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Suggested Guidelines for Institutions with Scholars Who Conduct Research on American Indians

DEVON A. MIHESUAH

Since contact, non-Indians have been fascinated with American Indians, and they continue to explore almost every aspect of Indians' cultures and physiologies. Library shelves contain vast collections of books with American Indian themes. The majority of books and articles, in addition to movies, television shows, and documentaries, have been written and produced by non-Indians (some of whom attempt to pass themselves off as Indians) who have been educated and trained to conduct research by other non-Indians. Although most non-Indian scholars respect the peoples and cultures they study, many do not. Intrusive research of American Indians and publication of information that tribes do not wish disseminated to the general public constitute a major source of interracial conflict. Dissension between those who desire to keep their cultures sheltered from curious interlopers and those who cry academic freedom undermines the credibility of all scholarly studies.

University tenure and promotion processes exacerbate the problem. Most university faculty members are encouraged to

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pursue a wide range of research and scholarly creative interests, many of which focus on American Indian topics. Some researchers are intrusive in their quest for information, others are not. Some writers are genuinely concerned about their subjects' well-being, and they research for the Indians' welfare. Indeed, many Indians are grateful that scholars have documented certain aspects of their culture, and some tribes hire outsiders to conduct research for them. Most researchers, however, use the information for their own gain, that is, for tenure, promotion, grants, marketability, and prestige. Others operate under the assumption that they are the caretakers of tribal histories and cultural knowledge. These paternalistic encroachers claim that Indians are too witless to chronicle their own histories or to manage their own affairs, and they assume that it is in the Indians' best interest to publish sensitive details of tribal life. This posturing appalls tribal historians and religious leaders who maintain that certain aspects of tribal information should not be shared with outsiders. The problem is that some people believe they should be exempt from any restrictions.

Two examples illustrate these boorish attitudes. First, a few years ago, a professor at an Arizona university attempted to publish religious information about a tribe that is known to be extremely protective of its religion. (Many tribal members believe that the informants in the study were unaware that the information would be published.) Distraught, the tribal leaders hired a team of lawyers in an attempt to block publication of the book. To date, the manuscript has not been published, but, despite the tribe's objections, the author continues to seek a publishing house that will accept it. Second, just last year, a full professor of my acquaintance, upon hearing that he might be subject to research restrictions, proclaimed that he could "study anyone and anything I damn well please." In the eyes of many American Indians and scholars, these empirical perspectives not only compromise the integrity of academic research, they also serve to alienate tribal communities from researchers who study Indians.

Until the time comes when Indians collect data about their own tribes and choose what information will be disseminated to the public, researchers from outside the tribe of study should at least adhere to the general research guidelines of their particular academic and professional affiliations, of the Institutional Review Board (IRB), and of the federal, state, and local governments. Investigators also should strictly adhere to the guidelines estab-

lished by tribes and to the regulations of their funding agencies. Unfortunately, these are not always sufficient to protect American Indians from overzealous investigators.

In April 1991, Northern Arizona University president Eugene Hughes, upon recognizing the need for guidelines directed toward administrators, staff, faculty, and students who conduct research on American Indians, formed a five-member committee composed of representatives from history, anthropology, modern language, and religious studies. Our group was named the Native American Research Guidelines Advisory Committee (NARGAC).¹ The guidelines we established are intended to supplement the university's regulations (such as those of the IRB) by addressing religious, social, political, and other cultural aspects. However, they have not been formally approved and they may never be.

Some of the ideas I mention here may infuriate those researchers who are ardent subscribers to the imperialistic tenets of academic freedom. But considering the long history of exploitation of Indians at the hands of some non-Indians, it is only appropriate that research on American Indians be monitored by universities and tribes. What follows is a combination of NAU's guidelines and my additional suggestions for establishing a research guide.²

1. Only the tribes' elected political and religious leadership should review and approve the research proposal. It is not uncommon for a researcher to obtain permission to study a tribe from one or two individuals, or from one tribal faction, and then claim that he or she has "tribal consent." The problem with this strategy (besides being unethical) is that the tribe may be divided along political, social, religious, geographic, or class lines. Progressive and traditional elements exist in almost every tribe. Not all members of the one tribe subscribe to the same values, support the same tribal politicians, or live in the same area. Many Indians know nothing about their cultures.

