a Name? At Wyoming Butte, a Culture and a History,” *The New York Times*, July 8, 1997, in Archbold papers.

mostly in debates over proposed name changes to the Tower. During a proposal in 2005 to change the name to “ Bear Lodge,” Wyoming’s U.S. Representative Barbara Cubin introduced legislation into Congress to permanently fix the name “Devils Tower” to the monument. She argued: “Changing the name of the most recognizable landmark in Wyoming would only result in a loss of the area’s identity – an identity that is crucial to the tourist industry that helps drive the local economies around the monument.”¹⁵⁰ This explosive and ongoing debate highlights the issues of identity, place, and the processes of the settler becoming a “native” in settler societies. The “identity of a place,” write Gupta and Ferguson, “emerges by the intersection of its specific involvement in a system of hierarchically organized spaces with its cultural construction as a community or locality.”¹⁵¹ The arguments that longtime white residents and rock climbers have made for the protection of pioneer and climbing history in the locality of the Tower have created a hierarchy of histories and cultures. In this hierarchy, the histories of Northern Plains tribes are suppressed, or are told in a manner that ignores the history of the colonization of the West and the oppression of tribal cultures and peoples.

The claims to pioneer and climbing histories often operated in conjunction with the argument, put forth by some climbers as well as by certain local whites, that “there really were no Native Americans here until they were invited by the Park Service.” This argument is made on the basis of “eyewitness” evidence: “old-timers” use their claims of long years spent in the vicinity of the Tower to bolster their argument that they had never seen “Native Americans” at the Tower until the late 1980s and 1990s. Some also deny that there is any archaeological or historical evidence of the Tower’s importance to the Northern Plains tribes. This denial arose

¹⁵⁰ Barbara Cubin, “Cubin Fights Devils Tower Name Change,” Barbara Cubin, U.S. House of Representatives, Published March 8, 2005, accessed November 20, 2015.

<http://web.archive.org/web/20081226230212/http://www.house.gov/cubin/news/2005/March08e.html>.

¹⁵¹ Mahmood Mamdani, “When Does a Settler Become a Native? The Colonial Roots of Citizenship,” *Pretexes* 7 (1998), 251; Gupta and Ferguson, “Beyond ‘Culture,’” 8.

several times during public meetings held regarding the DCMP. At the meeting in Gillette, one audience member charged that the tribal claims were “not thoroughly documented, archaeologically or scientifically. Don’t base your actions on undocumented, unproven history.” Lisa Eckert, the Superintendent at Devils Tower National Monument from 2002 to 2005, recalled in an interview that, during a public meeting in Hulett, a local man who identified himself as “a fifth generation rancher,” accused the Park Service of going out at night and tossing arrowheads on the ground around the Tower.¹⁵²

This discourse echoes the convenient narrative that Colonel Dodge proclaimed in 1876: when he excluded the Northern Plains tribes from the history of the landscape, he set the stage for subsequent generations of whites to continue to invalidate the tribal claims to the Tower. To this day, in response to the three name change proposals that have occurred since 1995, the argument against changing the name from “Devils Tower” to “Bear Lodge” relies upon Dodge’s 1876 depiction of the Black Hills. The frequent citations to Colonel Dodge and this book by defenders of the name “Devils Tower” represent a curious twist in the way this particular landscape has been understood over the course of history. Colonel Dodge clearly did not view the Tower as a “resource,” yet today it is defined as a “natural and cultural resource” by its managing agency, the Park Service; and it is additionally understood by the local community as an economic resource, a tourist draw that brings vital stimulation into the local communities, and as a proud marker of pioneer identity. The contemporary dominant narrative regarding the history of Bear Lodge/Devils Tower depends heavily upon Dodge’s 1876 text, but modifies how the feature itself is understood to better suit modern claims to this landscape. The Tower itself is

¹⁵² McLeod and Maynor, *In the Light of Reverence*; Frank Sanders, interview, April 10, 2015; “Public Meeting Comments/Notes/Questions on the DETO CMP/EA,” in AR Vol. 7; Lisa Eckert, interview by Anna Kramer, August 27, 2015.

now another “resource” to lay claim to, and the denial of any Native American presence at, or use of, Bear Lodge/Devils Tower, is one more way to privilege white claims to this landscape.

