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Indigenous Research, Publishing, and Intellectual Property

KENNETH D. MADSEN

As Kuhn writes, our paradigms are not all the same.[1] When a Native person and an academic refer to that period of Indian history known as allotment or assimilation or urban relocation, for example, they not only discuss it from different perspectives, but also talk about it from fundamentally different worldviews. Even after years of formal learning, field research, and obtaining a terminal degree, I remain a student of the Arizona-Sonora border region (in which I have now spent more than a decade) and of Tohono O'odham history, culture, and views with which I have had contact for more than eight years. My experience in the Sonoran Desert pales in comparison to the Tohono O'odham's "time immemorial."[2] My life experiences are different. My academic training makes me even more different. Before becoming a geographer I had a career in intercultural communication, but I still struggle with a full understanding of Native perspectives.[3] I feel I have done a decent job on my dissertation, subsequent publications, and daily interactions, but the real challenge is to bring together the two worlds in which I presently stand: the academy and Native America.[4]

I do not call for more Native research or attempt to facilitate others' entry into such research with this article; rather I make a case for a greater understanding of such work and how the academy can learn from it to become more sensitive to the concerns of our research constituencies.[5] How we handle the intellectual property that results from our research is also critical. What we make public and what we decide is better not to publish is only a beginning step.[6] Making our efforts something of benefit to research constituencies as well as academia can be self-serving as it protects our interest in future research possibilities, but it is also the right thing to do.

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Opening her 2002 book on research and Indigenous peoples, Linda Tuhiwai Smith wrote that from the perspective of Native people the term *research* "is inextricably linked to European imperialism and colonialism. The word itself, 'research', is probably one of the dirtiest words in the indigenous world's vocabulary. When mentioned in many indigenous contexts, it stirs up silence, it conjures up bad memories, it raises a smile that is knowing and distrustful."[7]

Even as I am employed by a tribal college, I am frequently on the "distrusted" side of this exchange. After all, I came to this place as an academic and my Milga:n (Anglo) status is a permanent part of who I am. I have recently found myself in a few situations with fleeting "ah-hah" moments, temporarily forgetting my own status as an outsider and (fully?) identifying with those around me as together we listen to a non-Native with incredulity, internally shaking our heads. I share this not to gain a degree of insider status but to emphasize that despite my intentions and goodwill, glimpses of empathy and deep personal understanding of another's perspective are not commonplace.

The issue of academics reflecting on their work in Native communities is not entirely new. Pained personal and confessional-style writing by academics has become a genre that crosses disciplines, but it is perhaps most prominent in anthropology and literature. The presence of the "self" has also gained prominence in works outside of Native research and has become commonplace in graduate seminars in human geography and other disciplines. For these researchers, as in the postmodern movement in general, it is dishonest to pretend to be an invisible and impartial force in human research. The story in these works is not so much a product of research findings but is about the process of research and all its complications. Lassiter emphasizes his personal and professional growth through interaction with Kiowa research partners in a coming-of-age text that is as much about him as it is about Native people.[8] I empathize with Sands's dose of hesitation as a participant in a historically and inherently unequal Native-academic exchange. [9] Brought almost to the point of paralysis with feelings of regret for getting involved in such an exchange, Sands suspects that the time of this overly reflexive genre has begun to peak, and this is perhaps indicative that it is time to move on to the next step: sharing what we have learned with academia more broadly and taking action to make improvements more widely.

Storti explains from an intercultural communication perspective that "as a rule, we only see that which has meaning for us, and the only behavior that has meaning for us is that with which we are already familiar, that we have seen before."[10] Perhaps this is why Native researchers are among the first to acknowledge strains and the need for improvement in academics' relations with others. We have seen the negative results that occur if one does not advocate for a positive and more equitable change in this relationship. Nonetheless, as a group we have a long way to go before we can fully understand what Native people see in us as academics and vice versa. From the perspective of this special issue we are "mainstreaming Indigenous geographies"; from another point-of-view what we should be doing is "indigenizing

mainstream geography."[11] It is not just a question of semantics, but also an intimation of who is outside and needs to be brought in, which side does the changing, and who controls the learning. Although one could dismiss the issue as trivial, it has practical implications. In bringing these two worlds together, can we be equal partners? Can we as academics give as much to research subjects as we take?[12] Can academics be passive learners, interacting on equal footing for once instead of being know-it-all "experts"?[13]

In many ways, people are authorities on their own lives, but as academics we are used to learning what we can and taking on the title of expert ourselves. As Fixico points out, we are more properly "specialists" within our discipline rather than absolute experts.[14] Geographers and other researchers are experts in the practice and study of our discipline; we make linkages to broader issues, review the literature, and see geographic connections others sometimes miss. Yet to prioritize ourselves with the term *experts* can diminish the contributions of others. Others may view our contributions as merely taking knowledge from a lay context, wrapping it in academic garb, and presenting it to the world as an expert insight or discovery when their reality is decidedly less glamorous. I do not mean to imply that our value-added theory and context is not worthwhile, but we need to make sure we stay down-to-earth about it and give explicit credit to others from whom such knowledge originated.

