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The 5 W's of the White House Tribal Nations Conferences: 2009-2011

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**The 5 W's of the White House Tribal Nations
Conferences: 2009-2011**

by

Elizabeth Shulterbrandt

**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL
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**Professor Kim
Professor Bensonsmith**

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Chapter 1: Introduction

November 5th, 2009, Washington D.C. — Laughter and excited chatter emanated from American Indian tribal leaders who filled the auditorium in the Department of Interior. Some had waited outside in the early morning cold at 5am to get a front row seat. Old friends caught up with each other, while new ones were made; photos were taken and jokes were shared. Stories were shared about meeting Obama on the campaign trail in 2008, as well as personal expectations of the conference. Tribal leaders from all across the nation were present, from Alaska to Florida, California to New York. More than 400 tribal leaders, various members of the Press Corps, journalists, politicians, and Cabinet members were crammed into the auditorium. There was an undercurrent of giddy excitement in the air, a feeling of anticipation that grew with each passing minute. Many elected to wear business suits, although there were a few who dressed up in the traditional manner; a headdress there, an eagle feather there. Murmurs of ‘historic,’ ‘change,’ and ‘once-in-a-lifetime’ floated throughout the room. Finally, the hour they had all been waiting for arrived. President Obama walked onto the stage promptly at 9:30. Excited cheering and clapping greeted his entrance; dozens of cameras and phones flashed, eager to capture the sight of the President. A live-feed was being streamed online, broadcasting the event to all of those who could not make it to D.C. After a couple of raucous minutes, the noise finally died down, everybody eager to hear the words that would follow. In that silence, held with bated breath, President Obama uttered the first words of his speech with a simple “Thank you.” The White House Tribal Nations Conference had official begun.

In 2009, his first year in office, Obama started a dialogue with American Indian tribes in order to foster better government-to-government relations between the U.S. and the 565 federally-recognized American Indian tribal nations. The Conference, formally known as The White House Tribal Nations Conference, created a forum where tribal leaders could inform the U.S. government of important tribal issues and recommend changes in federal Indian policy. Widely lauded by the White House and many tribal leaders as historic and groundbreaking, the Conference marked the first time that American Indianⁱ tribal leaders had such intimate access to the President since the Clinton presidency. Both government officials and various tribal leaders who had attended perceived the exchange of ideas and policy recommendations as successful, although there were concerns raised over the ability

ⁱ There is much debate surrounding the proper terminology to describe all of the tribal nations in a collective manner. The terms ‘American Indian,’ ‘Native American,’ ‘First Nations/Peoples,’ ‘Native,’ ‘Indigenous’ and ‘Indian’ have been suggested for use, although each term has different political and social connotations associated with the specific term by each tribe and region. No single term has been accepted by all of the tribal nations in the U.S., with each person and tribe preferring different names depending on personal preference. However, two terms, ‘American Indian’ and ‘Native American,’ have gained the most acceptance and usage in the United States. American Indian, often shortened to simply Indian, has been in use since the early days, with the term showing up in many treaties. It is also the term most used by federal, state, and local laws, the government, the BIA, and native-advocacy organizations, such as the National Congress of the American Indian, making it the most practical. Native American was coined in the 60’s and 70’s, as a more politically correct and respectful term that would avoid the negative stereotype of the word Indian, but has not been universally adopted either. A survey in 1995 (there is no more recent survey) by the Census Bureau of preferences for racial and ethnic terminology indicated that 49% of Native people preferred being called *American Indian*, 37% preferred *Native American*, 3.6% preferred "some other term," and 5% had no preference. The recommended method is to refer to the person or tribe by their tribal affiliation (i.e. Navajo or Cherokee) instead of using American Indian or Native American, both being oversimplifications of the diversity of tribal nations. For a more detailed discussion on terminology, see <http://www.learnnc.org/lp/editions/nc-american-indians/5526#note> or *American Indian Politics and the American Political System* (David Wilkins, Rowan and Littlefield Publishers, 2006). In this thesis, I use the term American Indian, or Indian when referring to tribal nations and peoples as a whole. When possible, I use the name of the specific tribe or a person’s tribal affiliation.

of the Obama Administration to keep its promises. A second Conference was held on December 16, 2010, and a third on October 24th, 2011.

