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Organizing in the Context of Tribal Sovereignty: The Navajo Area Indian Health Service Campaign for Union Recognition

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Abstract

This article considers the relationships among labor union organizing, American Indian tribal sovereignty, and economic development, focusing on a 2001 campaign by the Laborers' International Union of North America to organize employees of the Navajo Area Indian Health Service. Relying on ethnographic methods, I examine the practices, actions, and attitudes of professional and volunteer organizers of this campaign to consider how organizers connect political conditions and strategies to verbal strategies of face-to-face interaction. This article illustrates how organizing drives conducted in Indian country must negotiate the mutually constitutive political and economic interests of tribal members. The LIUNA campaign succeeded by addressing workplace concerns within an overall context of respect for the Navajo Nation tribal government, tribal sovereignty, and tribal members' feelings about sovereignty, even when the tribal government's actions potentially threatened the stability and security of tribal workers' jobs.

This article considers an often-overlooked community of laborers: American Indian workers. Many factors contribute to a tendency within labor studies to overlook American Indian labor issues. These factors include the rural isolation of many American Indian communities, extreme unemployment and underemployment on American Indian reservations, and stereotypes about American Indian peoples as pre-capitalist or pre-industrial.

The last two decades, however, have seen remarkable political-economic changes in Native America. Rapid economic growth in American Indian communities has been spurred by significant expansion of tribal economic enterprises in casinos, hotels, and restaurants as well as the extension of tribal

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governments into social services sectors previously maintained by the federal government. These economic developments create employment opportunities for Indians and non-Indians alike. Consequently, economic developments also increase the relevance of labor organizing and labor relations within tribal contexts. I will discuss one example of current trends in Indian Country labor relations by looking at a union organizing campaign on the Navajo Nation reservation. This campaign was initiated in 2001 by the Laborer's International Union of North America (LIUNA) to preserve union representation for health-care employees of the Navajo Area Indian Health Service (IHS). This article specifically examines the practices, actions, and attitudes of professional and volunteer organizers of this campaign to consider the questions: What does it mean to organize in Indian Country? How do contexts of tribal sovereignty shape union organizing campaigns?

American Indian sovereignty is the inherent right of indigenous peoples to political, legal, and cultural self-determination. The protection of tribal sovereignty is an issue of singular importance to contemporary Indian communities, both rank-and-file tribal members and tribal governmental officials. Working within these contexts requires heightened attentiveness by union organizers to the cultural, political, and social specifics of Indian Country. Adaptability and flexibility—the ability to assess local conditions and to adjust proven organizing techniques to them—are the hallmarks of successful organizing anywhere. They matter even more in Indian Country. Each tribe has its own land base, government, legal systems, and codes. Some tribes have tribal labor codes. Sovereignty also entails a cultural logic: outsiders must respect, adjust to, and operate within tribal domains. Native workers being organized are deeply invested in tribal cultural vibrancy, social survival, and local political debates. These concerns can intersect and overlap with or even contradict their individual and collective workplace and political economic interests. Examining the case of the LIUNA campaign among Navajo Area IHS workers provides an example of the way organizers negotiate the mutually constitutive tribal and economic interests of tribal members. LIUNA organizers ran a successful campaign by addressing workplace concerns within an overall spirit of respect for the Navajo Nation tribal government, tribal sovereignty, and tribal members' feelings about sovereignty, even when the tribal government's enactment of sovereignty potentially threatened the stability and security of tribal workers' jobs.

The LIUNA campaign I will discuss looks in many ways like a service sector or public employee campaign anywhere in America. However, it is fundamentally shaped by issues of tribal sovereignty. In fact, the LIUNA Campaign for Union Recognition was initiated because of a decision by the

Navajo Nation government to enact its sovereignty by assuming management of reservation healthcare. The Indian Self-Determination and Education Assistance Act of 1975 (Public Law 93-638) enabled tribal governments to take over the administration of social services from the federal government. PL 93-638 was designed to promote and advance tribal self-determination. In 2001, the Navajo Nation Tribal Council decided to implement PL 93-638 by assuming the administration of the Navajo Area Indian Health Service. One consequence of the takeover was that Navajo Area IHS employees would transition from employment by the federal government to employment by the tribe. Consequently, employees were required to petition again for union recognition under Navajo Nation tribal labor codes. Despite general support among tribal members for sovereign status of the Navajo Nation, this specific exercise of sovereignty in the takeover of reservation healthcare received limited public support for a number of reasons. Tribal members were concerned about the continuity, availability, and quality of healthcare under tribal management; many wanted to maintain the federal IHS in order to continue to hold the federal government to its treaty obligations to the tribe. LIUNA organizers capitalized on this public frustration by aligning support for unionization with sentiment against the tribal government's proposed takeover of healthcare. The organizing strategies employed in this campaign illustrate the way organizers simultaneously negotiated the cultural and political ideologies of Navajo IHS employees, their everyday concerns about their workplace, and their desire for a voice in pragmatic economic and political decisions of the tribe. What was at stake for tribal members in a campaign like this was not just Navajo workers' relationship to hospital management but also how tribal members relate to their elected officials, what the concept of self-determination or self-governance really means, and how it should be exercised. The LIUNA example is especially significant because it explicitly engages the labor-relations consequences of the expansion of tribal economic enterprise, in this case, the takeover of IHS hospitals. But it is also broadly relevant to all organizing in tribal contexts because dealing with labor relations in Indian Country always means negotiating the intersection of workers' rights and tribal rights to self-determination.