The denial of the Northern Plains tribes having any historical or traditional presence at the Tower ignores the histories that explain why the tribal presence was relatively invisible. Elaine Quiver, the Lakota woman who became an important cultural broker for the CMP work group, explains:

We’ve always been there, but they would not see us because we didn’t go there to be seen, really. In [the] 1800s, we were prohibited from practicing our own religious way of life, our vision quests were stopped, now we can go back again, and that’s when we started going back to the sacred sites. But you don’t see an Indian visibly going back to a place to pray. I went up there and prayed and so has a lot of people, they walk into the hills and pray...we was always been there, so I think that’s a culture, you have to know the culture to identify what you see, and if you don’t know the culture you don’t see nothing.¹⁵³

The notion that the federal government would prohibit a group from practicing their religion might seem impossible to the average American acquainted with the First Amendment, yet this was standard practice in the federal government’s treatment of Native Americans. Beginning in the late nineteenth century, the federal government criminalized Native American traditional and ceremonial activities in an effort to “civilize” Native Americans and force them to assimilate. The Indian Religious Crimes Code laws were first enacted in 1883, threatening imprisonment for those conducting ceremonial activities; in 1892, the Commissioner of Indian Affairs wrote in his “Rules for Indian Courts,”

¹⁵³ McLeod and Maynor, *In the Light of Reverence*.

Any Indian who shall engage in the practices of so-called medicine men, or who shall resort to any artifice or device to keep the Indians of the reservations from adopting and following civilized habits and pursuits, or shall use any arts of conjurer to prevent Indians from abandoning their barbarous rites and customs, shall be deemed guilty of an offense, and upon conviction thereof, for the first offense shall be imprisoned for not less than ten days and not more than thirty days...for subsequent conviction for such offense the maximum term or imprisonment shall not exceed six months.¹⁵⁴

Around this time, Native Americans also found themselves barred from traveling off reservation, unless they obtained written permission from the Bureau of Indian Affairs agent in charge of their reservation. These restrictions would not be relaxed until the 1920s and 1930s, when the Indian Citizenship Act of 1924 was passed and a series of reforms loosened some of the regulations governing tribal practices. In 1934, John Collier, newly appointed as the Commissioner of Indian Affairs, issued a circular titled “‘Indian Religious Freedom and Culture,’ which was sent to all agencies and stated that ‘no interference with Indian religious life or ceremonial expression will hereafter be tolerated.’” This circular did not end the suppression of Native American traditional and ceremonial activities – on the Pine Ridge Reservation, sun dancers were still being arrested until the 1970s, a factor that led to the confrontation between the American Indian Movement (AIM) and the FBI at Wounded Knee in 1973 – but it started a glacial process towards federal acknowledgement of Native American freedom of religion.¹⁵⁵

Congress would not guarantee the First Amendment right of free exercise to Native Americans until 1978, with the passage of the American Indian Religious Freedom Act

¹⁵⁴ Quoted in Irwin, “Freedom, Law, and Prophecy,” 295-7.

¹⁵⁵ Paula Mitchell Marks, *In a Barren Land: American Indian Dispossession and Survival* (New York: William Morrow and Company, Inc., 1998), 155; Vine Deloria, Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (Austin: University of Texas Press, 1998), 42; Owen, *Appropriation*, 29-3; Irwin, “Freedom, Law, and Prophecy,” 302.

(AIRFA): “it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.” The AIRFA protected the right of access to sacred sites, but it was not until 1996 that President Bill Clinton ordered federal agencies to “avoid adversely affecting the physical integrity of such sacred sites.” The proclamation of the “Indian Sacred Sites” Executive Order occurred shortly before the District Court issued a preliminary injunction of the CMP at Devils Tower National Monument, and the Park Service sought to incorporate that order into its reconsideration of the FCMP.¹⁵⁶

The Park Service does acknowledge that there was a remarkable surge in tribal activity at the Tower in the 1980s, when an annual Sun Dance began to occur there, and that prior to that decade, such activity was less noticeable. It is likely that this increase in tribal ceremonial activities at the Tower was tied to a broader movement of cultural revival and political activism that began in the late 1960s and continues to the present. “Even if, as seems to be the case,” writes Michael Brown, “the annual performance of the Sun Dance at the base of Devils Tower owes more to the forces of contemporary cultural revitalization than to tradition, Native Americans can point to an impressive body of evidence to support their insistence that the tower is an important focus of religious sentiment.”¹⁵⁷

The denial of the presence of Northern Plains tribal members at the Tower until the 1980s and 1990s is and was a blatant silencing of the unjust and violent treatment of Native American

¹⁵⁶ American Indian Religious Freedom Act, 92 Stat. 469 (1978); Executive Order No. 13007, 61 FR 26771 (1996); “Devils Tower Climbing Management Plan Public Response Analysis,” November 1996, in AR Vol. 9.