THE CONTEXT OF NATIVE RESEARCH AS A MODEL FOR ACADEMIA

If an academic were to study Mexican migration to this country, one might get away with self-reference as an expert. There was probably approval for the research through an Institutional Review Board (IRB) to make sure the research was conducted appropriately, but that approval was not tied to the people being studied. If resulting publications were shared with key informants or community leaders central to one's research they probably appreciated the acknowledgment. What is the likelihood, however, that such research will receive wide circulation among the migrant population? Given that the resulting article was published in an academic journal, it was likely written in a style and published in a location that inherently limits wider circulation. We take availability to thousands of journals through our institutions for granted. Everyone around us—our colleagues, supervisors, and students—has access, and we can provide copies to others on an individual basis. We need to remember that this is not the case, however, for the people who are the focus of our study, especially once we move on to other topics. Instead, we inadvertently create a mystique about (and perhaps indifference to) what we are doing by failing to fully return and share the knowledge with the community from which it came.

This concern is magnified when academics work with Native communities. With sovereign government powers, Native people have a unique status in the United States, Canada, and many other countries. They retain an ability to regulate internally many aspects of their lives that most academics find difficult to grasp. Some tribes have extended these powers to monitoring, approving, and even rejecting research on themselves.[15] Tribal oversight might seem anathema

to researchers in other arenas, even an invasion of academic freedom. It has that potential, but it can also keep us honest as we edit for sensitivity and accuracy in our findings—both of which are critically important to Native people.

To date no one in an official oversight capacity has requested any changes in my writing. If I were to cross the line and publish a map of a sacred site that they prefer remain undisclosed, however, tribal leaders or community members would be right to point that out to me so we could discuss a more appropriate means of making my point. Such oversight allows me access to information that enhances my understanding of key geographical issues even if that information is not included in my public writings per se precisely because a review mechanism exists prior to publication. If individuals and tribes were not allowed such input they may choose to ban research completely. A parallel can be seen in community commentary that advocates kicking the Border Patrol off the Tohono O'odham Nation due to their being insufficiently respectful and sensitive to local concerns.

Consultation and consensus in many Native cultures cannot be overemphasized. Tohono O'odham Community College procured permission of a local district before it placed a photo of a mountain landscape on the front of a recent catalog.[16] The view is clear from a public state highway, which is not controlled access, and anyone passing by could take a photograph and make it public. To my knowledge there is no law prohibiting this. In this case, however, the landscape is also an important identity symbol over which appropriate courtesy and respect is shown. It is the O'odham way to gain consensus and approval for such use, and it is felt that certain images, as well as other cultural manifestations such as songs and stories, maintain an appropriate level of privacy.

Academics who work with Native communities are unlike the hypothetical migration researcher discussed earlier. We do not have the luxury of remaining anonymous in a population of millions. Even the largest reservations are relatively small and tight-knit communities, and our actions and results stand out and are analyzed. Such work requires a deeper understanding and empathy by academics than is usually necessitated. In my work, the lens faces me as much as it is directed at Native people. By extension the lens faces all of us who authored articles for this special issue, the target audience and readers of the *American Indian Culture and Research Journal*, and academia in general. Our self-image as solitary researchers interacting with a group-oriented culture is a distortion of reality. We are associated with a great deal of baggage that came from others before us, and whether or not we see it that way, we are perceived as an integral part of a closed group culture—academia. There have been moments that I have given thanks that I am a cultural geographer rather than an anthropologist. Although more recently anthropology has tackled many of these issues head on, it also takes the brunt of historical blame in this regard.[17] To be effective in the future we need to acknowledge the negative perception of others and be proactive in thinking about how we can shift the relationship to one that is mutually productive from the broader perspective of both tribes and academia rather than just of individual academics and their research partners.

The Native-academic dichotomy I raise here is not a clear and consistent one, and I do not mean to drive everyone to their respective corners. There are instances of cooperation and understanding and a cadre of researchers who are both Native and academic. However, the tensions are real and have implications for what we do as researchers in Native communities and elsewhere. Given greater sensitivity in the present context, Native research may be an early indicator of problematic practices in academia, and it calls for a more equal partnering with those we study. There are additional complexities. If required and if we submit ourselves to it, tribal oversight is not an impersonal institutional bureaucracy governed by distant federal law that is well-defined and tested over time. It is located in the communities with which we work, and they may be new to developing relevant procedures. Guidelines may not always be clear or transparent and, unfortunately, are sometimes fraught with political overtones. Add cultural differences, shifting values over time in terms of what is acceptable, and the history of outright insensitive or even abusive research to this, and we only begin to scratch the surface of what it means to do Native research and, by extension, perhaps what it means to do any contemporary human subject research.

In carrying out my own work, tribal approval was centrally granted and then referred to local "districts" and "communities" for additional consensus on research activity within their respective local areas. I appreciated the time to explain my project to all who would listen, regardless of their decision on the appropriateness of doing research, as I felt strongly that communication and understanding of academic research in general and my project in particular was important. The voicing of the concerns and comments of those who are being "researched" also helped me better understand my own position as an academic and prepared me for the work ahead.