Timeline of the Past

Meetings between the federal government and tribal nations are not new phenomena. In the early days of the United States, many treaties were signed between the nascent U.S. government and different tribal nations over sovereignty, land acquisition and settlement, trading, and hunting rights, among other topics. President Lincoln met with a contingent of Indian leaders in the White House on March 27, 1863, to discuss policy against the backdrop of the Civil War.¹ A couple of years later, in May of 1870, the chiefs of Oglala Sioux and the Brulé Sioux, Red Cloud and Spotted Tail, were honored guests of President Grant at the White House to discuss relevant issues that faced their respective tribes.² In 1905, Theodore Roosevelt met with the Apache warrior Geronimo, a meeting in which Geronimo asked for the return of his people to their homeland in Arizona.³ JFK met with leaders of the Nation Congress of American Indians, all tribal leaders in their own right, in 1963 at the White House to discuss policy.⁴ It was President Clinton who changed the trend from meeting with only a few or an individual tribal leader, to inviting all federally recognized tribes to his Tribal Nations Conference in 1994 at the White House. Although not every single tribal member attended, the one-time Conference changed the federal-Indian relationship to one approaching a sovereign-to-sovereign

¹ <http://www.thelincolnlog.org/view/1863/3/27>

² "Biography: Red Cloud." *PBS American Experience*. PBS.org, 2010.

³ <http://ndepth.newsok.com/geronimo>

⁴ <http://www.youtube.com/watch?v=Fi9dzdIDATk>

relationship, even if only for a moment; this gave hope for a changed future in which Indian nations and the United States interacted as equal, sovereign nations. Tribal leaders have long hoped that their treaties made with the U.S. government would be honored as treaties made between equal, sovereign nations. Each meeting has been a small and slow step in the direction of recognizing Indian tribes as sovereign nations in the U.S.; each time the government takes tribal interests seriously, if only for a moment, it creates a precedent for future, more prolonged, and changing relations with the federal government.

The Literature

On looking at the literature on current federal-Indian relations, there exists extensive or little-to-no literature, depending on which aspect of federal-Indian policy is being discussed. The topic of Indian sovereignty in America has been a problem that has worried the United States government from its inception. Similarly, tribes have long viewed the topic of the U.S. government violating native sovereignty as problem from the beginning as well. The stance of the U.S. government on Indian sovereignty has varied so much that it has become a thorny issue for both Indian nations and the government; the status and definition of sovereignty is regularly contested by tribal nations, especially in the court of law. Thus, the literature on Indian sovereignty in the U.S. is an extensive one (Barker, 2005; Davies and Clow, 2009; Deloria, 1998; Gonza, 1994; Harring, 1994; Hester, 2001; Tinker, 2008; Wilkens, 1997). The federal Indian policy is constantly subject to change, depending on the political needs of a particular president. Because of its importance in defining the government's approach, politically, financially, and socially, towards Indian

Country, federal Indian policy has also been extensively studied by political scientists (Burt, 1982; Cadwalader 1984; Castile, 1998; Clarkin, 2001; Deloria, 1992; Ellison, 1992; Evans, 2011; Fixico, 1996; Trennert, 1975). There is less literature on Obama's federal policy towards Indian Country, as well as other Obama Administration policy matters, simply because his policies are still ongoing and subject to change. The few academic papers that have been written covered a wide range of topics concerning Obama's Indian policy (Cornell and Kalt, 2010; Steinman, 2010; Sullivan 2010). Practically nothing has been written about the White House Tribal Nations Conference in the literature, although there has been many online news reports and reviews covering and analyzing the Conferences.

The wide array of literature on the federal-Indian policy and sovereignty is beneficial, for it allows anybody who wishes to learn and try to understand the situation of American Indians in America— members of Congress, historians, academics, tribal leaders and citizens, regular U.S. citizens. However, the drawbacks of this extensive literature on sovereignty and federal policy is that it is usually situated in a non-native narrative, whether by Indian or non-Indian authors, or focused in the disciplines of anthropology, political science, legal studies, ethno-biology, Christian theology, sociology, etc. It excludes other non-academic viewpoints, such as opinions from tribal leaders themselves, to be included into the debate over sovereignty or federal-Indian policy. Some readers may be felt left out of the debate, unable to understand the academic speech style and the academia narrative that I write in, as it is an exclusive style of writing, preventing a proper understanding of my work.

