

The Unexpectedness of Jim Pepper

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Abstract: Cultural historian Philip Deloria employs the concepts of “expectation and anomaly” to illuminate the influence of “unexpected” American Indians on the formation of American popular culture during the early twentieth century. I apply Deloria’s framework towards an examination of Creek and Kaw saxophonist Jim Pepper at the time of his 1969 release “Witchi Tai To.” I situate Pepper’s music as sounding a unique vision of Indigenous musical modernity, exploring expectations relating to his fusion of musical styles and concluding with a reflection upon “Witchi Tai To’s” ownership.

Résumé : L’historien culturel Philip Deloria utilise les concepts d’« attente » et d’« anomalie » pour mettre en lumière l’influence des Amérindiens « inattendus » sur la formation de la culture populaire américaine au début du vingtième siècle. J’applique le cadre théorique de Deloria à une étude du saxophoniste Creek et Kaw Jim Pepper, à l’époque de la sortie de « Witchi Tai To » en 1969. J’interprète la musique de Pepper comme l’expression sonore d’une vision unique de la modernité musicale autochtone et j’examine les attentes liées à sa fusion de styles musicaux, avant de conclure par une réflexion sur la question de savoir à qui appartient « Witchi Tai To ».

For American Indian/Native American Studies scholars, 1969 is a crucial year in the cultural history of American Indians¹ in the United States. The occupation of Alcatraz Island in the San Francisco Bay by Indians of All Tribes from 1969 through 1971 “initiated a unique nine-year period of Red Power protest that culminated in the transformation of national consciousness about American Indians and engendered a more open and confident sense of identity among people of Indian descent” (Johnson, Champagne, and Nagel 1997:9).² Native people’s concerns with sociopolitical and economic inequities were amplified by the musical soundscape (Schafer 1994:274-75) that accompanied Alcatraz and other protests of the time. Folksingers Buffy Sainte-Marie (Piapot Cree) and Peter La Farge (Narragansett) are well known for their activism

at this moment, due in large part to the politicized content of their music. Although not explicitly political, saxophonist Jim Pepper's (Creek, Kaw) song, "Witchi Tai To," recorded for the first time in 1969 when he was a member of Everything Is Everything, also occupies space in the soundscape of the era. Pepper's musicking (Small 1998:9) presents a unique set of considerations for study because, as poet and saxophonist Joy Harjo (Creek) has written of Pepper, "A saxophone can complicate things" (2002:114).

This essay applies the concepts of "expectation," "anomaly," and "unexpectedness" developed by the cultural historian Philip Deloria (Dakota) in *Indians in Unexpected Places* (2004) in order to explore the complications made audible through Jim Pepper's musical output at the time of the release of "Witchi Tai To." By situating Pepper as an "unexpected" Indian in the entangled histories of American and Native American musicking leading up to that moment, I illuminate some of the musical and cultural expectations surrounding his reception in order to hear "Witchi Tai To" as sounding a unique vision of Indigenous musical modernity. Given the song's global popularity in the more than forty years since its original release, I conclude by reflecting on the contradictory status of "Witchi Tai To" as the cultural property of both Native and non-Native creators.

In *Indians In Unexpected Places*, Deloria examines the cultural expectations surrounding Native peoples at the turn of the twentieth century in search of a "richer understanding than that offered by *stereotype*." Stereotypes, he says, "function better as a descriptive shorthand rather than as an analytic tool" due to their "simplifying tendencies" (2004:8-9). An example would be the idea that "American Indian musics are inherently primitive in comparison to Western musics." It is not enough to simply identify (and dismiss) a stereotype, however; it is necessary to examine the forces that led to its construction in the first place. The study of expectations in this case provides a lens through which to understand the social and historical narratives that inform the ways Native music is – or is not – performed, heard, and circulated.