For some tribal members it was the first time that they had personal contact in a setting where permission was being requested instead of taken for granted. Others asked if I would publish a book, a topic that was furthest from my mind at the moment, but a question that forced me to think about the long-term implications of my work on the reservation. Others inquired how my research would benefit my career and pointed out the lack of comparable benefit to the Tohono O'odham. There was awareness that Native Americans are overresearched in comparison to other groups, and a few were even experienced in terms of contact with, or knowledge of, outside academic researchers. Some had family members identified in existing publications and alternated between feeling proud and taken advantage of by the situation. The seeds for thinking about the issue of publishing and intellectual property from a researched perspective were also planted in my mind at this time. The experience taught me not only how my research was perceived but also about the formal governmental structure of the Tohono O'odham Nation where I worked, which, although highly centralized in many ways (I suspect a Bureau of Indian Affairs and Spanish colonial legacy), is also designed to operate and respond to members at the grassroots level (a more traditional approach to governance).[18] To some non-O'odham these approvals are barriers to overcome. In reality they were prerequisites to understanding the perspective of those among whom I found myself.

The centralized/grassroots combination was often daunting, but I had to remind myself and others that my six-year dissertation schedule was a minor investment from the perspective of many tribal members. A good friend took me to task when I graduated as I considered immediate employment elsewhere. I knew it, this person reacted, you would move on like all the others. Another individual recently asked how long I would be around in these parts, if it would just be a short period of time or something longer. I thought about how I was unsure how things would work out for the long term here, and that eventually I want to find myself in a position where I can teach more geography and utilize more of my graduate training. As academics know, we do not easily find a position just around the corner. "It is hard to say," I replied. I hinted that I had already made a substantial commitment. "Ten years," this person retorted, "that only begins to qualify as a short-term stay." Regardless of the reasons, when I am no longer around on a daily basis, there will be those who will say "he just used us." I think I gave back a great deal, but our perspectives are not the same. Never mind that I would like to maintain connections from wherever I find myself. It will not be easy. It may not even be feasible. Some researchers, while continuing to be viewed with a degree of suspicion, over the long-term earn a certain respect for their time among the O'odham, and that is probably the best I can hope for.

DIFFERING PERSPECTIVES ON PUBLISHING

Research is not an end goal for academics. From our perspective there is a logical next step summarized by the well-known phrase "publish or perish." Many academics are required to publish what they learn, or they will jeopardize their jobs. We do educate the general public, and some of us provide input on broader public policies. However, most of us are happy to create knowledge for its own sake. Research is expected because it renews and keeps current what we know about our discipline, refreshes our teaching, and even informs our service activities outside of academia.[19] We feel that the knowledge we spend so much time putting together, although not at risk of immediate loss from our personal perspective or that of our research partners, also needs to be published and shared with others in order to be preserved for the future and the greater good.[20] The goal of an academic is not just to have fun learning but also to write up what he or she has done and share it with others.

From the perspective of those on the other side of the research experience, the picture is not always so rosy. Many scholars, including myself, have been confronted with the situation described by Linda Tuhiwai Smith:

> At a common sense level research was talked about both in terms of its absolute worthlessness to us, the indigenous world, and its absolute usefulness to those who wielded it as an instrument. It told us things already known, suggested things that would not work, and made careers for people who already had jobs. "We are the most researched people in the world" is a comment I have heard frequently

> from several different indigenous communities. The truth of such a comment is unimportant, what does need to be taken seriously is the sense of weight and unspoken cynicism about research that the message conveys.[21]

In reference to a research controversy at Arizona State University, which erupted in 2004 as a result of clandestine schizophrenia research on the Havasupai under the auspices of an IRB-approved project on diabetes, psychology professor Louise Baca (Pueblo) reflected for an area reporter about "how devastating it would be to learn that you unknowingly gave your blood for studies that went against your entire belief system of origin. What's really sad is that many people built their careers off the blood of these indigenous people."[22] Most of us do not think of advancing our careers at the expense of those we study, but a consistent pattern of information flowing out without an investment in return has left many Natives with that impression.

Academics are suspect because they write about what they see and experience. They are like media reporters but have more time and knowledge of local situations to do more damage. In the modern information economy and an era of rapid globalization all cultures borrow from one another, so from an external perspective this hardly seems problematic. One academic interpretation of Native concerns in regard to sharing knowledge with the outside world is that discussion of Native cultural features can lead to cultural borrowing and blur the distinction between Indian and non-Indian. So much has been taken that these cultural facets are some of the last remnants of what make Natives who they are. If that becomes public for all to use, what remains? Another issue is a fundamentally different concept of sacred (and therefore private) and public, with the former being much more inclusive in Native circles.[23]

"And we can't even use what they wrote about us—it belongs to someone else," some Native people will exclaim. It is not a passing concern. In my own eight years I crossed paths with no less than five other graduate students researching Tohono O'odham border topics and at least four other researchers who had their eyes on writing something about the tribe. Left unresolved, from the perspective of some local individuals, is what happens with the intellectual property that academics supposedly "created" but local people knew about all along.

As academics we are familiar with the game. We write it, and our names go on the top as authors, but the big publishing companies (or sometimes academic institutions) get the copyright. We can generally distribute copies on a small scale and negotiate reprint rights. If we write a book, we might even get some royalties—which for most academics add up to an insignificant amount. We do not need the copyright. The real benefit is doing what we love to do and getting promoted to continue doing what we love to do, which can come with some sizeable financial rewards. These rewards are indirect to our research and also depend on other factors such as teaching and service but are there nonetheless. Although money is not everything to academics, we are not destitute either.