¹⁵⁷ Skrove, interview, April 3, 2015; Memorandum from Gyhra and Nolan, November 19, 1991, in AR Vol. 3; Kathleen S. Fine-Dare, *Grave Injustice: The American Indian Repatriation Movement and NAGPRA* (Lincoln: University of Nebraska Press, 2002), 85; Brown, *Who Owns Native Culture?*, 153.

cultures and peoples. The Park Service, despite shifting into the role of accommodating tribal claims and traditions in the 1990s, is complicit in this selective reading of history. At present, displays in the Monument's Visitor Center discuss the cultural and traditional significance of the Tower to the Northern Plains tribes alongside depictions of the rock climbing history there; one panel openly acknowledges the controversial issue of climbing at the Tower and the debate over its name. Yet information on the perceived absence of tribal members at the Tower during the twentieth century is sorely lacking. A 2007 history of Devils Tower National Monument, commissioned by the Park Service and titled *Standing Witness*, is almost exclusively a pioneer and climbing history of the Monument. The cultural significance of the Tower to the Northern Plains tribes is mentioned in the introduction, but until the ninth chapter, which covers the 1980s, the Northern Plains tribes are rarely, if ever, mentioned. The text provides no explanation, like the one above regarding the suppression of traditional tribal cultural and ceremonial activities, for the absence of the Northern Plains tribes from this history of the Tower.¹⁵⁸

¹⁵⁸ Rogers, *Standing Witness*.

Conclusion

Remembered places have often served as symbolic anchors of community for dispersed people.

– Akhil Gupta and James Ferguson¹⁵⁹

Judge William Downes, the Federal District Court of Wyoming Judge who presided over *Bear Lodge Multiple Use Association v. Babbitt* (1998), asked, during an oral statement, “whether the tribes’ effort and time might not be better spent remedying Native American social ills like alcoholism.” The Judge stated that his ruling “may still have preserved Native American religion into the next century, but I’m not at all certain that there’ll be many Indian children left to exercise it.” The tribal attorney for the Cheyenne River Sioux Tribe, which intervened as defendants, responded: “we appear here in federal court to protect our traditions because we believe that our traditions are in fact the root of the solution to all of our societal ills.”¹⁶⁰

As the tribal attorney suggested, the Northern Plains tribes view the material and spiritual realms not as separate ones like Westerners tend to perceive them, but as highly interconnected. The Northern Plains tribal members advocating for the accommodation and protection of their cultural, traditional practices at the Tower did so for their cultures’ survival. Judge Downes, although obviously not particularly sympathetic to the tribal claims, ruled in favor of the Climbing Management Plan for the Tower, after the Park Service removed the mandatory closure for commercial guides. The plaintiffs took their case to the Tenth Circuit Court of Appeals, which affirmed the lower court’s decision on the grounds that the plaintiffs lacked standing.¹⁶¹ The CMP withstood this legal challenge, and the subsequent implementation of the

¹⁵⁹ Gupta and Ferguson, “Beyond ‘Culture,’” 11.

¹⁶⁰ *Bear Lodge Multiple Use Association v. Babbitt*, 2 F. Supp. 2d 1448 (D. Wyo. 1998), quoted in Bluemel, “Prioritizing,” 388, and Burton and Ruppert, “Bear’s Lodge or Devils Tower,” 229.

¹⁶¹ *Bear Lodge Multiple Use Association v. Babbitt*, 98-8021 (10th Cir., April 26, 1999).

plan has largely been successful. 1,225 climbs were recorded on the Tower in June of 1994; the following year, after the publication of the Final CMP, the number of climbs during June dropped to 167, an 86% decrease. Since 1995, according to the data on climbing provided by the Park Service, in comparison with the June 1994 numbers, the number of June climbers hovered in the range of 85% to 76% until 2011, when this compliance rate began occasionally dipping into the high sixties.¹⁶² These numbers indicate that a significant number of climbers are respecting the voluntary June closure, although the slight decrease in recent years may mean that the Park Service should increase its educational efforts.