In this article, I present a condensed ethnography of a LIUNA petition drive to preserve union representation for employees of the Navajo Area Indian Health Service. More than just providing a historical narrative of a campaign, this ethnographic account closely examines how strategies were developed and then implemented through communicative interaction fundamental to the act of mobilization. Ethnographies of work and labor organizing are important tools in understanding how labor relations actually

take shape. Randy Hodson (2001) analyzed a large number of historical and contemporary ethnographies of work providing key insights into how workers have created and maintained agency on the job site. Karen [Brodkin] Sacks (1987), Teresa Sharpe (2004, 62-87), and Karen Brodkin and Cynthia Strathmann (2004) also present models for conducting ethnographic studies, specifically of union organizing campaigns. These ethnographic studies successfully capture intricate relationships between organizers and workers and the dynamic strategies and quotidian practices that make union campaigns happen. Consequently, I maintain that ethnographic methods of participant-observation and interviewing can engender a more reflexive, process-conscious view of organizing. In my study, I trace the communicative strategies of six organizers—three professional and three volunteer—as they persuade workers to sign a petition to support retention of union representation. In response to Navajo public frustration with the tribal government healthcare takeover, organizers and workers co-construct the petition as a tool to retaining union recognition in a context of economic uncertainty.

I begin with a brief discussion of my research methods, followed by an exploration of how American Indian tribal sovereignty affects unionization efforts on any reservation. Looking specifically, then, at the Navajo Nation case, I situate the LIUNA campaign within tribal-specific, legal-historical, and economic contexts. The body of this article is devoted to an ethnographic analysis of organizing strategies and interactions between Navajo Area IHS workers and LIUNA organizers, and I conclude with an update on the status of unionization among Navajo Area healthcare workers.

Research Methods

Conventionally the tool of anthropologists and sometimes sociologists, ethnography is the study and analysis of social interaction and human behavior within community. Ethnographic methods include participating in and observing interactions and behaviors, as well as interviewing social actors and inviting their reflections on their behavior and its meaning to their community. In my research, I observed about eight hundred face-to-face interactions between LIUNA organizers—both professional and volunteer—and Navajo Area healthcare workers. These interactions took place on the grounds of the various Navajo Area IHS facilities, usually in conference or break rooms and during the workers' lunch hours or break times. During the campaign, I also attended all of the union's local executive board meetings, and I was party to several campaign strategy meetings. Additionally, I interviewed all of the International organizers and local executive board members. Most of my research is based on detailed field notes. I did not audio-record the conversations between

organizers and employees or the executive committee meetings, so as not to compromise the security and familiarity critical to successful organizing or to interfere in workers' exercising their collective bargaining rights.

Even though concerns specific to union organizing drives may require some modification of ethnographic methods—in this case, reliance on field notes rather than video or audio recording—these methods are still fruitful. Observing both campaign planning meetings as well as actual organizing allows us to connect strategies to actual practices. Strategies and practices together constitute the "doing" of organizing. Strategies and practices come together most clearly in the direct, interactive processes of face-to-face organizing: individual contacts between organizers and workers.[1] Organizing is fundamentally a collaborative and linguistic process: workers and organizers come to these face-to-face interactions, or organizing conversations as I have termed them, with historicized and politicized perspectives about specific political-economic circumstances, which they deploy through discourse towards the ends of persuasion and mutual understanding (Kamper 2003; Kamper 2004). Successful organizing conversations lead to some form of agreement and materialization of support for a common political-economic agenda. Thus, a union campaign can be studied from the perspective of how organizers recruit worker support and how both groups come to view a campaign as a productive, appropriate expression of political will. The question of what constitutes a productive and appropriate expression of political will is especially relevant within the context of American Indian workers' investment in tribal sovereignty and their desire not to openly challenge or endanger the self-determination of the tribe. I will analyze how workers and organizers address and mutually negotiate these concerns within the space of organizing conversations in the LIUNA Navajo Area IHS campaign.

Navajo Tribal Sovereignty and Labor Relations

Union organizing on American Indian reservations takes place within a political context of tribal sovereignty. Consequently, within Native America, union organizers must negotiate complicated relationships of political and legal jurisdiction in addition to more familiar considerations of social networks and workplace culture. Any investigation of organizing on Indian reservations must disentangle these relations. In this section, I will lay out the distribution of political and legal power on reservations and show how this affects reservation unionism in general, on the Navajo reservation, and in LIUNA's campaign with IHS employees.

American Indian sovereignty originates in the aboriginal occupation

of land in North America. This connection to land is crucial because native peoples believe their tribal sovereignty derives its authority from place-based origin stories: on the physical landscape today are the precise spots where native people emerged, acceptable social behavior was defined, and political rules were decided. By comparison, American Indian rights to self-governance are institutionalized in Western law through treaties signed with tribes, the U.S. Constitution, and U.S. Supreme Court decisions. American Indian communities view tribal sovereignty as their most valuable resource because it establishes the political, cultural, and spiritual autonomy of their communities, empowering them to determine the values, practices, and institutions that direct communal life. In practice, the limits and definitions of what constitutes tribal sovereignty shift based on the political assertiveness of tribal governments, their viable economic resources, judicial interpretation of constitutional and federal law, and federal legislation. In most situations, tribal land is considered to be federal land, so that tribal governments—not state governments—govern all aspects of life not stipulated or limited by federal law.