Although we like our ideas to get wide circulation in order to network, get feedback from others, and be part of a broader community of ideas and learning, we also value things such as citation indices and impact factor reports because they affect our own marketability, continued employment, identity, and self-validation as academics.[24] Such numbers are largely irrelevant to Native people, however, reflecting instead what is so wrong about publishing. Not only is there comparatively little benefit to local communities in seeing their lives made public, but the situation is made permanent and referred to over and over again. A story was related to me recently about how an academic, in an attempt to demonstrate the mutual benefit of his or her work, claimed to a group of local individuals that "if it wasn't for us, no one would know much about the Tohono O'odham." It is exactly this type of hubris that raises the ire of many Native people and confirms in them a negative image of academics even as the person making the statement remained blissfully unaware of the *faux pas.*

Even if our research constituencies are interested and want to read a specific journal article to see what has been published, it is not easily accessible. Journal subscriptions are expensive. Although individual academics may subscribe to a few key journals, even we depend on the deeper pockets and long-term commitment of institutional libraries for the vast majority of our access. Most academics are able to read journal articles because of institutional affiliations. We have library cards, accounts, and passwords. Community members may have access to some of our libraries but not with the same ease. With our access we can read from home over the Internet. Community members, and perhaps then only state residents, have to go to the library in person to find out what we are doing with the information we collect. We have parking permits. Guests do not have it so easy. We have copy cards and experience using them. Guests will have to negotiate with cash or get a temporary guest card and figure out how it works. Community members may not be able to check certain items out, find certain electronic journals unavailable in print, or have to return later to pick up ordered copies, retrieve an item out of remote storage, or visit the library's special collections department during its more restricted hours of operation. If faced with this obstacle, by comparison, academics simply come to work another day. It is a steep learning curve, one that has a lifetime of applicability for academics but limited returns for a community member.

If a community member perseveres and gets a copy of a published work, he or she can share copies with others if not too high profile about it. Yet the copyright legally belongs to someone else, an impersonal, corporate someone else. Should the Navajo want to create an anthology of the many published articles written about them and distribute it to schools they might be able to get permission, but it would probably necessitate the involvement of a sympathetic academic or a high-priced lawyer to see them through the process. It would no doubt be a complicating factor if the tribe wanted to make a little money on such a publication by marketing it more widely. As a result, the obstacles of access and copyright sometimes become rallying cries against cooperation with academics and examples for those who would like to

set up more restrictive research protocols. In this article I discuss the Native perspective, but all academics who work with people as research subjects should confront this uncomfortable aspect of their careers.

EXPLORING SOLUTIONS

Some academics increasingly recognize that giving back to one's research constituency is an important component of what we should do. This is not just rhetoric or a one-time service project but is also something we need to integrate into our research and publishing outlook. Not everyone goes through our classrooms or sees the benefits of a college education. As the point of contact for those we work with outside academia we have a special obligation to spread the benefits of such work and be sensitive to nonacademics' needs.

One approach is to consider formatting our work in practical reports. Many times I was asked what I thought should be done to improve tribal relations with the Border Patrol or for advice on resolving the cultural gap among Tohono O'odham on either side of the international border. In many ways I thought of these as trick questions and shied away from telling the tribe how to manage its business on these accounts. Others have found productive inroads in this regard, however. One recent doctoral student from Florida, while investigating the issues surrounding the decline of traditional foods among the Tohono O'odham, found it useful to produce a report parallel to his dissertation that outlines issues of specific relevance to tribal members.[25] It was not a distant academic tome about cultural colonization and destruction of a way of life due to the industrialization of agriculture and forces of globalization. Nor was it a case study of postmodern society and economic hegemony, but rather it demonstrated how recognizable economic and social forces have influenced the situation on the ground. Making connections to some of these forces has practical use for the tribe, which is quite concerned about this issue and the loss of traditional culture that it implies. In this case it resulted in the Tohono O'odham Legislative Council overwhelmingly passing a resolution that called for wide distribution of the report not only among the Tohono O'odham but also among the three sister O'odham tribes—the Ak-Chin, Gila River, and Salt River Pima-Maricopa Indian communities.[26] Of course our results do not have to be customized in such reports to make them accessible. In our academic writings there are ways to strike a balance between the usual target audience and those outside our chosen discipline.[27]

If we are concerned that our research may not be well received, this is a possible indicator that we should clarify that certain interpretations are our own and put them in clearer context. One approach I took to make my dissertation more accessible was to include Tohono O'odham– and Spanish-language abstracts. As English is widespread, and O'odham is predominately a spoken rather than a written language, this was more symbolic than necessary, but with this inclusion I contributed to a local goal of promoting language preservation. The Spanish abstract was useful to those Tohono O'odham I met and interviewed in Mexico. It should go without saying that we have to remember and acknowledge publicly those tribal members who were helpful,

and this is something many of us do already, but many an acknowledgment has gone on for more than a page recognizing academic colleagues and archivists without even a hint that Native people were important contributors to the work at hand. Considering the circumstances of individual privacy, giving credit in writing may not always be by name, but find something that works for your situation.