Many climbers have expressed their willingness to honor the voluntary June closure by climbing elsewhere. John Gunnels, a local climber, remarked that even though his “favorite spot on the planet is Devils Tower...I go to other places during June because I choose to respect Native American beliefs.” The climbing guide company of Andy Petefish, one of the plaintiffs in the *Bear Lodge* lawsuit, was the only company out of eight regularly licensed guide companies at the Tower to violate the June closure in 1995. Al Read of Exum Mountain Guides stated that his company would not use their commercial license at the Tower in June. “Some climbers just want access no matter what the consequences of that access might mean to the general public. We don’t share that philosophy.” Bob Archbold, the Access Fund representative who was part of the CMP work group, told a writer for *Sierra* magazine, that unfortunately, “you have five percent of the people making ninety five percent of the impression.”¹⁶³

That small but highly vociferous group of rock climbers who fought the CMP likely does not represent the views of the majority of climbers. The discourses they employed, however, reflect, as Mark David Spence argues for national parks in general, the fact that the Tower is “a

¹⁶² Devils Tower National Monument Climbing Statistics, courtesy of the National Park Service.

¹⁶³ McLeod and Maynor, *In the Light of Reverence*; Sink, “Religion and Recreation”; Karen J. Coates, “Stairway to Heaven,” *Sierra* 81 (November/December 1996): 27–28.

microcosm for the history of conflict and misunderstanding that has long characterized the unequal relations between the United States and native peoples.” At its core, the controversy over climbing at the Tower was a contestation of history, as climbers, local white residents, the Park Service, and Northern Plains tribes asserted various versions of history to legitimize their contemporary roles at and rights to the Tower. Those opposed to the accommodation of the Northern Plains tribes at the Tower relied upon a dominant narrative of history, which as Spence has argued in another context, conflated “racial, political, and geographic ‘destinies’ with the cant of conquest effectively erased the human history of western North America and replace it with an atemporal *natural* history that somehow prefigured the American conquest of these lands.”¹⁶⁴

The climbers’ arguments against restrictions on rock climbing at the Tower demonstrated not only a lack of cultural understanding and sympathy, but also a silencing, intentional or not, of the history and traditions of the Northern Plains tribes. The Park Service, which as an agency of the federal government played a role in the construction of the Tower as a place for American national heritage, also contributed to narratives of the Tower that excluded tribal voices and presences. While the Park Service is beginning to recognize the importance of the Tower as a cultural resource as well as a natural, recreational, and historical one, it continues to ignore the historical complexities and silencing underlying the controversy at the Tower. Such contestations over history and the identity of a place reflect Gupta and Ferguson’s argument “that place making always involves a construction, rather than merely a discovery, of difference.” By insisting upon the various meanings of the Tower as Devils Tower National Monument and as a premier crack climbing area, the dominant groups at the Tower have excluded another meaning: that of Bear Lodge. One climber, who first ascended the Tower in 1976 as a high school student,

¹⁶⁴ Spence, *Dispossessing*, 8, 29.

much later recognized the dynamics of power and history at play in his climb of the Tower. To him and his friends, “climbing the Tower had been a grand little adventure, nothing more. Grounded in Judeo-Christian hegemony, we were the latest heirs of Manifest Destiny. We came, we camped, we climbed.”¹⁶⁵

¹⁶⁵ Gupta and Ferguson, “Culture, Power, Place,” 13; Mark Jenkins, “Devils Tower, Sacred Space,” *Virginia Quarterly Review* 89 (Winter 2013): 234.

Sources

Archives

Devils Tower National Monument Climbing Management Plan Administrative Record, 9 vols.
 Devils Tower National Monument, Devils Tower, Wyoming.
 Western History Collections, University of Oklahoma.
 Norman, Oklahoma.
 Wyoming State Archives.
 Cheyenne, Wyoming.

Government Treaties, Orders, Court Cases, and Legislation

American Indian Religious Freedom Act. 92 Stat. 469 (1978).
 Bear Lodge Multiple Use Association v. Babbitt. 2 F. Supp. 2d 1448. District Court of Wyoming, 1998.
 Bear Lodge Multiple Use Association v. Babbitt, 98-8021. 10th Circuit Court, April 26, 1999.
 Cherokee Nation v. Georgia. 30 U.S. 1 (1831).
 Executive Order No. 13007. 61 FR 26771 (1996).
 Johnson v. M'Intosh 21 U.S. (8 Wheat.) (1823).
 National Park Service Organic Act. 39 Stat. 535 (1916).
 Proclamation No. 658, 34 Stat 3236 (September 24, 1906).
 Treaty with the Sioux Indians at Fort Laramie, U.S. – Sioux Nation, 15 Stat. 635 (April 29, 1868).
 52 Cong. Rec. 5,700 (July 1, 1892).

Interviews

All interviews conducted and transcribed by Anna Kramer.