Under PL 93-638, when reservation social services transition from federal to tribal-government administration, their employees transition from federal to tribal management. Employees are then no longer under the jurisdiction of federal labor laws. This is a direct outcome of the legal value placed on tribal sovereignty. A combination of court cases and NLRB rulings has found that tribal sovereignty trumps federal labor law. As political entities, tribes meet certain exemptions in the NRLA; thus, the NRLB has abdicated jurisdiction over labor relations where tribally-run corporations are involved (Limas 1993; Kemp 1995; Thompson 2001).[2] This leaves employees of tribal-run corporations in a potentially insecure or often unregulated position. Some legal scholars argue that this problem should be solved by imposing NRLB oversight on tribal economic enterprises and political domains (Kemp 1995). Others point out, however, that such a solution would threaten or limit tribal sovereignty—a legal doctrine established by treaties and the Constitution—and instead suggest the establishment of tribal labor codes (Limas 1993). In crafting tribal labor codes, tribal governments have the opportunity to develop innovative protections and remedies that reflect local values and native philosophies of jurisprudence while maintaining tribal self-governance. Furthermore, tribal governments are spatially and politically closer to reservation labor relations, and thus are in a more advantageous position to administer mechanisms of accountability. A key example of the tribal administration of labor relations is the Navajo Nation. The Navajo tribe is one of the few tribes in the U.S. that has its own labor code regulating reservation labor relations. A key part of the Navajo labor code is the Navajo

Nation Collective Bargaining Regulation (NNCBR). The NNCBR states that its purpose "is to promote harmonious and cooperative relations between the Navajo Nation, its agencies and enterprises and Navajo Nation employees" (§ 1). It is, for the most part, based on American labor laws and establishes frameworks for representation elections, union recognition, contract negotiation, mediation, and decertification that all generally reflect the structure of NLRB regulations. At the same time, the language of the NNCBR reflects traditional Navajo values such as *hozho*, or harmony, which is held by Navajo people to be a key principle of collective well-being. The law is fairly new and has yet to be really tested in its practical application. Observing one of the first examples of the application of the NNCBR, I chronicle how LIUNA negotiated the transition from federal to tribal healthcare management under the terms and regulations of the NNCBR.

Navajo Tribal Sovereignty and Economic Development

What tribal sovereignty means for economic development is that many American Indian nations find themselves in circumstances similar to other developing nations around the world. Unlike other developing countries, reservation economies have not experienced the starkest and most detrimental effects of neo-liberal globalization such as maquiladoras or sweat shops. Still, extreme poverty and unemployment remain the norm in many reservation communities, and hundreds of thousands of American Indians survive on a combination of government assistance and traditional subsistence activities. During the twentieth century, many reservation economies were focused on the exportation of natural resources, including water, oil, gas, coal, uranium, and timber (Jorgensen 1978). This was the case with the Navajo Nation in particular, as the land guaranteed to them by the federal government in the nineteenth century proved in the twentieth century to contain some of the world's largest low-sulfur coal and uranium deposits (Reno 1981). During most of the twentieth century, extraction became the leading source of economic development on the Navajo reservation. The Navajo people, however, never received the full benefits of this industry because the Bureau of Indian Affairs, negotiating on the Navajos' behalf, worked out sweetheart deals with off-reservation companies, selling mining rights at prices far below market value (Reno 1981; Francisconi 1998). In addition, the extraction industry failed to create significant employment for Navajo workers.

Most opportunities for Navajo employment are in civil service work with federal or tribal agencies providing social services on the reservation. Navajo or federal government employment varies from 35 percent of the total workforce in some smaller Navajo communities to 60 percent and 70 percent in larger

communities (U.S. Census Bureau 2000).[3] One key provider of government jobs is the Indian Health Service (IHS). Established in 1954, the IHS runs 119 healthcare units and forty hospitals providing healthcare for tribally-enrolled Indians on and near reservations throughout the U.S. With a national budget of nearly $3 billion, the IHS has become an especially important source of employment in Indian Country in general and at the Navajo Nation in particular. The Arizona Department of Commerce (2000) lists IHS hospitals as major employers in Navajo reservation towns located within Arizona state borders: Tuba City, Window Rock/Fort Defiance, Chinle, and Kayenta.[4] In Navajo reservation towns within New Mexico state borders such as Shiprock and Crownpoint, healthcare and education constitute 30 to 60 percent of the employment opportunities. Healthcare plays a large role in sustaining the economies of many Navajo reservation communities and, consequently, in setting labor trends and standards within the Navajo Nation. This is particularly important in light of the fact that these communities have under- and unemployment rates two, three, and even four times the national unemployment rate (U.S. Census Bureau 2000). Many Navajos have thus come to rely on the IHS both for their healthcare needs and for steady employment.

Like public employees in off-reservation contexts, Navajo public employees are in the unique position of producing the "use value of everyday life" (Johnston 1994, 15). They are also subject to the "broader political conflicts over public agendas that guide and fund public sector work," as are public employees everywhere (Johnston 1994, 4). On many Indian reservations, the policy agenda that frequently affects public sector work is the push by tribal governments to increase tribal sovereignty by taking over social service agencies formerly administered by the federal government. The federal government formally promoted this agenda in 1975 when Congress passed Public Law 93-638, the Indian Self-Determination and Education Assistance Act. The social services most commonly affected by P.L.93-638's tribal governmental takeovers are IHS hospitals and school systems. Despite problems with the funding and implementation of "638," as it is colloquially called, tribes are still eager to enact self-determination in this way (Gross 1978; Stuart 1990; Kunitz 1996).

