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Anthropological Advocacy in the Hopi-Navajo Land Dispute

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regarding couvade practices and male pregnancy symptoms among the Black Carib, although I have never found the particular measures of sex identity used by the Munroes and also by other researchers on sex identity acquisition to be transparently obvious measures of that variable. I do dispute the contention that those findings have a privileged place in a cross-cultural consideration of the correlates and meaning of the couvade, especially given the fact that the cross-cultural findings are in direct opposition to the within-culture findings of the Munroes.

I argued in my original study, and I continue to argue here, that the status-envy theory of the couvade, as tested by Munroe, Munroe, and Whiting, does not receive positive support, and indeed is faced with some serious obstacles, if the results of the research that I have presented are taken into account. I do also wish to suggest that inquiries into the origins and meanings of the couvade are probably hindered by the fact that so many different kinds of customs are collapsed into the single concept of couvade practices. Perhaps at this point in the history of investigations into the couvade the most productive next step would involve a better conceptualization and codification of these customs.

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Anthropological Advocacy in the Hopi-Navajo Land Dispute

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The text of this commentary is derived from a talk given at the 86th annual meeting of the American Anthropological Association, Chicago, November 1987.

Few issues better illustrate the dangers of anthropological intervention in the affairs of the peoples anthropologists study than the Hopi-Navajo relocation dispute. Anthropological ethics in this case are being violated in the following ways:

1. Anthropologists are intervening in the affairs of sovereign governments.
2. Anthropologists are intervening almost exclusively on the side of one of the government parties to the dispute, the Navajo Nation.
3. Anthropologists are acting as advocates, or providing a partial view of the dispute, through ignorance or suppression of data supportive of the other party to the dispute.

I will deal with each point in turn.

Anthropologists are not used to hearing Indian tribal governments described as sovereign. A common anthropological perspective is to see such governments as "puppets" either of the U.S. government or of powerful corporations, or, if not puppets, as inconsequential (Washburn 1985). In fact, the Supreme Court of the United States has repeatedly upheld the sovereign character of tribal governments in the many aspects of their activities to which this sovereign power adheres. Like the states, Indian tribes have limited powers, and their sovereignty is restricted in various ways, but again like the states their sovereign power is acknowledged and recognized and upheld by the Supreme Court in numerous cases (Washburn 1971, 1976). Indian tribes exist on a government-to-government relationship with the surrounding states and with the federal government.

The condescension shown by some anthropologists toward these sovereign governments can be illustrated by two examples, one local and the other disciplinary. The local example is the work of anthropologist Richard Clemmer in support of certain Hopis (whom he designates the Hopi Resistance Movement) who deny the legitimacy of the Hopi tribal government. I have dealt with Clemmer's misrepresentations elsewhere (Washburn 1979, 1985). I continue to feel that Clemmer's activities are inconsistent with the American Anthropological Association's Code of Ethics, and may well exceed in impropriety anything done by anthropologists during the Vietnam War.

The disciplinary example is my proposed resolution on legislation relating to American Indians, offered at the annual business meeting of the AAA on November 18, 1983, in Chicago. That resolution grew out of the debate over the Yellow Thunder Camp, where individuals who were not Sioux professed to speak for the Sioux and the only Sioux present op-

posed the resolution while saying that even she was not authorized by her tribe to express an opinion. The resolution was as follows:

Be it resolved that any motion or resolution submitted by a member of the American Anthropological Association for consideration by the membership either at its annual meeting or by mail ballot that professes to speak for the wishes of members of an American Indian tribe or nation include within its text or in an accompanying document the evidence on which the claim to speak for the wishes of members of the tribe is based. If the evidence does not include an affidavit or resolution from the legally constituted tribal government, indicating support for the proposed motion or resolution, then the evidence submitted with the AAA member's motion or resolution must include a statement indicating which individual Indians and/or unofficial groups of Indians support the member's motion or resolution.

That resolution was fiercely debated and defeated. David Aberle of the University of British Columbia was one of the principal opponents of the resolution. The defeat of the resolution, in my opinion, illustrates the condescending attitude most anthropologists have toward Indian governments.