Further more, a lot of the work on federal Indian policy and sovereignty only focuses on certain events, policy decisions, and presidential eras. Events like Obama's Tribal Nation Conferences or JFK's 1963 meeting with tribal leaders at the White House are hardly ever analyzed on their own; every author who writes about federal Indian policy will mention the relevant meetings between the presidents and tribal leaders, but not every one will question the reasons behind those meetings or their effectiveness. With each meeting or conference taken for granted, scholars of federal-Indian relations lose a deeper understanding of the motivations behind certain policy decisions and presidential actions directed towards Indian country.

It is this gap in knowledge that my thesis seeks to fulfill—a close analysis of the White House Tribal Nations Conferences and their effects on Indian country. This impetus (the Conferences) on behalf of the federal government is puzzling after many years of discrimination and non-recognition of American Indian sovereignty and right to dialogue with the federal government, excluding the events under the Clinton Administration. Restricted access has always characterized the dialogue between tribal nations and their interests, and the federal government; their concerns have been, and continue to be, a low priority for the average politician. Tribal leaders have utilized traditional means of redressing grievances—lobbying, policy implementation, and judicial recourse—in the past with varying degrees of success. The use of social movements, such as violent protest that characterized the Indian movement in the 70's, brought about increased awareness of Indian issues to those in government, but have not always a guarantee of positive, constructive, change. The government has always controlled the federal-Indian relationship, with initiation

usually coming from the executive branch for specific reasons. By analyzing the Conferences, and their possible effects on tribes all across America, I can start to begin to answer the questions that my thesis poses— Why are these Conferences happening now? What do the conferences and its ensuing policies mean for future American Indian politics at the federal level?

In order to answer the main question— why are the White House Tribal Nations Conferences happened now? — I propose two possible hypotheses. The first hypothesis to explain why these Conferences are happening now is the recent emergence of an American Indian voting bloc that was credited for affecting the 2008 presidential election, and has the power to change the outcome of future elections at state, local and federal levels. The second hypothesis states that the Tribal Nations Conferences may be happening now because they are examples of politics that allows the government to control American Indian interests by offering a temporary solution that appeals to their needs without providing any concrete policy decisions or change. Whether or not any of these hypotheses will be the actual reason behind the Conferences will be reflected in the research, interview, and the assumptions drawn from the results.

Data and Methodology

In order to understand the possible hypotheses, research will come from online sources, academic journals, news reports, government documents, and interviews. While my thesis cannot but help fall into the trap of academic writing and the focus on western knowledge production and analysis—analyzing policies, facts, and

figures—those qualities can be offset by interviews of tribal leaders to represent the other side of research, the personal opinions and thoughts. A tribal leader, one from a non-recognized tribe, will be interviewed about this/her personal experiences and thoughts regarding the White House Tribal Nations Conferences, and any effects it may have on their tribe. An interview will be helpful in offsetting the uncultural perspective that comes from doing research as a member of the majority group on a minority group; research from this perspective tends to assume that concepts and relationships between concepts are universally applicable and understood across different cultures, while at the same time, excluding the concepts of ‘culture’ and ‘ethnicity’ from research.

Culturally competent research, a term that has many definitions, seeks to bring balance and a world view to research, defined here as “research done with a raised consciousness concerning the impact of culture on the persons and or/phenomena being studied, on the research process itself, and on the researcher.”⁵ When working with minority groups and people of color, qualitative research is mostly used, as it gathers culturally specific information important to minority group participants that quantitative methods would not pick up. Interviews are an example of qualitative research, research that is designed to investigate the why and how of decision making process, not just the what, where, and when. Qualitative research also provides the opportunity for the researcher to convey a sense of humanity and sensitivity, qualities that are particularly important in diffusing the distrust that many minority group

⁵ Health and Social Research in Multiethnic Societies by Nazroo. Pp. 83

members rightfully hold against researchers. Thus, an interview will help fulfill the culturally competent aspects of my research that may otherwise be left out.