Deloria posits that "expectations and anomalies are mutually constitutive...to assert that a person or an event is anomalous cannot help but serve to create and to reinforce other expectations" (2004:5). The notion that Native musicians create primitive music is reinforced by the existence of "anomalies," that is, Native musicians whose music does not conform to what Deloria calls "the sound of Indian." This he describes as having a "melancholy, vaguely threatening, minor-key melody and a repetitive pounding drumbeat, accented in a 'tom-tom' fashion: DUM dum dum dum DUM dum dum dum" (183) and he locates its origin in the relationship between early American ethnomusicologists and Indianist composers who used ethnomusicological

archives for source materials from which to found a nationalist American school of musical composition in the late 1800s and early 1900s (194-99; Browner 1995; Pisani 2005). Given this description, Jim Pepper's use of the saxophone could be called "anomalous"; but Deloria points out that the word "anomalous" reinforces expectation, whereas "unexpected" calls assumptions into question – a more useful perspective from which to view American Indian history and music, one that sees Indians as creators and agents of change (11). I argue that Pepper is an "unexpected" Indian, not an "anomalous" one. His compositions and performance exploded the stereotype that "Indians don't play jazz." While Pepper's music may be perceived as anomalous because it does not reinforce expectations of American Indian musical 'primitivism,' the lived experiences informing his musicking question the very existence of such expectations. That process brings the unexpected sounds of American Indian musical modernity to the foreground.

This type of thinking, that emphasizes the fluidity of Native identities over time and in relation to constant societal change, is by no means limited to American Indian/Native American Studies. It can be read in the work of ethnomusicologist Beverley Diamond, who presents an "alliance studies" model calling upon ethnomusicologists to shift scholarly focus from music as a means of defining identity to music as a means of defining the relationships that then inform identity (2007). This is congruent with Deloria's work, in that both suggest frameworks that challenge notions of a static Indianness; they situate cultural change as an ongoing component of Indigenous modernity rather than an obstacle to it. The interdisciplinary relationship between American Indian/Native American Studies and ethnomusicology is important to me given my own relationship to those fields, and so in order to privilege that dialogue I will make reference to Deloria and Diamond in the following discussion.

Listening to the soundscape of American Indian cultural history in 1969, I locate Jim Pepper as an artist whose work resisted categorization at the time, and to this day challenges expectations of Native music. James "Jim" Gilbert Pepper II was born in Salem, Oregon on June 18, 1941 to Floy (Childers) and Gilbert Pepper.³ Floy, a member of the Creek Nation born in Broken Arrow, Oklahoma on March 14, 1917, graduated from Oklahoma Agricultural and Mechanical College in 1939 with a Master of Science degree from the School of Home Economics. Upon her graduation from Oklahoma A&M, Floy was recruited by the Bureau of Indian Affairs to teach at the Fort Sill Indian School in Lawton, Oklahoma, where she met Gilbert Pepper. Gilbert, a member of the Kaw nation born in Kaw City, Oklahoma in 1917, was working as a baker at Fort Sill Indian School. The couple were married on March 23, 1940 in Lawton, and subsequently transferred to Chemawa Indian School in Salem,

Oregon, where Jim was born one year later (Pepper and Jones 2006:110).

Pepper spent much of his early life traveling between his family homes in Oregon and Oklahoma. The diversity of background shows in the range of his early artistic influences which included tap dance, big band jazz, and pow-wow singing and dancing. His parents were ballroom dancers; Gilbert was also a pow-wow dancer and a semi-professional saxophonist and bandleader (Harris 2008). As a child, Pepper was taught peyote music by his paternal grandfather, Ralph Pepper, who according to the jazz scholar and bassist Ratzon Harris was a roadman in the Native American Church. A roadman oversees the peyote ceremony and offers guidance to participants.⁴

Pepper moved to New York in the early 1960s and joined The Free Spirits, an early fusion jazz⁵ ensemble that included guitarist Larry Coryell and drummer Bob Moses. After recording two albums with The Free Spirits, Pepper went on to join Everything is Everything with former Free Spirits bassist Chris Hills and guitarist/vocalist Columbus “Chip” Baker. Their eponymous debut release (1969) featured the song “Witchi Tai To,” an original arrangement by Pepper of a peyote song learned from his grandfather, Ralph Pepper.

The recording features Pepper on vocals, tenor saxophone, and flute; Chris Hills on electric bass; Lee Reinoehl on organ; Columbus “Chip” Baker on guitar; and John Waller and Jim Zitro on drums.⁶ The song is performed in the key of D major with a rock feel. The chordal structure reflects rock and pop harmonic conventions of the time and is marked by its descending bass, an excerpt of which is transcribed in Figure 1, and the use of a ii-V-I turnaround progression—in this case, Em-A7-D.