I do not deny the right of an anthropologist to express an opinion, or scholarly conclusion, about an Indian government's policy, or about the positions of state, local, or federal governments toward such policies. Indeed, I do not think it is ethically improper to enter the policy debate as an advocate under formal circumstances, such as in an Indian Claims Commission case, where the role of the anthropologist—either as an expert witness or as an advocate—is clear and capable of being challenged by experts on the other side. What I do think improper is the failure, or unwillingness, of the anthropologist, as self-appointed advocate, to deal directly with the arguments on the other side. In stating the case *against* Navajos being forced to relocate from the disputed areas, anthropologists, I think, have an obligation to state the Hopi case *for* that relocation, if only to reject it. But I find little public anthropological consideration of the Hopi position, either to support or reject it. While treatment of the dispute by legal scholars can be equally partisan, they at least state fully the contradictory positions of the two tribes (Schifter and West 1974–75; Whitson 1985).

Instead anthropologists have, in public forums, presented almost exclusively the Navajo

position. The most recent issue of *Cultural Survival Quarterly* contains two articles in support of the Navajo position and none dealing with the Hopi view (Lacerenza 1988; Matthiessen 1988). In preparing for this talk, I read all the testimony, hearings, reports, and so on on the dispute that I could get my hands on. I was not surprised to find that virtually all of those claiming anthropological expertise who testified on the matter testified in support of the Navajo position rather than the Hopi position. I was not surprised because at the same 1983 meeting of the AAA at which my resolution referred to above was rejected, a motion opposing relocation under the Navajo-Hopi Land Settlement Act of 1974 was approved. That motion was offered by 11 individuals, all of whom (as my colleague William C. Sturtevant pointed out) have worked with the Navajo rather than the Hopi in their fieldwork. The AAA subsequently established a panel on the Navajo-Hopi Land Dispute, which has issued a series of reports, the latest in the November 1987 *Anthropology Newsletter*. That committee has sought to provide some balance in the anthropological consideration of the issue, but I confess to finding its recommendations—which in the most recent installment tend to support the Navajo position—unpersuasive.

"Zealous advocacy," as the Code of Professional Responsibility of the American Bar Association notes, does not justify lying to help one's client, but it allows virtually everything short of lying, such as ignoring evidence favorable to the other side. If anthropologists contract their services to a tribe or to an organization, or are paid for testifying, they are not expected to search out data and express arguments hurtful to their clients. But when the other side does not have equally persuasive advocates, a scholarly balance is lacking. When anthropologists report information supplied by their informants without checking that information with the other side—particularly when that other side is an Indian tribe not sophisticated in the ways of either the law or anthropology—it is possible, with the best intentions, to mislead one's audience.

Professor of Anthropology Thayer Scudder, of the California Institute of Technology—an Africanist—was brought in to do a study of the impact of relocation. Scudder was "the principal author" of a report, "Expected Impacts of Compulsory Relocation on Navajos with Special Emphasis on Relocation from the Former Joint Use Area Required by Public Law 93-531" (U.S. Senate 1979:118). Martin D. Topper, a cultural anthropologist, conducted another study entitled "Mental Health Effects of Navajo Relocation in the Former

Joint Use Area," March 1979. Mental Health Branch, Navajo Area Office, Indian Health Service (U.S. Senate 1979:244).

In a critique of the Scudder Report and the Topper Report, Arnold I. Kisch, M.D., pointed to their manifold deficiencies (U.S. Senate 1979:233-235, 240-250). Kisch described the Scudder report as "a shoddy piece of work" deficient both in its methodology and for its bias. Kisch pointed out "the obvious bias" and the fact that the "study design" of both reports "is so flawed as to make the study data virtually useless for purposes of scientific analysis" (U.S. Senate 1979:240). Kisch did not deny that Navajo relocatees would be subject to increasing stress, but noted that Hopis were also subject to increasing stress, as he had documented in a 300-page report on Hopi health. The causes of such mental stress, which, Kisch noted, is normally temporary, are varied. The relocation dispute is a factor in the distress among both Hopi and Navajo, but the Scudder and Topper reports have not established the causal link with that one factor, as claimed in their reports.