The transition from federal to tribal administration under the "638" process can change public institutions in major and minor ways. The structure of a public agency may change very little as funding is still provided from the federal government, and local managers and employees retain their positions. Alternately, with tribal officials administering agencies and setting their agendas, the distribution of funds and services can change significantly. In either scenario, one fundamental change always occurs: as tribally run agencies, these

public agencies come under the legal jurisdiction of tribal law. It is this kind of jurisdictional change that motivated LIUNA's campaign to retain union representation for Navajo Area IHS workers.

The "Campaign of Union Recognition" among Navajo Area IHS Employees

LIUNA has represented Navajo Area Indian Health Service workers for over twenty-five years. In January 2001, LIUNA found its future at Navajo in question, as the Navajo Nation tribal government attempted to assume administration of the IHS under Public Law 93-638. In "going 638," the tribal government aimed to improve the quality of healthcare and to enact self-determination. But going 638 would also end IHS employees' collective bargaining relationship with the federal government, requiring a complete renegotiation of union recognition and collective bargaining rights with a Navajo Nation tribal corporation acting as management. Thus, LIUNA began a campaign to preserve collective bargaining rights for Navajo healthcare workers and to maintain its position as the workers' representative. Under the regulations of the NNCBR, union recognition required that 55 percent of employees in a bargaining unit sign a petition requesting union representation. The signatures would then be verified and a request to bargain authorized by the Office of Navajo Labor Relations.

During the summer of 2001, four International Organizers and International Representatives and several employee volunteers organizers implemented on the reservation a direct organizing campaign that they called the "Campaign for Union Recognition." Within five months they used face-to-face organizing to obtain petition signatures from nearly 60 percent of Navajo Area IHS workers. This highly successful petition campaign marked a significant increase in worker support. Previous LIUNA actions not using direct organizing tactics garnered only 30 percent worker support at Navajo.[5] But in the 2001 campaign, at some work sites in the Navajo Area, 60-90 percent of the workers signed the petition. I observed organizers talking to almost eight hundred workers: only five were unwilling to sign the petition. Given recent research on the value and effectiveness of direct action, rank-and-file-centered campaigns, we should not be surprised that the more LIUNA focused its attention on reaching as many workers as possible, the greater campaign success and worker support the union received (Bronfrenbrenner 1997; Bronfrenbrenner and Juravich 1998, 19-36; Milkman 2000; Bronfrenbrenner and Hickey 2004, 17-61).

The six-month campaign involved five non-Navajo International Repre-

sentatives and Organizers based in Sacramento, Albuquerque, and Phoenix, as well as the executive committee of Local 1376, comprised of Navajo, Euro-American, and African-American stewards. Local stewards mobilized their co-workers and helped determine campaign strategies during executive board meetings. During the campaign these executive board meetings served as a forum for discussing the strategies and progress of the campaign: how the organizing was going, what messages workers were responding to, what concerns they had, and how management was responding. While for the most part the stewards' role in these meetings amounted to suggestions about and approval of plans developed in advance by International Representatives/Organizers, nonetheless it represented an active participation on the part of stewards in the recognition petition drive.

Sharpe (2004, 62-87) notes that even a limited amount of worker participation in decision-making goes a long way toward maintaining active worker involvement in organizing campaigns. In the LIUNA Navajo campaign, stewards from the rank-and-file membership voluntarily took part in the planning and organizing of the Campaign for Union Recognition, and convinced their co-workers to sign the petition in informal settings. Thus, stewards and local activists served as "center persons" (Sacks 1987) or "bridge leaders" (Robnett 1996, 1997). Sacks (1987) uses the notion of "center woman" or "center person" to identify a worker whose central role in social networks and work communities provides leadership in union campaigns and social justice movements. Formulated as a variation on Sacks's "center persons," Robnett delineates "bridge leaders" as local activists who provide "the bridges necessary to cross boundaries between the personal lives of potential constituents and adherents and political life of...[social] movement organizations" (1996, 1664).[6] Acting as center persons/bridge leaders, LIUNA stewards advanced the Campaign for Union Recognition through relationships with their co-workers that generated support for the union both in terms of signing the petition and committing workers to convince their co-workers to sign the petition as well.

In addition to the key role that local stewards and activists played, the Campaign for Union Recognition International Representatives/Organizers conducted a significant part of the organizing. On a typical day, professional organizers left their hotels in reservation border towns such as Gallup, Farmington, or Tuba City and drove up to two hours to reach Navajo Area IHS service units in reservation communities such as Crownpoint, Chinle, or Fort Defiance, where they would meet with a local steward or activist. This local activist would have reserved a room for the day's organizing, ideally a break room that provided prime access to workers. There, organizers set up food,

souvenirs, and petitions. They were not permitted to talk to employees while they were actually working, so organizers would announce over the public address system that they were on site to provide food and talk about the union.[7] Thanks to these announcements and word-of-mouth, over a two-to-six-hour period a steady stream of employees came to talk to the organizers about the campaign. Organizers often spoke to small groups of assembled workers, but always gave individual workers a face-to-face two-minute pitch about the petition for union recognition and how it related to the potential 638 takeover. Organizers obtained from ten to fifty signatures each day, working toward their ultimate goal of over 1,600 signatures, or 55 percent of all Navajo Area IHS employees. These face-to-face organizing conversations along with observations of union strategy meetings and interviews with professional and volunteer organizers are the basis of my ethnographic analysis of LIUNA's Campaign of Union Recognition.