Regardless of how or what we write, many people will want to see the academic versions we publish, and we should make sure that copies are made available in local tribal public libraries and schools where we did our field research. Interview transcripts, photographs, and other materials gathered should also be placed in such locations to facilitate local access. In order to house items claimed under the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 many tribes have built new museums with impressive facilities appropriate not only for handling the remains of their repatriated ancestors and cultural objects but also for housing original and rare items and storing everyday published works and primary documents. Together with contemporary emphases on diversity and the ability of cultural groups to speak and act for themselves, distant museums and archives have become partners with tribal entities in returning items and providing direct tribal access to materials. As Brown and Bruchac write, "For more than 150 years, American museums based their collection practices and displays on the assumption that American Indians were destined to vanish from the face of the earth. The NAGPRA-inspired movement toward revising this antiquated view has already provided a deeper understanding of the complexity and vitality of Native societies, past and present, than could ever have been imagined by our anthropological predecessors."[28] As individual academics we should also do our part in this regard and not wait to be forced to be cooperative as was the case with NAGPRA.[29] It should also be noted that many tribal college libraries are in a position to house such deposits. Interested academics will still be able to access these materials while on field visits and have the means to make such special visits if needed. Many of us donate such materials to large research universities or distant archives, and this is a sore point in some Native communities. If necessary, a companion deposit might be made to two locations. Placement with a tribe allows for restricted access should the tribe deem this necessary, but if this is a concern with one's materials such restrictions should be negotiated to mutual satisfaction, especially when one volunteers to donate such items instead of in response to a formal condition of carrying out research. Being proactive can have its advantages.

Another method to bridge the disconnect between extracting knowledge exclusively for academia and those who help us along the way is simply to return and share one's results in an accessible setting. I was invited to speak to several district councils that approved my research, and I also share indirectly as part of my present employment. I presented as well to the Cultural Preservation Committee of the Tohono O'odham Legislative Council, which initially approved my research. In many ways the process and end results of research need to be made transparent, and it is our responsibility as academics to find appropriate venues for this.

We can also find ways to involve nonacademics in what we do. Several academics have coauthored with tribal members among the Tohono O'odham.[30] It has been proposed by some that this is a co-opting technique primarily benefiting the academic partner, so such endeavors should be approached with caution and equity in mind as well as good intentions.[31] It should also truly reflect both perspectives, not the mere elevation of the traditional key informant to honorary acknowledgment, although that is also a welcome gesture for many.

I am personally interested in promoting dialogue on these issues on my campus and have found it rewarding to provide a forum for Tohono O'odham to represent themselves at professional meetings. At the 2004 meeting of the Association of American Geographers, I organized a session entitled "Geographers, Anthropologists, and Tribes: Varying Perspectives on Tohono O'odham Border Research" that brought together non-Native graduate students and tribal representatives.[32] When I lead conference field trips I make sure we hear from tribal cultural and political leaders along the way. It is a way of bringing academia to the people, so to speak, and stands out as one of the highlights for the participants on both sides. These approaches to sharing and involvement not only help bridge the academic/nonacademic dichotomy but also demystify the research process, and I hope will eventually inspire some tribal members to pursue a graduate education and, who knows, perhaps even become a university professor. There are those who have done so, but more are needed to teach in tribal colleges in particular and academia in general.

CULTURE UNDER COPYRIGHT

Despite the advances of open-access academic publishing and indexing initiatives such as Google Scholar in recent years, restrictive copyrights remain a formidable challenge. When I completed my dissertation I had the latitude of retaining formal copyright and took the opportunity to share reproduction permission with the Tohono O'odham Nation and its members in writing.[33] I was subsequently stonewalled trying to extend this right to a journal article, however.[34] As an academic I knew how the process worked, but as a new academic I was flustered by the overwhelming obstacles to making changes to the system. My suggestion to the publisher that written permission for tribal use be provided in advance fell flat and put my publication in jeopardy. My implicit threat to go elsewhere carried no weight, and the pressure was strong to follow through as the publication was part of a special edition.

Some colleagues were sympathetic, giving me brutal but honestly needed advice about the realities of multinational publishing and advising that I was waging a losing battle. It was pointed out that contractually I retained the right to make copies for my own classroom and personal use, the right to reuse the article in a future compilation or text (if I were the author), and the right to make copies for internal use within my institution of employment. Furthermore, the publisher was unlikely to pursue any low-level distribution or even postings on my own Web site. Nonetheless, I was not satisfied. It was not my rights that I had concerns about; I was anxious about the impact on

my future relationship with the tribe should legal exclusion from use of the article become a political controversy. I even inquired about reprint prices to understand the range we were talking about should I need to purchase such rights on the tribe's behalf at some point in the future. Little did I know that these were trade secrets, but I soon realized that this was to preserve discretionary latitude in future reprint discussions. The right of reprint was to be negotiated in the future not the present. I was to trust the system. I was learning. As a scholar I can live with this arrangement, but it remains a big leap of faith to ask those outside of academia to do the same.

One option I considered as a model was government production, which removes the work from copyright law, but that only applied if I was a federal employee writing the article as such. I was also not sure I wanted the article to go that far into the public domain. Although this is a precedent the academic publishing industry could consider in dealing with legally recognized sovereign governments, the implications for non-Native research would surely weigh heavy on any such consideration. Taking it to court to force the issue was not an option to me as a junior scholar.