Dr. Kisch's testimony was attacked by Aberle, Scudder, and Joseph Jorgensen, Professor of Anthropology, University of California, Irvine (U.S. Senate 1979:294-302). The Aberle-Scudder-Jorgensen statement fails to answer even a portion of the objections raised by Kisch. It puts as favorable a face as possible on the admittedly unscientific "opportunity sample" by which Scudder gathered data for the report, and makes an effort to justify the questionable quality of the interviewers and interpreters and the failure to provide a standardized translation into Navajo of the questions asked. The three anthropologists asserted,

The principal aim of the study was to discover whether there was reason to expect that substantial numbers of Navajos threatened with relocation are likely to have serious problems [defined in terms of psychoanalytic psychiatry's increasingly impermissible diagnoses of "sorrow," "anxiety," "nostalgia," etc.] arising out of that relocation. [U.S. Senate 1979:245, 300; see Maxmen 1985]

It would hardly seem necessary to make a study to discover whether relocation would prove distressful to the relocatees. Indeed, as Senator Abourezk noted on the Senate floor in quoting the Scudder report comment that "Almost without exception people resist forced relocation. . . . We did not need an anthropologist to tell us that," and again, when Scudder noted that "Where resistance fails

and relocation occurs, the resulting trauma is very extreme," Abourezk commented, "I think we probably know that without an anthropologist telling us" (Congressional Record-Senate, December 2, 1974, S 20335).

Professor John J. Wood of Northern Arizona University has written one of the better studies relating to the Navajo-Hopi problem in his "Land and Religion at Big Mountain: The Effects of the Navajo-Hopi Land Dispute on Navajo Well-being" (U.S. Senate 1983a:121-150; see Wood 1986). Wood, with Walter M. Vannette and M. J. Andrews, co-authored a Technical Report prepared for the Flagstaff Administrative Office of the Bureau of Indian Affairs in 1979 under the title, "A Sociocultural Assessment of the Livestock Reduction Program in the Navajo-Hopi Joint Use Area," a summary of which, under Wood's sole name, dated May 7, 1979, was published in the Hearing of May 15, 1979, before the Select Committee on Indian Affairs of the U.S. Senate (U.S. Senate 1979:324-342).

Wood conceded that "no one knows for certain how long the ancestors of the present community members [in the disputed area] have lived in the area," but cited Navajo testimony attempting to establish a presence prior to the Executive Order of 1882 of President Chester A. Arthur giving this area of disputed land to "the Moqui, and such other Indians as the Secretary of the Interior may see fit to settle thereon" (U.S. Senate 1983a:125, 141). Wood's report, which he described as "to the Congress of the United States of America Prepared on behalf of the Big Mountain Community," goes on to note that "land and religion are synonymous to the Navajo People" (U.S. Senate 1983a:144). But then, that is also the Hopi position, and with regard to the same land. As the Hopi Abbott Sekaquaptewa put it in the same hearings, "From the standpoint of the sacredness of the land, all of the land is sacred to the Hopi people" (U.S. Senate 1983a:75; 1983b:144).

It is not enough for anthropologists to recommend against forced relocation of those living in the Big Mountain area, or to chastise the United States government for allegedly creating the mess. One has to deal with the actual present-day moral, legal, political, and historical dilemma. This means considering the Hopi position, which is so passionately stated by virtually all the Hopis presenting the Hopi position, a position to which priority in the area, legal decisions by the courts, and legislative action by the U.S. Congress have tended to provide powerful support.