An Ethnography of the Practice of Organizing

LIUNA's organizing campaign aimed to ensure worker representation in the likelihood of tribal governmental takeover of healthcare. In the context of strong rank-and-file American Indian investment in tribal sovereignty, non-Navajo organizers especially risked alienating the Navajo workers whose support they were courting if they appeared to oppose Navajo tribal self-determination, even when it was enacted through generally unpopular means such as the proposed IHS takeover. Consequently, LIUNA had to develop effective organizing strategies that respected Navajo Area IHS employees' multiple political, cultural, social, racial, and class allegiances as Navajo tribal members and as workers. Ultimately, the LIUNA campaign succeeded by persuading workers to support union representation by carefully and strategically engaging workers' frustration with the tribal government, skepticism of its proposed health care management takeover, and uncertainty about their future working conditions. Organizers mobilized a difference understood among tribal members between supporting sovereignty in general and opposing or questioning specific tribal governmental actions. Together, in organizing conversations, organizers and workers co-constructed the petition as a solution to the uncertainty engendered by the 638 takeover.

Navajo Public Response to Changes in Healthcare Administration

The Navajo Nation Tribal Council stirred up a great deal of controversy when it formally proposed the 638 healthcare takeover in December 2000. Many Navajos were anxious about their tribal government's ability to manage reservation healthcare. Sensing this uneasiness and after much debate, the

Navajo Tribal Council put the issue to a tribe-wide special election in June 2001. However, this 638 referendum ended up being just as contentious, due in part to its wording. Rather than calling for an affirmative vote on the proposed take over, the referendum ballot asked: "Shall the Navajo people prevent the tribe from a 638 take over of healthcare?"[8] Thus, those against 638 had to vote "yes"; those in favor had to vote "no." Furthermore, Navajo law requires that in order for a referendum to pass, it must receive 50 percent plus one of all registered Navajo voters, about 43,000 voters. This threshold is so high that few referenda have ever passed in the history of the tribal government. Some Navajos accused the tribal council of designing the referendum to fail. Ultimately, Navajos voted overwhelmingly against a 638 takeover: 16,000 against to 3,000 in favor. Still, the takeover plans went forward because the 43,000 threshold was not attained. These electoral technicalities became a lynchpin of the takeover controversy and a target for Navajo public frustration.

Many Navajos protested outside the Tribal Council chambers, proposed changes to the referendum process, threatened council members with recall elections, and wrote letters to the editor of the *Navajo Times*. One 638 opponent wrote:

> The grassroots people's vote will not be taken seriously again. . . . The language for the referendum is just lawyer's jargon and confusion. How can our grandparents understand this language? Why can't it just be simply grassroots people language? . . . How about playing a fair baseball game with the voter, or criticism will continue ("IHS referendum will fail," May 10, 2001).

Another complained, "We live in the great Navajo Nation, United States of America, land of the free – not Cuba" ("Leave IHS as is," June 28, 2001).

This controversy reveals fundamental disagreements among Navajo people as to what constitutes the proper exercise of tribal sovereignty. Supporters argued that a 638 takeover would extend sovereignty by allowing the tribe to control healthcare—who it should serve, how it should serve them, how money should be spent, and what kinds of programs and services should be provided. Opponents feared that the quality of healthcare would decrease under the tribe's administration. Some suggested that tribal council members were mainly interested in siphoning federal government block grants toward other projects. And the harshest critics alleged that the 638 transition was a nepotistic ploy to augment the personal coffers of tribal council members and their families. Into this intra-tribal controversy entered LIUNA and its Campaign for Union Recognition.

Aligning Public Frustration with Worker Support

Although workplace rules limited organizer access to Navajo Area healthcare workers, organizers always attempted to engage each worker in conversation. They used a short pitch to enlist worker support and asked pointed questions to assess their opinions on unionization. Both the pitch and the petition were discursively designed to construct the union as a means to achieve workplace security during the uncertainty of the tribal takeover. However, the Campaign for Union Recognition did not attempt to oppose or prevent a 638 transition. Instead, LIUNA highlighted the negative sentiment toward the 638 process without directly opposing Navajo sovereignty. This is more than just politically astute decision making by LIUNA organizers: it is a product of the reality of organizing in Indian Country and of negotiating within contexts of tribal sovereignty every day.

In any workplace, organizers commonly contend with arguments and assumptions that the union is an exterior entity. Robert Penney (2004, 88-113) and Karen Brodkin and Cynthia Strathmann (2004) illustrate that the sentiment of unions as outsiders comes from both management anti-union discourses and rank-and-file workers' dissatisfaction with unions. Rather than being seen as mediators between labor and management, unions and professional organizers are often coded as foreign elements impinging upon the naturalized relationship between employees and their employers. In the context of American Indian reservations, this notion of the union as outsider is doubly or even triply coded because of racial differences between non-Navajo organizers from off the reservation and reservation-based Navajo workers, linguistic differences between English-speaking organizers and American Indian English or Navajo-speaking employees, and mutual awareness of the specific political and cultural domain constituted by tribal sovereignty. Even though IHS hospitals are interracial, intercultural, and multilingual spaces, the very logic of tribal sovereignty—a geopolitical manifestation of self-determination, self-governance, and self-identification—seeks to carve out uniquely Native spaces. In this regard, the ideology of tribal sovereignty asks outsiders to recognize, respect, and even adapt to local ways of being and doing.