Bird, Debbie. June 25, 2015.
 Conn, Jan. June 5, 2015.
 Eckert, Lisa. August 27, 2015.
 Means, Jeff. June 12, 2015.
 Ruppert, Dave. July 23, 2015.
 Sanders, Frank. April 10, 2015, and June 7, 2015.
 Skrove, Sue. April 3, 2015.

Personal Collection

Bob Archbold personal papers. Non-archived source. In the possession of Frank Sanders.
 Devils Tower, Wyoming.

Works Cited

Arce, Gary. *Defying Gravity: High Adventure on Yosemite's Walls*. Berkeley: Wilderness Press, 1996.
 Berlin, Ira, Marc Favreau, and Steven F. Miller. Introduction to *Remembering Slavery: African Americans Talk About Their Personal Experiences of Slavery and Freedom*, edited by Ira Berlin, Marc Favreau, and Steven F. Miller, xiii-xlvii. New York: The New Press, 1993.

- Blackhorse, Amanda. "Do You Prefer 'Native American' or 'American Indian'? 6 Prominent Voices Respond." *Indian Country Today Media Network*. Published May 21, 2015. <http://indiancountrytodaymedianetwork.com/2015/05/21/blackhorse-do-you-prefer-native-american-or-american-indian-6-prominent-voices-respond>.
- Bluemel, Erik B. "Prioritizing Multiple Uses on Public Lands After Bear Lodge." *Boston College Environmental Affairs Law Review* 32 (2005): 365–94.
- Bonham, Charlton H. "Devils Tower, Rainbow Bridge, and the Uphill Battle Facing Native American Religion on Public Lands." *Law and Inequality* 20 (2002): 157–202.
- Brady, Joel. "'Land Is Itself a Sacred, Living Being': Native American Sacred Site Protection on Federal Public Lands Amidst the Shadows of Bear Lodge." *American Indian Law Review* 24 (1999): 153–86.
- Brown, Michael F. *Who Owns Native Culture?* Cambridge: Harvard University Press, 2003.
- Burton, Lloyd. *Worship and Wilderness: Culture, Religion, and Law in Public Lands Management*. Madison: University of Wisconsin Press, 2002.
- , and Dave Ruppert. "Bear's Lodge or Devils Tower: Inter-Cultural Relations, Legal Pluralism, and the Management of Sacred Sites on Public Lands." *Cornell Journal of Law and Public Policy* 8 (1999): 201–47.
- Coates, Karen J. "Stairway to Heaven." *Sierra* 81 (November/December 1996): 27–28.
- Collins, Richard B. "Sacred Sites and Religious Freedom on Government Land." *University of Pennsylvania Journal of Constitutional Law* 5 (2003): 241–70.
- Conn, Jan. "Manless Ascent of Devils Tower." In *No Limits But the Sky: the Best Mountaineering Stories from Appalachia Journal*, edited by Christine Woodside, 115-9. Boston: Appalachian Mountain Club Books, 2014.
- Coulthard, Glen. "From Wards of the State to Subjects of Recognition?: Marx, Indigenous Peoples, and the Politics of Dispossession in Denendeh." In *Theorizing Native Studies*. Edited by Audra Simpson and Andrea Smith, 56-98. Durham: Duke University Press, 2014.
- Cronon, William. "The Trouble with Wilderness: Or, Getting Back to the Wrong Nature." *Environmental History* 1 (1996): 7–28.
- Cross, Raymond, and Elizabeth Brenneman. "Devils Tower at the Crossroads: The National Park Service and the Preservation of Native American Cultural Resources in the 21st Century." *Public Land & Resources Law Review* 18 (1997): 5–46.
- Cubin, Barbara. "Cubin Fights Devils Tower Name Change." Barbara Cubin, U.S. House of Representatives. Published March 8, 2005. Accessed November 20, 2015. <http://web.archive.org/web/20081226230212/http://www.house.gov/cubin/news/2005/March08e.html>.
- Damon, Charles S. Letter to Steve Roper, editor, *Ascent Magazine*, May 12, 1971. Online at "Desert Pioneers." The American Alpine Club. Accessed November 21, 2015. <http://www.americanalpineclub.org/clubhouse/desert-pioneers/>.
- Deloria, Philip J. *Playing Indian*. New Haven: Yale University Press, 1998.
- Deloria, Vine Jr., and Clifford M. Lytle. *The Nations Within: The Past and Future of American Indian Sovereignty*. Austin: University of Texas Press, 1998.
- Dodge, Richard Irving. *The Black Hills*. New York: James Miller, 1876.
- . *The Black Hills Journals of Colonel Richard Irving Dodge*. Edited by Wayne R. Kime. Norman: University of Oklahoma Press, 1996.