Why has anthropological sympathy been extended in such an exclusive way to the Na-

vajo? Of course, there are more Navajo than Hopi and more anthropologists who have worked with the Navajo than with the Hopi. The Navajo are more open to outsiders than the Hopi. The Navajo are more sophisticated about using modern means of communication and support groups to influence the non-Indian public. Among the few anthropologists working with the Hopi are those who, like Clemmer, work toward overthrowing the tribal government. But I think the principal reason is the concern of anthropologists with the present, existing misfortunes of the predominantly Navajo population in the Hopi Partitioned Land. Trained to deal with living informants, concerned about present injustices, anthropologists are more willing to overlook historical wrongs.

Another reason anthropologists who have worked with the Navajo have rallied around the Navajo cause relates to the movement in anthropology in the 1960s and 1970s, exemplified in the manifesto *Reinventing Anthropology*, edited by Dell Hymes (Hymes 1969), the authors of which insisted that anthropology should participate more actively in the struggles of the groups they work with, even to the point of elevating advocacy over dispassionate analysis. The idealism of this motive was reinforced by expediency, under the threat of exclusion from access to a group if the anthropologist did not make himself or herself useful in the struggles being fought by that group.

While anthropology has increasingly sought to acquire a historical perspective, as in the work of Marshall Sahlins, there is still a reluctance and sometimes inability on the part of anthropologists to study ethnological problems in terms of a long-term historical process. By looking solely at the present-day situation and, in the Navajo-Hopi case, focusing solely on the plight of those Navajos who have been required (with generous subsidies) to relocate, the more complex historical record of rights and wrongs has been largely overlooked. So has the judicial and legislative record, which has consistently supported the Hopi position, while being flouted by the Navajo. So has the sense of pain, loss, and injustice experienced by the Hopi, who find that their patient practice of abiding by the law goes unrewarded while the Navajo flouting of the same law is rewarded. If one were to stop the historical process in the life of any people at a particular point in time, particularly in the midst of a long-continuing struggle with another people, one could find an unlimited number of injustices to particular individuals. Simply consider the continuing struggles between the English and the Irish, the Greeks and the Turks,

the Muslims and Hindus, Jews and Arabs, and so on. Indeed, it is hard to find a single example of a historical struggle between two peoples in which the difficulty can be resolved without distress to individuals on both sides.

Certainly relocation is stressful. But the barrage of anthropological criticism of the relocation proposals, coupled with a failure to suggest a realistic alternative, exceeds the bounds of scholarly decorum. When Jerome Meyer Levi, a graduate student in anthropology at Harvard University, wrote in May 1981 in a report on the Navajo that "Navajos, unlike trees, cannot be transplanted" (Levi 1981:3), he begs numerous questions. What about the relocation of those Navajos by the Navajo Tribe itself in connection with the Navajo Irrigation Project and with the Tribe's coal mining activities on the existing reservation and on the Paragon Ranch tract recently provided to the Navajo Tribe by the U.S. Government (Sidney 1986:10, 22)? Scudder conceded under questioning during the hearing of May 15, 1979, that Navajos relocated by the Tribe itself would experience the same impact (U.S. Senate 1979:123). Or, as Abbott Sekaquaptewa, then chairman of the Hopi Negotiating Committee, put it in testimony during hearings held May 14 and 15, 1973, "The Navajo Tribe has yet to explain why great psychological harm will be done if they move off Hopi lands, and similar harm is not done to them when they uproot their homes and families to move in on Hopi territories" (U.S. House of Representatives 1974:27). Those insisting on the impossibility of relocation should also come to grips with the fact that a significant proportion of the Navajo people live off the reservation.

There are frequent allusions in the anthropological literature on the Hopi-Navajo relocation issue to the alleged unrepresentative character of the Hopi Tribal Council. Thus Levi headlines one section of his paper "Fallacy: The Hopi Tribal Council Represents the Hopi People" (Levi 1981:19). These allusions are often linked to the allegedly concealed hand of energy companies—usually the Peabody Coal Company—which, along with the evil bureaucrats in Washington, presumably manipulate the Hopi Tribal Council in order to promote their nefarious purpose of raping the land. While the representative character of the Hopi Tribal Council is a legitimate topic for discussion and research, as are Hopi factionalism and village autonomy, none of the anthropological discussions rises much above the level of the wild imagination of the unscholarly agitators and journalists who also deal with the Navajo-Hopi question (Kammer