Because of the socioeconomic differences between members of the one tribe, a variety of situations may arise to complicate the researcher's study. For example, some tribal members may not be initiated into certain religious societies and do not know enough to tell researchers factual information. On the other hand, maverick tribal members may be inclined to reveal secret tribal religious knowledge for monetary gain, and some individuals may reveal

private information under the assumption that the researcher will not make the information public. It is important that researchers deal with the tribe's leadership and not take advantage of intratribal differences.

2. Researchers should remain sensitive to the economic, social, physical, psychological, religious, and general welfare of the individuals and cultures being studied. When individuals of different cultures interact, misunderstandings often result. What may be ethical and respectful to one group may be seen as unethical and disrespectful to another. Behaviors can be interpreted differently. The well-published, grant-winning, aggressive researcher seeking knowledge may be admired among academics, but, among other peoples, he or she may appear nosy, pushy, and therefore offensive. The researcher may not understand the tribe's cultural mores, and, indeed, he or she may believe that the Indians' culture is inferior to his or her own. (Conversely, potential subjects may feel the same way about the researcher's culture.) This attitude, however, should not deter the investigator from acting with the greatest sensitivity.

Peoples of non-Euro-American traditions may not share prevailing academic views on the gathering, distribution, or publication of cultural information. They may not understand the need a person from one culture has to collect data from a person of another culture for curiosity sake. For example, many non-Indians are fixated on Indian religions, and they intrude on ceremonies and dances with tape recorder and camera in hand, with the belief that Indians' religions are open to scrutiny by anyone. Some intruders want to participate in ceremonies or try to imitate them. Witness the number of bogus medicine men and women in our country today. Many are frauds who conduct seminars with the intention of duping the ignorant public. Numerous books on Indian religions have been criticized by tribes because of the unscrupulous ways information was obtained.

It also must be kept in mind that many tribes will not object too strenuously to a topic, because their objections might reveal facts. A potential publisher of the aforementioned religious book was confused when tribal members argued that many parts of the book were inaccurate but would not tell the editors why, because the religious leaders did not want the correct information revealed.

3. Researchers who are preparing grant applications that deal with Indians should be prepared to spend months, if not a year, to allow the subjects to thoroughly understand every aspect of the study. The Hopi, for example, take at least a year to consider research projects and then may not approve them. It is not wise to write a grant application under the assumption that the tribe will cooperate.

4. Researchers should use caution when using cameras and tape recorders. The informants should understand clearly what the researcher plans to do with the pictures or tapes. Many people do not take kindly to having their pictures published without permission, and they may not want their recorded voices deposited in an archive. Tribes can confiscate recording devices if they are used improperly.

5. Informants should be given fair and appropriate return. This can be in the form of money, a copy of the book, or an acknowledgment, depending on the agreement between the investigator and the informant. Some researchers balk at this, but considering that the writer/researcher is the one who usually benefits from the study, fair return is just that—fair. Otherwise, the researcher has used the informant for his or her own gain. Informants have a right to remain anonymous, but proper credit must be given to those who do wish to be acknowledged.

6. The anticipated consequences of the research should be communicated to individuals and groups that will be affected. What is likely to happen? Potential informants may not want to be involved after hearing about the entire process, and the researcher will end up with half a study. The researchers should inform the tribe of publishing houses or journals that may print the results of the study.