One of the biggest limitations that I have faced is getting a list of all the participants at any of the White House Tribal Nations Conferences. Even after the first Conference in 2009, which was characterized by extreme transparency as a part of the Obama Administration's ongoing commitment to governmental transparency and accountability, the list was unavailable. No list of attendees was mentioned in any of the official press releases, nor were any of the reporters from the major Indian and non-Indian news outlets able to find out either: their reports only give an estimated attendance of 345-400 leaders out of the 564 federally recognized tribes who were invited. Calls to the White House Press Office, the Department of Interior (they were responsible for hosting the conference), and the Bureau of Indian Affairs turned up nothing. A call made to the director of public affairs for the BIA, presented a possible reason for the privacy surround the list; it was mentioned that the unavailability of the list was a matter of privacy and security on behalf of the attending tribal leaders. Further inquiries were made with a contact in the House, which also led to a dead end. With the official government channels at an end, I turned to contacting tribes directly in the hopes that they would be more forthcoming with the information; contacted tribes include the Oneida Nation, the St. Regis Mohawk Tribe, the Karuk Tribe, the Grand Traverse Band of Ottawa and Chippewa Indians, the Klamath Tribes, and the Spokane Tribe. None of the tribes were forthcoming with information or interview offers. I have, however, been able to compile an incomplete and

unofficial list of participants at the 2009, 2010, and 2011 Conferences based on press releases, photos of the event, and local tribal newsletters, etc. (*See Appendix*).

Progress was severely hindered by the fact that I am not part of a tribal nation, nor can I claim any American Indian ancestry. Minority groups on the whole—whether they are American Indians, African-Americans, or Latinos—usually have a past history of oppression by the government. Maltreatment by the medical and scientific communities— an example being illegal medical testing, and discrimination in the political sphere— are further factors that contribute to their reluctant to engage with those doing academic research. Lastly, the tribes that I contacted had no incentive to grant me an interview, as past experience with the academic, scientific, or medical community informed them that I was more likely to take the information I needed and not give anything back.

Success in gaining interviews came from approaching the Community Engagement Center (CEC) at Pitzer College, who's mission is to connect students and faculty with the local community in order to make lasting engaging ties and to present possible solutions to problems in the community by working in conjunction with local leaders and community members. In particular, the liaison for local American Indian tribes in the community at the CEC was instrumental in contacting local tribal leaders, setting up preliminary meetings, and coordinating the necessary steps needed to gain an interview with a local tribal leader, Chief Tony Cerda of the Costanoan Rumsen Carmel Tribe of Pomona (Chino).

Further limitations stem from the very nature of American Indian politics and population characteristics in America today. Because of past efforts by the United

States government to abolish tribal nations and assimilate all American Indians as citizens (Indian Termination Act), many Indians today either identify as part of a tribal nation or they identify as minority group members: “Conversely, for tribal citizens strongly affiliated with their indigenous nation, the pan-tribal or non-tribally specific identification of “Indian” may be only a secondary identity, in that it ignores tribal distinctions and is a result of the federal government attempting to deny the significance of tribal nationhood. As a consequence, tribal nations and their members frequently have interests, agendas, and policy concerns that are distinct from those of Indians who are only minority group members (Porter 1999:173)” (Steinman). This identity differences leads to a clash of conflicts between tribal citizens who identify with a specific tribal nation politically, socially, or economically and those who don’t. Differences also arise from conflict between rural reservations and urban populations; from unique conditions in one state to another; and from a ‘pan-Indian’ perspective to an individualistic or tribal basis. In my thesis, I have chosen to ignore tribal distinction by using the word American Indian in a pan-tribal manner, and not focusing on a specific tribe or region, unless explicitly mentioned.

Conclusion

The analysis of these White House Tribal Nations Conferences that the Obama Administration has been hosting is important for the understanding of 21st century federal-Indian relations in the United States by both American Indians and non-Indians alike. The Obama Presidency was a historic milestone in American political history itself, for he was the first minority member (African-American) to be

elected president in the United States. Consequently, all of his actions, policy decisions, and discourse, including his Tribal Nations Conferences, will be analyzed for years to come. It is important to further understand how Indian sovereignty interacts with the federal government, especially a government that is headed by a minority member who can empathize with American Indians. The Conferences are also interesting, for they represent a current stage in the federal-Indian relation that is especially vulnerable to a change in the executive office, a moment that may not exist again till years later in the future.

Further benefits include an increased understanding of how tribal nations interact with a 'liberal' or 'Democratic' government in power for Indians and non-Indians alike. Voting statistics and data show that American Indian voters tend to vote democratic in political elections, but there is little research on how American Indian tribes have perceived these 'supposedly helpful' Democratic governments, including the Obama Administration. This effectively leaves an omission in the literature, as if what American Indian tribal members and tribal leaders think and feel about the Conferences themselves, the Obama Administration, and the current federal-Indian policies in place are not important enough for scholarly study and research. Secondly, it is important that American Indians themselves and non-Indians gain a better understanding of the opinions and thoughts of Indian Country. Many times, opinions about a certain law or policy measure affecting American Indians are vocalized by the same few tribal leaders and experts in the field. This leaves out the opinions of many other tribal nations, many who may have radically differing opinions on said law or policy measure. But because those differing opinions are not publicized, the public

perceives the opinions of a couple tribal leaders analogous to a pan-Indian opinion.