While I refer to Pepper as a jazz musician and “Witchi Tai To” as a jazz song, this stylistic change towards rock is in keeping with Pepper’s description of the differences between The Free Spirits and Everything Is Everything. He said, “There was more of a conscious decision that we wanted to make a rock effort and a commercial effort: you know, to really get with the people and

Figure 1: “Witchi Tai To” bass line excerpt (As performed by Chris Hills, transcribed by John-Carlos Perea)

The figure shows a musical transcription of a bass line excerpt. It consists of two staves of music in bass clef, 4/4 time, and D major. The first staff is labeled "Electric Bass" and has a tempo marking "♩ = ca. 109 D". The second staff is labeled "G" and has a tempo marking "0:14 - 0:27". The music features a descending bass line with the following notes: D2, C2, B1, A1, G1, F1, E1, D1. Chord symbols are placed above the notes: D/C, Bm, Em, and A7.

everything. And to make money. More so with Everything Is Everything than with The Free Spirits” (Heckman 1969:42). “Witchi Tai To”’s formal structure is unique in that, while the chords repeat in six-bar phrases, the vocal melody, essentially based around one repeating note, moves in four-bar phrases. This tension creates the distinct sound and rhythmic feel of the 1969 recording.

The lyrics alternate between the Comanche and English languages. In a 1988 interview for the journal *Caliban*, Jim Pepper explained that “Witchi Tai To” is “a Comanche peyote song, one of many peyote songs that are sung at the time when water is passed around at a peyote meeting” (Smith 1988:155-56).⁷ Since historian Omer C. Stewart finds the locus of peyotism on the Kiowa and Comanche reservations in the 1880s (1987:63), the Comanche influence on the musical practices associated with Peyote ceremonialism is not out of place and has been addressed by ethnomusicologists such as David McAllester. Peyote meetings are delineated by a four-part form: opening, midnight, dawn, and closing. These moments are marked by particular songs and by the sharing of water at midnight, dawn, and closing (McAllester 1949:21-23). It is possible that “Witchi Tai To” was specific to one of these moments, or it could have been sung at other points during a meeting.

In later versions recorded on *Pepper’s Pow Wow* (1971) and *Comin’ and Goin’* (1987), Pepper sings “Witchi Tai To” with voice and percussion accompaniment in a fashion that sonically refers to conventional peyote music practice, followed by a performance of his 1969 arrangement of the song. Through the lens of Diamond’s alliance studies model, the inclusion of the “original” version in later recordings can be seen as a citation bringing the social and musical relationships of Pepper’s past forward into his present (2007:3). While, to my knowledge, the Comanche words to “Witchi Tai To” have yet to be formally translated, Pepper himself made the English translation heard after the Comanche lyric on the 1969 recording (Linder 1979).

“Witchi Tai To” enjoyed a five-week run on the Billboard Pop charts between February 8 and March 8, 1969, where it peaked at number 69. In later years the song was re-recorded by Pepper on three of his four albums as a leader (1971, 1987, 1988) and covered by over ninety artists ranging from folk duo Brewer and Shipley (1969) to jazz saxophonist Jan Garbarek (1974, 1992). I myself participated in recording it as a member of the Paul Winter Consort (2007). Pepper went on to record, perform, and tour with a host of international jazz bands and artists, including Charlie Haden’s Liberation Music Orchestra, pianist Mal Waldron, and trombonist Marty Cook. He died on February 10, 1992 in Portland, Oregon.

Research into the transmission and reception of “Witchi Tai To” among musicians who recorded the song reveal a number of expectations that

influenced the journey of the song from Jim Pepper to the musicians who followed him (Perea 2009). The expectation that I think shadowed Pepper most closely throughout his career was a perception that American Indians do not play jazz. The poet Simon Ortiz (Acoma Pueblo) spoke of the stereotype in filmmaker Sandra Osawa's (Makah) documentary, *Pepper's PowWow*:

The American public wants a certain version of Indian, of Native American and that goes with our art. They don't want us to go outside of those so-called norms. It's not Indian to be a poet. It's not Indian to be a jazz musician. It's not Indian to be a rock and roll star. Which is really kind of silly because that's not what art is about at all. (1997)

The "sound of Indian," with accompanying imagery, has been a global pop culture phenomenon, disseminated through literature, cartoons, cinema, and sports. Repeated performances normalize the expectations of primitivism and violence embedded within the sound to the point where, for example, first-time students in my American Indian music classes describe Native pow-wow music as harsh, shrieking, and frightening. Yet the histories of Indian musicians of the early 1900s show many of them performing outside sonic and genre expectations. There was, for instance, the Carlisle Indian School Band which played at presidential inaugurations; Robert Coon, a Lakota student and sousaphonist at Carlisle, who played with John Phillip Sousa's band in 1920; and the Indian String Quartet, formed in the early 1900s at the Chemawa Indian School (Deloria 2004: 207). These musicians were thriving even as a national narrative was under construction that hypothesized the disappearance of Native Americans with the advance of modernization.