Meanwhile, as I wrote this article I received my first royalty check from ProQuest, the company that provides dissertation reprints, which put me in a slightly uncomfortable situation.[35] The check was for $32.70, which according to the invoice means that four paper and twenty-two other (presumably digital-access) copies were ordered. The amount was not large, but it was hugely symbolic. I had decided long ago that in the absence of being able to work out sharing such revenues with the publisher or copyright holder, I would follow the lead of an academic who felt the least that could be done is to return this more tangible form of profit to the Native community from which it came.[36] In what I suspect is generally rare in the publishing world, the University of Nebraska Press series on American Indian Lives has a policy of returning book profits to local communities.[37] In my case, my first donation has been made to a nonprofit organization on the reservation with which I have been involved for several years. Similar decisions would not be financially difficult for most of us and could go a long way even in non-Native circles. Copyrights from books could go to a Hispanic scholarship fund, for example, or a relevant nonprofit or activist group. It is a way we can make a nod in the right direction as individual academics even as we find ourselves constrained in other aspects of publishing.

CONCLUSION

In a world in which information flows are taken for granted, we need to realize that not everyone sees the immediate benefit of our research. As such, academics have a special obligation to work out a means of returning our versions and interpretations of knowledge to source communities. We need to develop a positive rapport not only with the individuals with whom we work but also with tribal governments and other groups. For many, we are their only contact with higher education. It is not a responsibility that we should wait for someone else to meet.

In my own situation working with Native people, I have learned a great deal of new information, thought about theoretical connections critically, and experienced great intellectual and personal growth. My perspective on Native issues has altered, opening up new realms of knowledge. In short, my thought process has been partially indigenized. From interactions between Native people and academics we can learn how to give back, think more inclusively, and even offer respect to what should not be researched or published. Researchers of non-Native topics may not have to deal with formal community approval and oversight and the return of accessible knowledge, but in some ways this is a window to the future of much of human subject research. Half a century ago IRBs were unheard of in academia, and data was routinely taken away for analysis without consultation. Perhaps fifty years hence we will take for granted a more equitable type of cooperation and the sharing of our data and results with research partners.

Acknowledgments

As with all my work among the Tohono O'odham, I appreciate the input and support of tribal members and in particular the Cultural Preservation Committee of the Tohono O'odham Legislative Council. I would also like to thank the many colleagues who have given me advice and shared their own experiences with me. My family's patience and support is an enduring factor in this particular work as well.

NOTES

1. Thomas S. Kuhn, *The Structure of Scientific Revolutions,* 3rd ed. (Chicago: University of Chicago Press, 1996). Although my focus here is generally on academic (non-Native) and Native (nonacademic) paradigms, these are not mutually exclusive categories. For a more specific analysis of contrasting epistemologies at Native and non-Native academic institutions see Kindi Harala, Chery Smith, Craig Hassel, and Patricia Gailfus, "New Moccasins: Articulating Research Approaches through Interviews with Faculty and Staff at Native and Non-Native Academic Institutions," *Journal of Nutrition Education and Behavior* 37 (2005): 67–76.

2. This terminology is frequently used in reference to land and legal tenure, as well as in reference to validating geographical continuity. Used less often in casual conversation, it was common in the campaign for US citizenship among Tohono O'odham on both sides of the border at the turn of the millennium. See Guadalupe Castillo and Margo Cowan, *It's Not Our Fault—The Case for Amending Present Nationality Law to Make All Members of the Tohono O'odham Nation United States Citizens, Now and Forever* (Sells, AZ: Tohono O'odham Nation, Executive Branch, 2001), 9. Heard among other Natives in such contexts as well, this phrase may have become widespread at the time of the Indian Claims Commission hearings, see Indian Claims Commission, "The Papago Tribe of Arizona v. United States of America: Findings of Fact" (1968), reprinted in *Papago Indians III,* ed. D. A. Horr (New York: Garland Publishing, 1974), 261, 266. Also refer to Robert A. Manners, "The Indian Claims Commission," in *Papago Indians I,* ed. D. A. Horr (New York: Garland Publishing, 1974), 19.

3. Like many academics who work with Native groups, my Indigenous research experience is based largely on my time among a single tribe rather than a broad spectrum of Native groups. It is, however, situated in an understanding of greater Native issues, and I have some limited experience with neighboring Arizona and Mexican groups. Several members of the Indigenous Peoples Specialty Group of the Association of American Geographers also shared their experiences with me on the topic of publishing and intellectual property vis-à-vis other Native groups through an informal survey. Nonetheless, this article is primarily a case study and is based on personal experience illustrating alternative perspectives on intellectual property and publishing and promoting an overall philosophy of cooperation and sensitivity. Because I lack a close working relationship with other tribes, I do not take on the role of judging the appropriateness of the research of others. References made to what I view as positive aspects of the research of others should be interpreted narrowly rather than as an overall endorsement of a given work.

4. Kenneth D. Madsen, *A Nation across Nations: The Tohono O'odham and the U.S.-Mexico Border* (PhD diss., Arizona State University, 2005); Kenneth D. Madsen, "Local Impacts of the Balloon Effect of Border Law Enforcement," *Geopolitics* 12 (2007): 280–98.