The LIUNA Campaign for Union Recognition in the face of a potential Navajo 638 healthcare takeover brought these issues of tribal sovereignty into the foreground. When they talked to workers, Gary Harris and Alan Cooper, non-Navajo professional organizers, never shied from addressing the 638 controversy.[9] They began organizing a week after the 638 referendum, so they used the strong feelings surrounding the referendum to attract attention to the petition. Gary frequently started the organizing conversation by suggesting that the results of the election illustrated the Navajo voters' opposition to 638.

Then he observed, "But unfortunately the tribal council is still going ahead with it." He explained that even though the tribal council was "going to do what it wanted," the tribal labor code allowed for union representation. He concluded with his pitch for workers to sign the petition. While not explicitly stating that the union petition could undo or counteract the tribal council's actions, Gary constructed the conversation to position the union's petition as a solution to workers' feelings of futility concerning the 638 referendum. Moreover, by asserting that the tribal labor code allows for unionization, he articulated recognition of tribal governmental authority. In this way, he positioned the petition as a way for Navajo workers to participate in tribal self-determination by actualizing the labor laws of the Navajo Nation and voicing public opinion on how the healthcare takeover should happen.

Alan would also begin with a reference to the referendum controversy. He would first question workers, "Have you folks signed the petition yet?" Then he followed with the comment, "638 didn't pass, but it did." This ambivalent statement acknowledged the complicated political situation that allowed the 638 process to proceed even though an overwhelming majority voted against it. It also indexed another popular complaint about the 638 referendum, that the confusing wording of the ballot had those against 638 voting "yes" and those in favor voting "no." Including this comment at the beginning of organizing conversations aligned Alan and LIUNA with Navajo workers against the 638-referendum process. Thus, the organizer implied a connection between union recognition and an anti-638 position without explicitly criticizing the tribal government's decision to go 638 or asserting that the union's petition could reverse the healthcare takeover.

Similar organizing tactics were employed by Jim Kelley, another non-Navajo professional organizer. In his organizing conversations, he actively engaged workers' skepticism of the takeover. Talking to a group of employees at a lunchtime meeting at the Crownpoint Healthcare Facility in New Mexico, Jim detailed problems with the 638 takeover. He directed his critique of the tribal administration of healthcare by rhetorically asking the assembled workers, "What are grandma and grandpa gonna do if they live near Hopi or Zuni and can no longer use those IHS facilities? What about your kids at school in Oklahoma? They can't go to IHS there." As Jim suggested, under the 638 healthcare contract, Navajos would potentially lose their eligibility for federal IHS healthcare and instead would have to exclusively use Navajo Nation healthcare. This could cause significant transportation hardships for Navajo tribal members living away from the reservation, among other problems. Addressing these general concerns about the consequences of the takeover did not fall within the legal or political domain of LIUNA. By discussing them,

however, Jim engaged the Navajo workers at Crownpoint who both relied on and worked at IHS facilities and were thus deeply invested in healthcare concerns facing the tribe as a whole.

Jim's organizing discourse appealed to Navajos workers' investment in their nation's future and the practical decisions that determined their future's shape. Most agreed with his comments, nodding along with him and then signing the petition. Talking exclusively about the potential problematic mechanics of 638 and not about working conditions, Jim connected LIUNA's campaign to broad anti-638 sentiments. He did not assert an abstract notion of what the union could do as an intermediary between workers and their own tribal government. Rather, he successfully conveyed to Navajo workers that the union and union organizers understood the importance of tribal self-governance and, more important, the need to do it right. Jim did not argue that union representation would provide greater access to healthcare. He did not explicitly critique those who planned the 638 takeover, or even the general 638 takeover proposition. Instead, he sought to engage healthcare workers' concerns about 638 in order to align LIUNA with an anti-638 position by illustrating the union's empathy for the practical realities and challenges of enacting tribal self-determination.

In these three examples, LIUNA organizers are doing what all unions try to do: to connect with workers and convince them that union representation improves working conditions and provides security. Unions often do this by constructing the union as a more faithful representative of workers than management. In the Campaign for Union Recognition, LIUNA organizers took a similar, but much more indirect adversarial approach. Rather than defining the union in opposition to management, they more subtly aligned the union in opposition to the unpopular 638 takeover process. According to Johnston, this political maneuver is common in public worker's movements as they "frame their claims as 'public needs'—legitimate and administrable—and . . . align with and even assemble coalitions around these public needs, turning bargaining into a political debate over public policy" (1994, 12). For LIUNA organizers, however, the stakes were higher than for a typical public sector campaign: open criticism of the tribal government, especially by outsiders, is often viewed as an inappropriate political act or even an attack on the foundations of American Indian sovereignty. For LIUNA organizers it was crucial to frame the union as an advocate for Navajo healthcare workers, but not as an inappropriate challenge to tribal sovereignty. Framed in this way, union representation could be viewed as an expression of Navajo worker self-determination, not a criticism of the tribal council's authority to

enact tribal sovereignty.