Historian John Troutman's research on the use of music in U.S. Indian boarding schools illuminates the complex experiences faced and choices made by Indian students during that time (2009). Troutman sees the boarding schools not as locations characterized solely by loss, but as spaces from which Native musicians emerged to create new artistic expressions sounding both Indigenous modernity and survivance.⁸ As American Indian Studies and English scholar Janis Ian Johnson has shown in her research on the Nez Perce, those expressions included the formation of Native jazz bands (2010). Other Native jazz musicians – while not necessarily having attended a boarding school – include vocalist Mildred Bailey (Coeur d'Alene, Irish), bassist Oscar Pettiford (Choctaw, Cherokee, African American), and trombonist Russell "Big Chief" Moore (Akimel O'odham) (Wright-McLeod 2005:50-52, 152-54, 140-42). Bailey (1903-1951) began her career with Paul Whiteman's big band in 1929

and went on to work with Benny Goodman and vibraphonist Red Norvo. Pettiford (1922-1960) was a foundational figure in the development of bebop through his work with Dizzy Gillespie. Moore (1912-1983), who attended the Sherman Institute, began his career with Lionel Hampton and went on to perform with Louis Armstrong's Big Band, Louis Armstrong's Sextet, and Louis Armstrong's All Stars. The stylistically diverse musical output of these Native artists defies the expectation that the "sound of Indian" dictates Native musical capability and production. I locate Jim Pepper's work within this musical lineage.

Pepper addressed the subject of ethnicity and genre when discussing whether he could "play the blues" in a 1969 interview:

Oh, I can have the blues just as well as any black, green or purple person, and I can play them, too, you know. I really don't believe that just black people can play the blues or have a right to play the blues, or I don't even know if they even discovered the blues. I hear a lot of blues in Indian music, or just any kind of music: in Eastern Indian music, American Indian music, and I'm sure there are many other kinds of music that utilize the blues, too. (Heckman 1969:43)

There is some correspondence between Pepper's point of view and contemporary thought on the intersections between Native music and jazz. In a note to a poem dedicated to Jim Pepper, "The Place The Musician Became A Bear," Joy Harjo wrote:

I've always believed us Creeks had something to do with the origin of jazz. It only makes sense. When the [West] Africans were forced here they were brought to the traditional lands of the Muscogee peoples and, of course, there were interactions between Africans and Muscogees. So, it wasn't strange for Jim to pick up a saxophone and find his way to jazz. (2002:224)

An exhibit at The Smithsonian Institution's National Museum of the American Indian, *indiVisible: African-Native American Lives in the Americas*, explored these connections on a global scale, including a discussion of jazz and Native American jazz musicians. Professor of English Ron Welburn's (Assateague, Gingaskin, Cherokee) essay for the exhibit, "Native Americans in Jazz, Blues, and Popular Music," identified potential directions for the study of mutual influences between Native American and African American musicians, such as

issues of rhythm and form, the use of musical themes to convey Indianness, and the history and practices of Mardi Gras Indians (2009).

From this perspective, the complications emanating from Jim Pepper's saxophone can be seen and heard as firmly grounded in the history of Native artistic production – and patterns of cultural interaction – leading up to 1969. They were also informed by contemporary, equally unexpected Native music-making. In the early 1960s, music journalist Brian Wright-McLeod (Dakota, Anishnabe) recognized folksinger Peter LaFarge (Narragansett, 1931-1965) for his “strong vocal ability, crafty wordsmithing, and minimalistic guitar work” (2005:119-20). The political content of LaFarge's original compositions, such as “The Ballad of Ira Hayes,” wrote Wright-McLeod, “was prophetic to the coming era of Indian activism” (120). Jim Pepper recorded two of LaFarge's compositions, “Senecas” and “Drums,” on *Pepper's PowWow* (1971). Piapot Cree folksinger Buffy Sainte-Marie came to prominence with the 1964 release of *It's My Way*, an album known for songs such as “Now That The Buffalo's Gone,” characterized by Wright-McLeod as a “politically charged historical ballad,” and “Universal Soldier,” an antiwar “anthem” that placed “Sainte-Marie front and center in both the music and political scenes” (2005:170).