5. Some ideas developed in this essay for broader application in academia are also recommended in the more plentiful context of advising potential and current scholars of Native topics in terms of what to do or not to do. E.g., see National Museum of the American Indian, "Conducting Research in Indigenous Settings: Guidelines for Ethical, Appropriate and Successful Methodologies" (draft, Washington, DC); Devon A. Mihesuah, "Suggested Guidelines for Institutions with Scholars Who Conduct Research on American Indians," *American Indian Culture and Research Journal* 17, no. 3 (1993): 131–39; Marianne O. Nielsen and Larry A. Gould, "Non-Native Scholars Doing Research in Native American Communities: A Matter of Respect," *The Social Science Journal* 44 (2007): 420–33; Suzanne Christopher, "Recommendations for Conducting Successful Research with Native Americans," *Journal of Cancer Education* 20 (2005): 47–51.

6. For a previous discussion on this see Michelle S. Rasmus, "Repatriating Words: Local Knowledge in a Global Context," *American Indian Quarterly* 26 (2002): 286–307.

7. Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (New York: Zed Books, 1999), 1.

8. Luke E. Lassiter, *The Power of Kiowa Song: A Collaborative Ethnography* (Tucson: University of Arizona Press, 1998).

9. Theodore Rios and Kathleen Mullen Sands, *Telling a Good One: The Process of a Native American Collaborative Biography* (Lincoln: University of Nebraska Press, 2000).

10. Craig Storti, *The Art of Crossing Cultures* (Yarmouth, ME: Intercultural Press, 1990), 78.

11. In large part I owe inspiration to rephrase these words to interactions with my colleagues at Tohono O'odham Community College as we have engaged in self-reflection as to whether our mission should include fitting Himdag (culture) into the college (therefore prioritizing traditional academia), higher education into Himdag (therefore prioritizing Himdag), or an equal integration of the two. Our formal mission statement places emphasis on the second option, although there is room for

interpretation and discussion of specific processes, see Tohono O'odham Community College, *Tohono O'odham Kekel Ha-maṣcamakuḍ (Tohono O'odham Community College): College Catalog 2006–2008* (Sells, AZ: Tohono O'odham Community College, 2006), 6–7. For a work utilizing the term *indigenizing* with the scholarly goal of empowering Native people and making scholarship useful to tribal communities see Devon Abbott Mihesuah and Angela Cavender Wilson, eds., *Indigenizing the Academy: Transforming Scholarship and Empowering Communities* (Lincoln: University of Nebraska Press, 2004). More closely related to my goals here and in reference to increasing recognition of Native approaches to science, Gregory Cajete has stated that

> This kind of indigenous science education isn't just for indigenous people. It's for everyone, and it must become part of science education in the 21st century. Indigenous science education has the kind of meaning and context necessary to address the problems of the 21st century, including our relationships to the earth and to each other, the ability to understand and deal with "other." We are just at the very beginning of seeing how these two ways—indigenous and Western science—can come together to make a new world.

These words were spoken at a 2003 meeting sponsored by the Directorate for Education and Human Services Programs of the American Association for the Advancement of Science and cited in Lori Lambert, "From 'Savages' to Scientists: Mainstream Science Moves Toward Recognizing Traditional Knowledge," *Tribal College Journal of Higher Education* 15 (2003): 12. For further discussion refer to Gregory Cajete, *Look to the Mountain: An Ecology of Indigenous Education* (Skyland, NC: Kivakí Press, 1997); Gregory Cajete, *Native Science: Natural Laws of Interdependence* (Santa Fe, NM: Clear Light Publishers, 2000). Lastly, for a brief commentary on what Native ideas can offer to the rest of society, see Marjane Ambler, "Indigenizing Our Future: Listening to Indian Voices Will Help Us Face the Challenges Ahead" (Editor's Essay), *Tribal College Journal of Higher Education* 15 (2003): 8–9.

12. The term *research subject* reflects a traditional and less-inclusive approach to academic research than that to which I aspire, but I use the term here both as a generic term derived from IRB lingo such as *human subjects* and to confront academia's essential relationship with Native people as often seen from their perspective.

13. For an example of an attempt to build a more equitable power-sharing research arrangement, see Jennifer S. Arnold and Maria Fernandez-Gimenez, "Building Social Capital through Participatory Research: An Analysis of Collaboration on Tohono O'odham Tribal Rangelands in Arizona," *Society and Natural Resources* 20 (2007): 481–95.

14. Donald L. Fixico, "Ethics and Responsibilities in Writing American Indian History," in *Natives and Academics: Researching and Writing about American Indians,* ed. D. A. Mihesuah (Lincoln: University of Nebraska Press, 1998), 91.

15. For my own experience in this regard see Madsen, *A Nation across Nations,* 29–36. For a brief summary of other contexts see Mihesuah, introduction in *Natives and Academics,* 11.

16. Tohono O'odham Community College, *College Catalog 2006–2008,* 2.

17. For the perspective of one anthropologist see Rasmus, "Repatriating Words," 286–307. Her opening paragraph begins, "My name is Michelle, and I am an

Anthropologist. It has taken a while for me to be able to say that without all the feelings of guilt and shame that often come with this particular academic orientation. Why the guilt and shame? It is because my involvement with Native peoples long preceded my involvement with anthropology, and I had seen and learned of the negative legacy that many anthropologists left in their wake."