- Dussias, Allison M. "Cultural Conflicts Regarding Land Use: The Conflict Between Recreational Users at Devil's Tower and Native American Ceremonial Users." *Vermont Journal of Environmental Law* 2 (2001): 13–40.
- Dutton C. E. and G. M. Schwartz. "Notes on the Jointing of the Devil's Tower, Wyoming." *Journal of Geology* 44 (1936): 717–28.
- Ellis, Reuben. *Vertical Margins: Mountaineering and the Landscapes of Neoliberalism*. Madison: University of Wisconsin Press, 2001.
- Erickson, Bruce. "Style Matters: Explorations of Bodies, Whiteness, and Identity in Rock Climbing." *Sociology of Sport Journal* 22 (2005): 373–96.
- Fine-Dare, Kathleen S. *Grave Injustice: The American Indian Repatriation Movement and NAGPRA*. Lincoln: University of Nebraska Press, 2002.
- Fire, Heath A. "Cultural Encounters of the Controversial Kind." *High Plains Applied Anthropologist* 19 (1999): 34–46.
- Foucault, Michel. *The History of Sexuality*, Vol. 1. Translated by Robert Hurley. New York: Vintage Books, 1978.
- Freedman, Eric. "Protecting Sacred Sites on Public Land: Religion and Alliances in the Mato Tipila-Devils Tower Litigation." *American Indian Quarterly* 31 (2007): 1–22.
- Gardiner, Steve. "Tackling the Tower." Devils Tower Climbing. Accessed November 17, 2015. <http://www.devilstowerclimbing.com/towertales/tales1.html>.
- Gerstenblith, Patty. "Identity and Cultural Property: The Protection of Cultural Property in the United States." *Boston University Law Review* 75 (1995): 559–688.
- Gordon, Sarah B. "Indian Religious Freedom and Governmental Development of Public Lands." *Yale Law Journal* 94 (1985): 1447–71.
- Grimm, Lydia T. "Sacred Lands and the Establishment Clause: Indian Religions Practices on Federal Lands." *Natural Resources & Environment* 12 (1997): 19–78.
- Gunderson, Mary Alice. *Devils Tower: Stories in Stone*. Glendo, Wyoming: High Plains Press, 1988.
- Gupta, Akhil, and James Ferguson. "Beyond 'Culture': Space, Identity, and the Politics of Difference." *Cultural Anthropology* 7 (1992): 6–23.
- . "Culture, Power, Place: Ethnography at the End of an Era." In *Culture, Power, Place: Explorations in Critical Anthropology*, edited by Akhil Gupta and James Ferguson, 1-29. Durham: Duke University Press, 1997.
- Hamilton, Lawrence C. "Modern American Rock Climbing: Some Aspects of Social Change." *The Pacific Sociological Review* 22 (1979): 285–308.
- Hanson, Jeffery R. and Sally Chirinos. "Ethnographic Overview and Assessment of Devils Tower National Monument, Wyoming." *Cultural Resources Selections* (Intermountain Region, National Park Service), no. 9 (1997).
- Harmon, David, Francis P. McManamon, and Dwight T. Pitcaithley. "Introduction: The Importance of the Antiquities Act." In *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*, edited by David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, 1-12. Tucson: University of Arizona Press, 2006.
- Hirschfelder, Arlene. "What's Correct? American Indian or Native American?" In *American Indian Stereotypes in the World of Children: A Reader and Bibliography*, edited by Arlene Hirschfelder, Paulette Fairbanks Molin, and Yvonne Wakim. 2nd ed. Lanham, Maryland: The Scarecrow Press, Inc., 1999.