1980). Peter Whiteley, Professor of Anthropology at Sarah Lawrence College, is one of the few anthropologists who have looked perceptively at both Hopi factionalism and the historic dimension of the relocation problem. Whiteley has rejected the "common argument against relocation . . . that it is a foul plot cooked up by Big Government and the energy companies out for mineral resources," and pointed out the unrepresentative character of "self-appointed [Hopi] 'traditionalist' spokesmen like Thomas Banyacya" who are often cited in support of the Navajo position (Whiteley 1987). Similarly, Armin W. Geertz has provided a brilliant and cynical analysis of White supporters of political traditionalism on the Hopi reservation in his "Prophets and Fools: The Rhetoric of Hopi Indian Eschatology" (Geertz 1987:33-45). While some anthropology graduate students seem to be associated with the variously titled Big Mountain Support Group (Berkeley), Big Mountain (Joint Use Area) Legal Defense/Offense Committee (Flagstaff), and Big Mountain Legal Defense/Offense Committee (Washington), and with other action groups opposed to relocation, I will not discuss their work or the work of lawyer Lew Gurwitz with the Big Mountain Navajo, interesting and effective as it may be, because it is so completely partisan and so totally unacceptable from a scholarly point of view.

Richard Clemmer has continued to present a distorted view of the Hopi Tribal Council in his "Two Chronologies of Important Events in Hopi History" (1986), in which he revises some of the misleading and mistaken figures he presented as fact before my article, "On the Trail of the Activist Anthropologist," (1979) pointed out their falsity, but does so without any reference to my article and in a manner that continues to mislead the reader about the number of Hopis voting for the Indian Reorganization Act and the Hopi Constitution (Clemmer 1986a:4; Washburn 1979:91).

In an article in the *American Indian Culture and Research Journal* Clemmer does not challenge directly my assertion that 52% of the eligible Hopi voters voted in the 1935 Indian Reorganization Act election, "assuming some validity to Washburn's figures. . . . But why, then," he adds, "did the BIA suddenly find so many more Hopis a year after the IRA referendum (1935) [Clemmer, citing several sources, estimates a growth rate between 17.5 and 22%], with no accompanying increase in the number of eligible voters?" Clemmer concludes that "the number of eligible Hopi voters was much higher than 1,566 in 1935, and that, therefore, the voter participation rate in

both the 1935 IRA referendum and the 1935 constitutional referendum was much lower than 50%." Until this alleged discrepancy, Clemmer concludes, "is cleared up or explained, we must assume that Hopi voting population in 1935 and 1936 was 'unknown' because the Indian Bureau was not confident of the accuracy of its total population figures" (Clemmer 1986b:22-23).

When one considers that the Hopis find that anthropologists—even those, like Clemmer, who are studying the Hopi—have lined up with their opponents, the Navajo, in the contest over Big Mountain, should not the anthropological profession as a whole feel uncomfortable that the Indian tribe many consider to represent the purest example of an Indian culture uncontaminated by outside influences has now become alienated from anthropology?

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Anthropology, Anthropologists, and the Navajo-Hopi Land Dispute: Reply to Washburn

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In his commentary on the "dangers of anthropological intervention in the affairs of the peoples anthropologists study," Wilcomb E. Washburn lists three "ethical issues" raised by the activities of certain anthropologists in the Hopi-Navajo relocation dispute.¹ One, anthropologists intervene in the affairs of sovereign governments. Two, they intervene almost entirely on the side of the Navajo Nation. Three, they serve as advocates, providing a partial view of the dispute through "ignorance or suppression of data" that support the tribe they are opposing.

We do not find that Washburn has made a convincing case that any of these three charges involve ethical violations. Since he deals jointly with the last two issues he raised, the organization of our response cannot be neatly segmented according to his three major allegations.

We begin with the issue of anthropological intervention almost exclusively on the side of what Washburn calls "one of the government parties," the Navajo Nation. We do not see