Besides folk music, Native musicians were also active in rock, blues, and jazz during the 1960s. Session guitarist Jessie Ed Davis (Kiowa, 1944-1988) found recognition with blues guitarist and singer Taj Mahal in 1968, and his recording credits include appearances on the solo albums of John Lennon and George Harrison. Drummer Jimmy Carl Black (Comanche, 1938-2008) was a member of Frank Zappa's Mothers of Invention and recorded with the group from 1969 to 1971. Other Native rock and blues musicians active at the time were guitarist Robbie Robertson (Mohawk), who performed with Bob Dylan and the group The Band, and guitarist Link Wray (Shawnee-Cherokee, 1929-2005) (Wright-McLeod 2005:88-92, 60-61, 165-68, 211-14). These examples contextualize Jim Pepper's 1969 recording of “Witchi Tai To” as part of an intertribal soundscape of Native music constructed through alliances between musicians in the 1960s.

Jim Pepper's unexpected history did not end with his 1969 recording of “Witchi Tai To.” With over ninety cover versions of “Witchi Tai To” in circulation, made by international artists, the song has traveled from peyote meetings through Ralph Pepper to Jim Pepper, and from them into global circuits of musical culture. The reality of that global movement is addressed by Diamond's alliance studies model which sees issues of access and ownership as part of understanding modern Indigenous musics (2007:1). I conclude with a reflection on these issues as they pertain to “Witchi Tai To.”

Since “Witchi Tai To” was performed by Jim Pepper's grandfather Ralph

for ceremonial purposes in peyote meetings, I suggest that the song in this form is first and foremost the cultural property of practitioners of peyote religion. Further research must be undertaken in order to understand, if possible, how Ralph Pepper learned “Witchi Tai To” as part of his experience with peyote. Jim Pepper maintained that the song was Comanche in origin, but studies by Willard Rhodes show that peyote songs tended to move from tribe to tribe, and from sacred to social contexts (1958:48). Given the complexity of identification, I find it appropriate to situate “Witchi Tai To” at the beginning of its musical journey as the shared intertribal property of Native American followers of peyote religion. It is a type of collective ownership that has no legal standing in American law but still carries weight in terms of how the song may have been used and transmitted between people and communities.

It can also be argued that the song was at some level the property of Jim’s grandfather, Ralph. As a roadman, Ralph Pepper would have had intimate knowledge of the songs used to mark the progression of a peyote meeting. “Witchi Tai To” became his property by right of his role and responsibilities in the meetings. That role permitted Ralph Pepper to teach it to Jim Pepper via oral transmission between family members. Learning songs in this fashion involves the exercise of musical and historical memory, as a singer must always remember who made a song, where it came from, and how and when it is to be sung. Jim Pepper recognized this when “Witchi Tai To” was released. He said, “And ‘Witchi Tai To’ is a song that I remember him [Ralph Pepper] singing from my childhood. The way I do it is not altogether the way he did it. It’s changed quite a bit, but the basic essence is there” (Heckman 1969:41). At this juncture “Witchi Tai To” became and remained Jim Pepper’s cultural property via his relationship to his grandfather and his familial relationship to peyotism.

Jim Pepper then took steps that made “Witchi Tai To” globally accessible: he recorded it for commercial release as a member of Everything is Everything and copyrighted his arrangement of the song. In an interview with Adrian Linder, he related his fears about having done this without first obtaining approval from his grandfather:

I went directly to my grandfather and his older cronies, and played what I did to it, and got nothing but praise from them. They liked it. I asked them, would it be sacrilegious, and they said, No, it’s a beautiful song, it’s great that other people could do it. And even though I changed it a little, I got their approval, so I went ahead and did it. (Linder 1979)

Having secured approval from his grandfather and members of his grandfather’s

circle, Pepper recorded and released the song, an act that made his new version of “Witchi Tai To” audible to the world. The recording gave musicians a level of access to the song that superseded the familial relationships through which it was originally transmitted. More importantly, the dimension of historical memory present in the transmission of “Witchi Tai To” between Ralph and Jim Pepper became secondary to the ability to transcribe and reproduce it through musical memory, fundamentally changing patterns of access and subsequent identification with the song as cultural property.