7. Every attempt should be made to cooperate with the current host society. An unfortunate scenario for some scholars may be that one political party will be in power when the research proposal is approved, but another political entity unsupportive of the project may come to power before the project is completed. Bob Trotter, chair of the Department of Anthropology at Northern Arizona University (NAU) and a member of NARGAC, tells a story of a student who was almost finished with her dissertation

on a tribe in South America when a new political party—different from the one that had given her permission to study the tribe—took command and made her leave. She had to surrender ten years worth of notes and leave what she had written of her dissertation behind.

Obviously, not all problems can be anticipated. Written agreements may not have the same meaning and legal exigency for all peoples. Some may agree to the project and then turn around later and become uncooperative. Researchers at NAU are discouraged from taking on projects with groups that are politically unstable, because the researchers may have to abandon the project.

8. Physical anthropologists, archaeologists, and other researchers wishing to desecrate Indian burials in order to study remains and funerary objects should obtain permission to do so from tribes. The issue of desecration of Indian burials and sacred objects, the study of the remains and objects, and the repatriation of these items to tribes are quite volatile and multifaceted. Researchers should realize that the study of the past does impact on the present, and they need to understand that activities that some scholars see as academic study are viewed by Indians as grave robbing.

Those who study Indian remains should respect the dignity of living Indians by not plundering graves without permission from the descendants of the deceased. Researchers should be aware of the Native American Graves Protection and Repatriation Act (NAGPRA), which restricts the desecration of Indian graves, and they should check state laws that bring criminal prosecution against those who traffic in human remains.

9. Results of the study should be reviewed by the tribes' elected representatives and religious leaders. Many researchers object to having nonscholars critique their writings. But this step is vital. It ensures that sensitive information remains secret and that the researcher presents acceptable information correctly. A Ph.D. should not be viewed as a license to obtain everything about tribal histories and culture, nor should a researcher with a terminal degree consider himself or herself an "expert" on Indian matters. In actuality, many Indians do know more about the topic than the researcher, although the former may not have completed high school. Not enough researchers ask for Indians' input; their studies could be improved if they did.

10. Researchers must follow the guidelines for each new project.

Some tribes as a whole have no problems or objections to academic research and publication of data about their cultural heritage—but many do. Just because a researcher had a fruitful experience with one tribe does not mean the next tribe will welcome him or her with open arms. All tribes are different. Where some welcome research, others view it as violating their privacy and the sanctity of their traditions. Many tribes have indeed been exploited. Failure to respect Indians' wishes concerning research could hamper the plans of future researchers.

Establishing guidelines for academic research is not easy. The five members of NARGAC spent more than a year gathering the conduct standards and ethics statements of various disciplines. We met once a week to share ideas and argue, to present worst-case scenarios, and to meet with local tribal representatives. Every time one person offered a comment, someone else was ready to play devil's advocate. It is indeed inevitable that a committee given the mandate to construct rules and regulations for scholars who deal with Indians will encounter differences of opinion. (Imagine the discourse between a physical anthropologist who specializes in human paleobiology and an American Indian professor who champions the repatriation of Indian remains.) In order to keep discussions manageable, a guidelines committee should be small—no more than seven people, including Indians and non-Indians who are knowledgeable about Indian societies and the disciplines involved. It is strongly recommended that the committee seek advice from their institution's attorney and from local tribes.

One of the most difficult aspects of this process is establishing grievance procedures to address those researchers not adhering to guidelines. Most universities have developed policies to deal with misconduct in research, such as plagiarism and fabrication of data, but opportunistic researchers will find loopholes to slip through, and some will take advantage of ambiguous language. Unless a wayward researcher is faced with an explicit set of misconduct rules and regulations, he or she will attempt to publish sensitive and protected data without fear of punishment.³

It is vital that the institution be willing to adopt the guidelines as policy; otherwise, it is a useless endeavor to create them. The guidelines need to be approved at every level of the institution, and every researcher must be required to adhere to them. In that

way, there will be no exceptions to the rules. When the administration finances research efforts for the publication of data a tribe does not want disseminated, it is a sure thing that others will attempt to gain the same favor. After the guidelines are approved, copies should be distributed to all faculty and students wishing to conduct filed research on American Indians, and they should sign a consent form stating that they have read and will adhere to the guidelines.