- Irwin, Lee. "Freedom, Law, and Prophecy: A Brief History of Native American Religious Resistance." In *Native American Spirituality*, edited by Lee Irwin, 295-316. Lincoln: University of Nebraska Press, 2000.
- Jackenthal, Stefani. *The Complete Idiot's Guide® To Rock Climbing*. Pearson Education, Inc.: 2000.
- Jacoby, Karl. *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation*. Berkeley: University of California Press, 2001.
- Jenkins, Mark. "Devils Tower, Sacred Space." *Virginia Quarterly Review* 89 (Winter 2013): 232-37.
- Keller, Robert H, and Michael F Turek. *American Indians and National Parks*. Tucson: University of Arizona Press, 1998.
- Kelley, Robin D. G. Foreword to *Remembering Slavery: African Americans Talk About Their Personal Experiences of Slavery and Freedom*, edited by Ira Berlin, Marc Favreau, and Steven F. Miller, vii-viii. New York: The New Press, 1993.
- Kozak, David L. "'Between a Rock and a Hard Place': Rock Climbing and Traditional Cultural Properties." *The Applied Anthropologist* 26 (2006): 170-80.
- Lakota Summit V. "Declaration of War Against Exploiters of Lakota Spirituality." 1993. Accessed November 1, 2015. <http://puffin.creighton.edu/lakota/war.html>.
- Lazarus, Edward. *Black Hills White Justice: The Sioux Nation Versus the United States, 1775 to the Present*. New York: HarperCollins Publishers, 1991.
- Lee, Ronald F. "The Origins of the Antiquities Act." In *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation*, edited by David Harmon, Francis P. McManamon, and Dwight T. Pitcaithley, 15-34. Tucson: University of Arizona Press, 2006.
- Lynn, Rachael and Zach Orenczak. *Devils Tower Climbing*. Laramie, Wyoming: Extreme Angles Publishing, 2006.
- Maher, Frances A., and Mary Kay Tetreault. "Frames of Positionality: Constructing Meaningful Dialogues about Gender and Race." *Anthropological Quarterly* 66 (1993): 118-26.
- Makley, Matthew S. and Michael J. Makley. *Cave Rock: Climbers, Courts, and a Washoe Indian Sacred Place*. Reno: University of Nevada Press, 2010.
- Mamdani, Mahmood. "When Does a Settler Become a Native? The Colonial Roots of Citizenship." *Pretexts* 7 (1998): 249-58.
- Marks, Paula Mitchell. *In a Barren Land: American Indian Dispossession and Survival*. New York: William Morrow and Company, Inc., 1998.
- Mattison, Ray H. "Devils Tower National Monument - A History." *Annals of Wyoming* 28 (1956): 3-19.
- McLeod, Christopher and Malinda Maynor. *In the Light of Reverence*. Sacred Land Film Project, 2001.
- Mellor, Don. *American Rock: Region, Rock, and Culture in American Climbing*. Woodstock, Vermont: The Countryman Press, 2001.
- Merchant, Carolyn. *Reinventing Eden: The Fate of Nature in Western Culture*. New York: Routledge, 2003.
- Momaday, N. Scott. *The Way to Rainy Mountain*. Albuquerque: University of New Mexico Press, 1969.
- Monmonier, Mark. *From Squaw Tit to Whorehouse Meadow: How Maps Name, Claim, and Inflamm*. Chicago: University of Chicago Press, 2006.

- Muir, John. *The Mountains of California*. New York: The Century Co., 1894.
- Nabokov, Peter and Lawrence Loendorf. *Restoring a Presence: American Indians and Yellowstone National Park*. Norman: University of Oklahoma Press, 2004.
- National Park Service. "Annual Park Visitation (1904-Last Calendar Year): Devils Tower National Monument." Accessed October 11, 2015.
[https://irma.nps.gov/Stats/SSRSReports/Park Specific Reports/Annual Park Recreation Visitation \(1904 - Last Calendar Year\)?Park=DETO](https://irma.nps.gov/Stats/SSRSReports/Park%20Specific%20Reports/Annual%20Park%20Recreation%20Visitation%20(1904%20-%20Last%20Calendar%20Year)?Park=DETO).
- . *Management Policies*. December, 1988.
- National Park Service, Devils Tower National Monument. "Current Issues" park brochure. Accessed September 10, 2015.
<http://www.nps.gov/deto/planyourvisit/upload/current%20issues.pdf>.
- . "Draft Climbing Management Plan and Environmental Assessment." July 1994.
- . "Final Climbing Management Plan / Finding of No Significant Impact." February 1995.
- . "Frequently Asked Questions." Accessed November 18, 2015.
<http://www.nps.gov/deto/faqs.htm>.
- . "Geology of Devils Tower," Accessed November 15, 2015.
http://www.nature.nps.gov/views/Sites/DETO/HTML/00G_Overview.htm.
- O'Brien, Sharon L. "Freedom of Religion in Indian Country." *Montana Law Review* 56 (1995): 451–84.
- Owen, Suzanne. *The Appropriation of Native American Spirituality*. London: Continuum International Publishing Group, 2008.
- Pirsson, L. V. "On Some Phonolitic Rocks from the Black Hills." *American Journal of Science* 47 (1894): 341–46.
- Raibmon, Paige. *Authentic Indians: Episodes of Encounter from the Late-Nineteenth-Century Northwest Coast*. Durham: Duke University Press, 2005.
- Raynolds, W. F. *Report on the Exploration of the Yellowstone River*. Exec. Doc. No. 77, 40th Congress, 1st Session, 1868.
- Rives, Melanie. "'Gender Politics' (Letter)." *Rock and Ice* (July 2003): 20-1.
- Robbins, David. "Sport, Hegemony and the Middle Class: The Victorian Mountaineers." *Theory, Culture & Society* 4 (1987): 579–601.
- Robinson, C. "Geology of Devils Tower National Monument, Wyoming." *U.S. Geological Survey Bulletin* 1021 (1956): 289-302.
- Rogers, Jeanne. *Standing Witness: Devils Tower National Monument, A History*. Devils Tower, Wyoming: Devils Tower National Monument, National Park Service, U.S. Dept. of the Interior, 2007.
- Roper, Steve, and Allen Steck. *Fifty Classic Climbs of North America*. San Francisco: Sierra Club Books, 1979.
- Said, Edward. *Culture and Imperialism*. New York: Alfred A. Knopf, 1994.
- Saltanaviciute, Jurgita. "Native American Sacred Sites: Battle for Protection." Master's thesis, University of Wyoming, 2000.
- San Miguel, George L. "How Is Devils Tower a Sacred Site to American Indians." National Park Service: Devils Tower National Monument. Last updated September 29, 2015.
<http://www.nps.gov/deto/learn/historyculture/sacredsites.htm>.
- Sink, Mindy. "Religion and Recreation Clash at Park." *New York Times*. July 1, 1996.
- Spence, Mark David. *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks*. New York: Oxford University Press, 1999.