Thus, it is important that all opinions be vocalized, so that both American Indians and non-Indians can gain a better understanding of what other American Indians are thinking on policies and laws.

The next chapter will contain detailed analyses of the policies that came out of the Conferences, and critiques of the conferences. The third and fourth chapters will be in-depth examinations of the each hypothesis. The fifth chapter will contain the transcript of the interview with Chief Cerda. Lastly, the conclusion will summarize all of the hypotheses, conclusions, and lay out areas for future research.

***Chapter 2: Analyzing the White House Tribal Nations
Conferences 2009-2011***

The Precedent: The Clinton 1994 Tribal Nations Conference

It was President Clinton who set the standard for Obama today in 1994 by hosting a 'historic' meeting at the White House for representatives from tribes all across America and Alaska. Clinton was the first president to invite all the leaders of the 547 federally recognized tribes, although only 322 tribal leaders were able to attend. The Conference was hailed as a positive step forward in the sovereign relations between the federal government and Indian tribes: the then-President of the National Congress of American Indians, gaiashkibos, perceived the conference as "a message to our people that a new day has begun," an attempt to undo the years of hostility that had previously marked federal-Indian relations.⁶ In his speech, President Clinton remarked on the growing dialogue between the two nations; "This, then, is our first principle: respecting your values, your religions, your identity and your sovereignty." Many members applauded Clinton for hosting the historical gathering but an equal number also expressed concern, or even outright skepticism, over whether the federal government would keep their promises. Donald Sampson, chairman of the Umatilla tribal board of trustees, and an attendee, echoed those very concerns, stating: "An open attempt by the President to speak directly to tribal leaders hasn't happened ever. Hopefully, he'll come up with commitments to tribal leaders and Alaskan native peoples to uphold treaty rights and honor our sovereignty." Chief Cerda, who attended Clinton's Conference, praised Clinton for his attentiveness to all tribal nations, recognized or not: "Clinton really worked with us. I went to four white

⁶ Jehl, Douglas. "Clinton Meets Indians, Citing a New Respect." *New York Times*. 1994

house meetings when Clinton was there. And every year he would send me a Christmas card.”

The results of the conference, policy-wise, were mixed; besides the various promises calling for increased dialogue, forums for airing issues, job creation, and the like, President Clinton signed several Memorandums and Executive Orders. The first Memorandum that Clinton signed at the Conference, entitled *Government to Government Relations with Native American Tribal Governments*, explicitly stated that “Each ... department and agency shall consult, to the greatest extent practicable and permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments.” President Clinton also signed another Executive Memorandum that dealt with the distribution of eagle feathers for Native American religious uses, and Executive Order 13007, “Indian Sacred Sites”, which called for the safeguarding of sacred sites: “each executive branch agency shall...accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites.”⁷

The 2009 White House Tribal Nations Conference

Directly modeled after Clinton’s summit in 1994, the 2009 White House Tribal Nations Conference was considered the largest recent gathering of federally recognized tribes in the U.S. All 564 federal recognized tribes were invited to the Conference, but only around 400 of the tribes were able to send leaders to the

⁷ United States Government. Clinton White House Press Office. *Executive Order 13007*

Conference due to issues, such as monetary concerns.⁸ The main purpose of the Conference was to re-establish and improve upon a positive dialogue between the federal government and the American Indian tribes, as well as to address a variety of important issues, such as broken treaty obligations and tribal sovereignty, of economic development and natural resources, public safety and housing, education and health. Many, like Donald Sampson, the same chairman of the Umatilla tribe who attended Clinton's 1994 Conference, expressed concerns and doubts over whether the Obama Administration would live up to their mantra of change, given the long history of mistrust with government officials. Janice Rowe-Kurak, chairman of the Iowa Tribe of Oklahoma, and an attendee at the Conference, stated; "I'm hoping it'll get a dialogue started. I'm still skeptical... I hope it's more than lip service."⁹ Joseph Trujillo, lieutenant governor of the Pueblo Cochiti Tribe in New Mexico, also shared Rowe-Kurak's message of hopeful skepticism; "They have a trust responsibility to Native Americans," he said. "I think we need to bring up that issue again to the president. ... I'm hopeful he might be the president to change things around for us."¹⁰ The attendees met with six Cabinet officials and other top Administration officials to discuss a variety of issues and provide feedback on current and future policies affecting American Indians. At the Conference itself, President Obama signed a Tribal Consultation Memorandum that directed all of the federal agencies to "submit recommendations within 90 days on how best to improve tribal participation in key

⁸ There is no exact number of attendees but most news reports cite a number around 400.