18. For a cosmological view of this dichotomy's possible origins, see Thomas E. Sheridan, *Landscapes of Fraud: Mission Tumacácori, the Baca Float, and the Betrayal of the O'odham* (Tucson: University of Arizona Press, 2006), 8, 79–80.

19. For a discussion of an integrated view of traditional service reformulated as a "scholarship of application" see Ernest L. Boyer, *Scholarship Reconsidered: Priorities of the Professoriate* (Princeton, NJ: The Carnegie Foundation for the Advancement of Teaching, 1990), 21–23.

20. In this sense the phrase "publish or perish" is used in the context of knowledge perishing if one does not publish it for posterity. From a Native perspective this can also be an unwelcome paternalistic assumption incongruous with their own take on their lives and culture.

21. Smith, *Decolonizing Methodologies,* 3.

22. Paul Rubin, "Indian Givers: The Havasupai Trusted the White Man to Help with a Diabetes Epidemic. Instead, ASU Tricked Them into Bleeding for Academia," *Phoenix New Times,* 27 May 2004, 20.

23. For an elaboration on the ideas in this paragraph, see Michael F. Brown, *Who Owns Native Culture?* (Cambridge, MA: Harvard University Press, 2003).

24. For an excellent discussion of the importance of such measures within American Indian studies see Cheryl Metoyer-Duran, "The *American Indian Culture and Research Journal* and the *American Indian Quarterly*: A Citation Analysis," *American Indian Culture and Research Journal* 17, no. 4 (1993): 25–54.

25. David Fazzino, *Report to the Tohono O'odham Nation: Traditional Foods on the Tohono O'odham Nation with Focus on San Lucy* (unpublished manuscript, 2007); David V. Fazzino II, *Traditional Food Security: Tohono O'odham Traditional Foods in Transition* (PhD diss., University of Florida, 2008).

26. Tohono O'odham Legislative Council, Resolution of the Tohono O'odham Legislative Council (acceptance and approval of Mr. David Fazzino's report entitled *Traditional Foods on the Tohono O'odham Nation with Focus on San Lucy*) (Sells, AZ), Resolution No. 07-669, 10 October 2007.

27. I previously wrote about this topic in regard to books that had been recognized by the Association of American Geographers as having appeal to the educated lay public. See Kenneth D. Madsen, "Writing for Nongeographers: Lessons from the J. B. Jackson Prize," *The Geographical Review* 92 (2002): 63–72. To put this in another context, how many of us can say that we can get a passing grade on the mother-in-law test when describing our research? For that matter, how well can we provide not just a superficial description but also the essence and understanding of our work to a colleague in a different subspecialty?

28. Michael F. Brown and Margaret M. Bruchac, "NAGPRA from the Middle Distance," in *Imperialism, Art and Restitution,* ed. John Henry Merryman (Cambridge: Cambridge University Press, 2006), 217.

29. Ibid., 216.

30. E.g., Donald M. Bahr, Juan Gregorio, David I. Lopez, and Albert Alvarez,

Piman Shamanish and Staying Sickness (Ká:cim Múumkidag) (Tucson: The University of Arizona Press, 1974); David Kozak and Camillus Lopez, "The Tohono O'odham Shrine Complex: Memorializing the Locations of Violent Death," *New York Folklife* XVII (1991): 1–20; David L. Kozak and David I. Lopez, *Devil Sickness and Devil Songs: Tohono O'odham Poetics* (Washington, DC: Smithsonian Institution Press, 1999); Rios and Sands, *Telling a Good One*. Although Lassiter does not list a coauthor on the cover, he provides an excellent example of collaboration among the Kiowa, see *The Power of Kiowa Song*.

31. For a discussion of concerns about biographies coauthored with Natives, see Elizabeth Cook-Lynn, "American Indian Intellectualism and the New Indian Story," in Mihesuah, *Natives and Academics*, 119–24.

32. L. Lopez, C. Doherty, A. Spears, K. D. Madsen, and T. Joaquin, "Geographers, Anthropologists, and Tribes: Varying Perspectives on Tohono O'odham Border Research," *Annual Meeting of the Association of American Geographers*, Philadelphia, 18 March 2004. For a bringing together of Hopis and academics with emphasis on tribal policy implications see Armin W. Geertz, "Contemporary Problems in the Study of Native North American Religions with Special Reference to the Hopis," *American Indian Quarterly* 20 (1996): 393–414.

33. Madsen, *A Nation among Nations*, i; see also Fazzino, *Report to the Tohono O'odham Nation*, 1.

34. In at least one article in the *American Indian Quarterly*, interview excerpts have been copyrighted to a tribal agency. See Rasmus, "Repatriating Words," 286–307. The copyright for the article as a whole, however, remained with the University of Nebraska Press.

35. ProQuest is the holder of the University Microfilms International collection.

36. Rios and Sands, *Telling a Good One*, 252–53, 264, 340n24. In this case, royalties were directed to a tribal scholarship in the Native coauthor's name.

37. Ibid., 340n23. The draft statement by the National Museum of the American Indian, "Conducting Research in Indigenous Settings," also recommends the sharing of royalties that result from commercial purposes.