This tension was most clearly expressed in Navajo volunteer organizers' participation in the campaign. I will focus specifically on two volunteer organizers: Anita John, a Navajo clerical worker from IHS clinic at Crownpoint, New Mexico, and Violet Tsosie, a Navajo benefits coordinator working at IHS hospital in Shiprock, New Mexico. Each woman was a union steward, identified herself as a local leader, and expressed the importance of unionization. Violet told me that the union was important because "we want to come to the table and have a say." Violet warned against passively letting managers and the tribal council make decisions that affect the lives of Navajo Area IHS employees without speaking up and taking part in the process. Anita also commented on the need to be vocal. I asked her what she thought was the best way to convince a co-worker to sign the petition, and she said that it was simply to inform them that without union recognition, they would not have a public voice. She said:

> If they sign…basically they're signing because they wanna have a voice. They still wanna have a voice once we go under 638. . . . They've been signing because they know . . . if they don't have a voice the tribe is gonna…basically do what they want.

If people were unsure about signing, she would tell them, "You want your opinion to matter; I know I do." Anita continually asserted to her co-workers that they had an unquestionable right to help determine the conditions of their employment.

Anita and Violet constructed the Campaign for Union as a way for their co-workers to have a say in the process of self-determination. They suggested that workers use the union campaign as a venue to assert their opinions on how the tribe should conduct the 638 takeover: claiming a voice in the very process of enacting tribal sovereignty. This is especially important given public perceptions of the healthcare takeover referendum as a way for the Navajo tribal government to ignore public opinion and push 638 forward. Indeed, the confusing language of the referendum—no means yes, yes means no—and the high threshold for passage promoted an indirect, ambiguous, and passive construction of support.[10] As union stewards and organizers, Anita and Violet asserted that power and authority do not merely rest in the hands of the tribal council, but rather that workers can advocate for themselves publicly, collectively, through the union.

However, both Violet and Anita believed that unionization and labor activism must be enacted cautiously in contexts of tribal sovereignty. Take, for example, Violet's concern with over-assertiveness. Violet observed that

while it was not typical for Navajos in general to be outspoken, neither was it always inappropriate:

> My Navajo people aren't the most aggressive…they always say we want to be the harmonious kind of people but then there are some of us who want to go in there and ruffle somebody's feathers, but I only do it because there's stuff I know I can defend and there's documents there that allow me to defend whatever [grievance or unfair situation].

According to Violet, being outspoken must be done situationally, when one is sure of one's argument, and not for the sake of merely drawing attention to oneself and one's cause. Violet's notion of public advocacy is tempered by more traditional Navajo ideologies about speaking out. She feels that it is inappropriate to be seen as a singular, self-centered individual telling the tribal government what to do. For example during the campaign, non-Navajo union leaders wanted to assign Violet's name to a press release quote that was highly critical of 638, labeling it a "real risk" and calling for the tribal government to "immediately stop" the takeover. Violet refused, explaining:

> It's not in anybody's place to tell the Navajo Nation Council what to do. And . . . I'm only one person and I'm from Shiprock, you know . . . there's *no way* that I'm gonna say something like that.

Violet felt that the press release made her appear to be self-serving and thus counteracted the collectivity of the Campaign for Union Recognition. From her perspective, it was okay to speak up for people's rights, but not to speak against the tribal government and not to appear to be one individual telling the government what to do. Moreover, she was very conscious of speaking against the notion of tribal sovereignty. The press release statement citing her name that the union wanted to publish was slated to appear in a newspaper published in a reservation border town, to be read by Navajos and non-Navajos alike. Violet was especially aware of the potential consequences of speaking as a Navajo in ways that opened her tribal government to outside criticism. Violet and her Navajo co-workers are keenly aware that displeasure with the tribal government ought not to be used as an excuse for forces exterior to the community to try to scrap the idea of tribal sovereignty. Any political tension within the tribal community could be used by outsiders, and particularly by neighboring outsiders, as an excuse to try to impinge on the self-governing power of the Navajo Nation.

Navajo political leaders and local community members have historically employed assertive language to make demands on the federal government and its trust responsibilities to the tribe (Wilkins 1999; Iverson and Roessel

2002a). Asserting one's public voice can also be found in internal tribal political debates, especially the letters-to-the-editor section of the *Navajo Times* that, as we have seen, served as an important venue for criticism of the 638 takeover.[11] Clearly, Violet and Anita also recognized the importance of assertive public political advocacy. They, their fellow organizers, and their co-workers proactively spoke up when the situation called for it. For them, the 638 referendum and potential loss of union recognition constituted such a situation. As Violet proclaimed, "It almost feels like we are still being sold out by the government, and yet the union is at least winning some of our rights for us." LIUNA's promotion of assertive advocacy provides Navajo workers with a public venue for expression of their political will.

The success of the LIUNA Campaign for Union Recognition thus was premised in large part on its awareness of the tribal political and cultural domains it worked within, especially tribal sovereignty. Recognizing and appealing to the mixed feelings of tribal members—who supported the principle of tribal sovereignty but questioned its specific application in the healthcare takeover—shaped the strategies that guided the day-to-day activities and face-to-face organizing conversations constituting the Campaign for Union Recognition. The union succeeded most when, in a view propounded by Navajo organizers, they positioned the campaign as a way for rank-and-file tribal members to participate not only in discussions about their working conditions but also about the future of self-determination within the Navajo Nation.