Pepper’s experience with copyright would prove painful in later years as he was forced to sell his full publishing rights to “Witchi Tai To” to Motown (Jobete Music) in order to move from his contract with Vanguard Records to a solo recording contract with Atlantic Records (Smith 1988:159-60). The commodification of “Witchi Tai To” via the copyright process assigned a commercial value to the song that was used as leverage on Pepper when he sought to advance his career as a solo artist with a new record company. The recording and the copyrighting of “Witchi Tai To” thus performed a contradictory function by making the song available to cover artists and audiences who would cement its place in global music culture, while at the same time legally and economically disenfranchising Jim Pepper.⁹ “Witchi Tai To” remains the property of Jobete Music as of this writing. The complexity of ownership issues notwithstanding, one cannot ignore the importance of the unexpected history of the song and the increased audibility it provides American Indian musical cultures in the history of American popular music.

Jim Pepper’s saxophone and artistic career “complicate things” because they do not conform to expectations of American Indian musicking. Philip Deloria’s concepts of “expectation” and “anomaly” illuminate many of the historical factors underpinning those expectations and, in doing so, Pepper’s sounds can be represented as “unexpected.” Songs like “Witchi Tai To” do not match up with assumptions of violence, primitivism, or other colonial tropes. They do, however, sound the varied experiences of Indigenous modernity that call into question the master narrative of American identity – from the settling of the wild frontier to the so-called Indian Wars and beyond. Documenting the social relationships informing those lived experiences of Indigenous modernity contributes to “a growing archive of Native presence” over absence (Perea 2011:14).

“Witchi Tai To” stands in retrospect as a compelling sonic marker refuting the myth of Indian disappearance and foreshadowing the continuing politicization of American Indians in the 1970s. The unexpected complications emanating from Jim Pepper’s saxophone locate him as a vital figure in American Indian musical and cultural history. ❖

Notes

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1. Since no single term is currently accepted as primary in general usage, I will alternate between American Indian, Native American, Native, and Indian.

2. Recent scholarship in American Indian Studies has expanded the timeline constituting Red Power in order to recognize the National Indian Youth Council, founded in 1961. “Both the militancy and the intertribal direct action that academics and nonacademics have ascribed to the Alcatraz occupation began with the NIYC,” according to Shreve (2011:185).

3. My historical sketch of Jim Pepper’s life is based primarily upon “Witchi Tai To: An Historical Acoustemology” (Perea 2009).

4. On the Native American Church, see *One Nation Under God: The Triumph of the Native American Church* (Smith and Snake 1996) and *Peyote Religion: A History* (Stewart 1987).

5. My definition of *fusion jazz* follows Steven F. Pond’s usage in *Head Hunters: The Making of Jazz’s First Platinum Album*: “the consistent parent is jazz, at least as an identity; the most widely accepted terms all assume some modification of ‘jazz’” (2005:17). While Pond’s text explores the strands comprising the various musical identities contained in the term “fusion jazz” via the music of Herbie Hancock, my use of the term is more historical in nature. In other words, I am using the term to situate The Free Spirits as part of a particularly influential musical genre during the late 1960s and into the 1970s.

6. Both Waller and Zitro are credited as drummers on the album but there is no mention in the sleeve notes as to whether one or both play on the recording.

7. Bassist and Jim Pepper archivist Adrian Linder points out that there is also speculation concerning “Witchi Tai To’s” Kanza linguistic origin (personal communication, 14 February 2012); see “‘Witchi Tai’ by Jim Pepper and the NAC,” <http://hengruh.livejournal.com/144839.html>.

8. Gerald Vizenor (White Earth Chippewa) defines “survivance” as “an active sense of presence over absence, deracination, and oblivion” (2008:1). I understand the term as a response to historical narratives that have emphasized the inevitable disappearance or assimilation of Native Americans. In contrast, “survivance” is a term through which to identify and recognize not simply survival but the active creation and presence of new cultural forms illuminating the complexity of Native experience over time.

9. It is my understanding that the Pepper family does not have legal rights to “Witchi Tai To” given that Jim Pepper signed over the song publishing to Jobete. Given that song publishing agreements also have influence over financial rights, it

is also my understanding that the Pepper family does not benefit financially from commercial sales of “Witchi Tai To.” Further research is necessary to ascertain any recent changes to this relationship.

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