Researchers should not look upon Indians as curiosities. Those who conduct research on Indians need to ask themselves seriously why they are doing such research. Who is benefiting? All of us in academia need tenure and promotion, grant money, and a good professional reputation. But are the people we study also benefiting? Professors and graduate students who have "always been interested in Indians" must understand that Indians do not exist just so they can acquire merit or graduate.

We need to minimize useless research. Does the world really need another book on the Cherokee removal process? Or another book on Navajo religion? Maybe so if the tribes say we do, but time could be better spent by discerning what Indians need to know and then working with them to find that knowledge. We should encourage Indians to conduct their own research, and that is why it is important that universities be committed to their education.

No single set of guidelines will work in all situations. Often, agreements must be made on a case-by-case basis. The entire focus of establishing and following guidelines should be based on respect, dialogue, and compromise—not on who has the right to study Indians because members of their profession have always done so.

NOTES

1. Members of the Northern Arizona University Native American Research Guidelines Advisory Committee are Devon A. Mihesuah, chair (Department of History); Nicholas J. Meyerhofer (Department of Modern Languages); Shirley Powell (Department of Anthropology); Robert T. Trotter II (Department of Anthropology); and Peter L. van der Loo (Department of Humanities and Religious Studies).

2. Northern Arizona University's guidelines and my ideals for guidelines are slightly different. The exact wording of the *Northern Arizona University Native American Research Guidelines Advisory Committee Document's* "Statement of Principles" (part 3, pp. 2-3) is as follows:

1. Where research involves acquiring material and information that is transferred on the assumption of trust between persons, it is axiomatic that the rights, interests, sensitivities, and well-being of those individuals involved in the study be safeguarded.
 2. The aims of the investigation should be communicated as clearly and with as much lead time as possible to all parties involved in the study.
 3. Informants have a right to remain anonymous or to be specifically named and acknowledged, if they so choose. The right should be respected where it has been promised explicitly. These strictures apply to the collation of data by means of cameras, tape recorders, and other data-gathering devices, as well as to data collected in face-to-face interviews or in participant observation. Those being recorded should understand the capacities of such devices, and they should be free to reject them if they wish; and if they accept them, the results obtained should be consonant with the informant's right to well-being, dignity, and privacy.
 4. Fair and appropriate return should be given to informants.
 5. The anticipated consequences of research should be assessed and communicated as fully as possible to the individuals and groups likely to be affected. In the case of historic or archaeological research on deceased populations, descendants are considered affected groups.
 6. Every effort should be exerted to cooperate with members of the host society in the planning and execution of research projects. However, because the host society itself can be divided into opposing or competing factions along geographical, class, political, religious, and other lines, the investigator must apply judgment based on the general principles stated above. Should a particular research project result in significantly increased tribal tension and factionalism, for example, it is advisable that said project at least temporarily be abrogated.
 7. Any report, publication, film, exhibition, and other work should be deposited with the Native elected representatives, elders, and /or traditional leaders of the community. Every effort should be made to ensure that representative bodies have an opportunity to review materials that result from work undertaken in the community.
 8. All the above should be acted upon in full recognition of the social and cultural pluralism of societies. This diversity complicates choice-making in research, but ignoring it leads to irresponsible decisions.
3. Guidelines dealing with misconduct in research include Health Research Extension Act of 1985 (PL 99-158); the National Institutes of Health's Interim Policies and Procedures for Dealing with Possible Misconduct in Science (*NIH Guide Special Issue* 15:11, 18 July 1986); National Science Foundation regulations (52 CFR 24466, effective 1 July 1987); and the National Health Service's *Responsibilities of Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science* (54 CFR 32446, effective 8 November 1989).