Conclusion

American Indian participation in labor unions is rarely discussed in labor studies scholarship.[12] Indeed, representations of American Indian labor in industrial and service economies have often been obscured by constructions of American Indian primitivism (Knack and Littlefield 1996, 3-44; Albers 1996, 245-273). Ethnography as anthropologists' key tool of knowledge production has played a large role in creating and sustaining this construction of Indian primitivism. However, when directed toward contemporary American Indian practices such as participation in labor unions, ethnographic methodology can help chronicle the way American Indians exploit aspects of "modern" economies in the interest of maintaining culturally and politically distinct communities.

Ethnographic methods can equally benefit the study of union organizing as these methods allow researchers to examine the relationship between organizing strategies and practices. Using ethnographic methods to explore LIUNA's Campaign for Union Recognition among Navajo Area IHS employees, I have illustrated how organizers connect political strategies to verbal

strategies of face-to-face interactions. Ethnographic analysis begs the question of what constitutes a public political voice and how that voice is appropriately expressed. These questions are fundamental to union organizing, which is at its most basic level an interweaving of public conversations between workers and organizers, workers and management, and workers and the general public. Ethnographic methods reveal how organizers and workers are the agents of these public conversations and, consequently, of political and economic change.

Today, nearly three years after the Campaign for Union Recognition, only three IHS facilities have actually converted to tribal corporation control under 638. Under the direction of a new president, Joe Shirley, the tribal government decided against a complete takeover of the Navajo Area healthcare. Nevertheless, at the Tuba City hospital—one of these three facilities—the struggle for unionization continues. The hospital's new management has contested that neither Navajo tribal labor law nor federal labor law applies to their unique situation, and they have denied workers' request for collective bargaining rights. Moreover, many pre-638 takeover concerns of cronyism and financial mismanagement have apparently been realized in the conduct of hospital administrators. To counter these problems, hospital workers and community members have employed grassroots organizing and protests and have embarked on a new union recognition campaign. The ongoing struggle of these Navajo healthcare workers demonstrates that working tribal members are invested both in having a say in their working conditions and in tribal self-governance. American Indian workers recognize that more than an outsider impinging on tribal sovereignty, the union can be a vehicle for self-determination.

Notes

1 Face-to-face direct organizing is a central part of grassroots or social movement organizing. Indirect organizing methods include union literature, media campaigns, rallies, and phone banking.

2 Since the completion of this article, two new legal decisions have reversed the NLRB's course in terms of jurisdiction over tribal enterprises (*San Manuel Indian Bingo & Casino, 341 N.L.R.B. No. 138* 2004; *Yukon Kuskwokwim Health Corporations, Inc. International Brotherhood of Teamsters, Local 959, AFL-CIO, CLC 341 N.L.R.B. 138* 2004). The NLRB will now assert jurisdiction over tribal corporations that are acting as commercial enterprises but not when acting in traditional tribal or governmental capacities. The NLRB will assert its jurisdiction in cases involving tribal members as workers in off-reservation

corporations (Limas 1993; Kemp 1995).

3 Individual tribal data from the U.S. Census Bureau's 2000 Census does not differentiate between tribal government "civil service" and Federal federal government "civil service." The tribal data set is also not broken down by city/town on the reservation. Consequently, I am using data from general U.S. Census data for city/towns with Navajo Area IHS facilities.

4 While this may also be the case for reservation towns such as Shiprock and Crownpoint, New Mexico, the state of New Mexico does not compile comparable employment data.

5 LIUNA organizers focused only on meeting this 30 percent threshold because federal public employment laws required that only 30 percent of employees sign a recognition petition to initiate a representation election and a simple majority of voters in a union representation election to win recognition and collective bargaining rights. Thus, previous LIUNA campaigns under federal labor regulations were limited to mobilizing a core group of reliable supporters to vote.

6 Although Robnett developed her formulation of bridge leaders in relation to the Civil Rights movement, she also acknowledges that her theory can apply to social movements in general.

7 This workplace rule made local stewards and activists even more important because they could seek out and organize workers who did not come to talk to union officials, as well as reassure co-workers whenever union officials were not on-site.

8 The tribal council's legal advisor asserted that tribal law required the referendum to be worded in the negative.

9 All names used in this article are pseudonyms.

10 Navajo Nation Council Representative Bodie publicly made such an argument during a Council council debate over changing the referendum process (October 17, 2001). Bodie asserted that people did not vote in the 638 referendum election because they did not want to prohibit the tribal government from making changes to the healthcare system. Williams (1970) suggests that in local or "chapter house" Navajo politics, people will choose not to vote rather than standing out or going against what is perceived to be the group's collective will. However, Williams's observations pertain to small communities where personal political opinions and votes are open to public scrutiny. No research has illustrated how this might translate to "state" secret-ballot voting.

11 Polemical articles in the newspaper have spurred the President of the Navajo Nation to temporarily shut down the paper on more than one occasion (Iverson and Roessel 2002b).

12 Excluding legal reviews of tribal labor relations, the few scholarly treatments of American Indians and labor unions almost wholly deal with off-reservation work (see Wadell 1969; Talbot 1985; Mitchell 1992; Peters 1996, 177-197).

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