- Steinbeck, John. *East of Eden*. New York: Bantam Books, 1952.
- Stone, Dick. *First Encounters: Indian Legends of Devils Tower*. Compiled by Shirl. U.S.A: Sand Creek Printing, 1982.
- Suagee, Duane. "Tribal Voices in Historic Preservation: Sacred Landscapes, Cross-Cultural Bridges, and Common Ground." *Vermont Law Review* 21 (1996): 145–224.
- Taylor, Joseph E. III. *Pilgrims of the Vertical: Yosemite Rock Climbers and Nature at Risk*. Cambridge, Mass: Harvard University Press, 2010.
- Thoreau, Henry David. *The Portable Thoreau*. Edited by Jeffrey S. Cramer. New York: Penguin Books, 2012.
- Trope, Jack F. "Existing Federal Law and the Protection of Sacred Sites: Possibilities and Limitations." *Cultural Survival Quarterly* 19 (1996): 30-5.
- Tsosie, Rebecca. "Land, Culture, and Community: Reflections on Native Sovereignty and Property in America." *Indiana Law Review* 34 (2001): 1291-312.
- Turner, Frederick Jackson. *The Significance of the Frontier in American History*. Edited by Harold P. Simonson. New York: Frederick Ungar Publishing Co., 1963.
- Vestal, Stanley. *Warpath: The True Story of the Fighting Sioux Told in a Biography of Chief White Bull*. Lincoln: University of Nebraska Press, 1984.
- West, Patrick C. and Steven R. Brechin, eds. *Resident Peoples and National Parks: Social Dilemmas and Strategies in International Conservation*. Tucson: University of Arizona Press, 1991.
- Williams, Robert A., Jr. "Large Binocular Telescopes, Red Squirrel Piñatas, and Apache Sacred Mountains: Decolonizing Environmental Law in a Multicultural World." *West Virginia Law Review* 96 (1994): 1133–64.
- Winslow, Anastasia P. "Sacred Standards: Honoring the Establishment Clause in Protecting Native American Sacred Sites." *Arizona Law Review* 38 (1996): 1291–343.
- Yablon, Marcia. "Property Rights and Sacred Sites: Federal Regulatory Responses to American Indian Religious Claims on Public Land." *Yale Law Journal* 113 (2004): 1623–62.
- Zavada, P., P. Dedecek, J. Lexa, and G. R. Keller. "Devils Tower (Wyoming, USA): A Lava Coulee Emplaced into a Maar-Diatreme Volcano?" *Geosphere* 11 (2015): 354–75.
- Zellmer, Sandra B. "Sustaining Geographies of Hope: Cultural Resources on Public Lands." *University of Colorado Law Review* 73 (2002): 413–519.