⁹ Straub, Noelle. "Obama to Attend Summit with American Indian Tribes." *New York Times*. 2009

¹⁰ Ibid

government policy decisions.”¹¹ Ironically, this was the same Memorandum signed by President Clinton 15 years ago at his 1994 Tribal Conference. A second Tribal Nations Conference was planned for the next year.

While the Memorandum was the only concrete accomplishment that occurred at the first Conference, there were other accomplishments in the time between the first and second Conference that the Obama Administration has claimed the following as tangible evidence of his commitment that he touted at the first summit; settling the *Cobell* and the *Keepseagle* cases as a larger part of the Claims Resolution Act of 2010, the signing of the Tribal Law and Order Act, and the reauthorization of the Indian Health Care Improvement Act. The Claims Resolution Act of 2010 was signed into law on December 8th, 2010 to “provide funding and statutory authorities for the settlement agreements reached in the *Cobell* lawsuit, brought by Native Americans; the *Pigford II* lawsuit, brought by African American farmers; and four separate water rights suits, brought by Native American tribes.”¹²

Cobell v. Salazar, widely considered one of the biggest class action lawsuits, was brought by American Indian representatives against the Department of Treasury and the Department of the Interior in 1996 alleging that the Department of Interior had mismanaged Indian funds for decades, as American Indians are the beneficiary owners of these assets but are held in trust by Interior as a fiduciary trustee.¹³ The case dragged on for 10 years, with a settlement finally being reached in December of 2009. \$3.4 billion was awarded in damages to the American Indian Plaintiffs. Of the

¹¹ "Obama Pledges New Relationship with Native Americans." *CNN.com*. 2009

¹² Lee, Jessie. "President Obama Signs the Claims Resolution Act of 2010." *The White House Blog*

¹³ "Cobell v. Salazar Class Action Website." *Indian Trust Settlement*. 2012

\$3.4 billion awarded, \$1.4 billion would go towards more than 300,000 individual Indians to resolve historical accounting claims, and to establish and settle a new class of claims relating to resource mismanagement, which were not part of the *Cobell* lawsuit; in addition, \$2 billion will be made available to the Secretary of the Interior for the purpose of acquiring highly fractionated Indian lands under current Indian land consolidation laws, to fund an Indian scholarship fund, and for a Secretarial Commission on trust reform.¹⁴

Keepseagle v. Vilsack was another class action lawsuit brought by American Indians plaintiffs in 1999 against the U.S. Agriculture Department for fraudulent services; “The farmers had charged that, when they applied for farm loans at USDA offices, they either were denied the same type of loans granted to white farmers or, if granted, the loans provided poor service.”¹⁵ As the *Cobell* case before it, *Keepseagle* dragged its way through the court system for 10 years before finally being settled in 2010, with eligible Native American farmers standing to gain a total of \$680 million in compensation and another \$80 million in debt forgiveness.¹⁶ Changes in the way USDA deals with American Indian farmers will also occur, such as the formation of the Federal Advisory Council specifically for American Indian farmers. Both settlements mark the beginnings of a fiscal accountability towards American Indians by the federal government.

President Obama signed the Tribal Law and Order Act on July 29, 2010 in order to combat the high rates of crime on Indian reservations. Citing the shocking

¹⁴ Ibid

¹⁵ Hagstrom, Jerry. "Settlement reached in Native American farmer case." *Agweek*. 2010

¹⁶ Ibid

statistic from a U.S. Justice Department report that Native American women suffer from violent crime at a rate three and a half times greater than the national average, with one in three Native American women being raped in their lifetimes, President Obama proclaimed; “[that rape statistic] is an assault on our national conscience that we can no longer ignore.”¹⁷ The Act involves a comprehensive overhaul of the way the Justice Department handles crime on federal reservations and crimes against American Indians in the judicial system, increase tribal legal authority in sentencing, improved transparency, sexual assault training for officers who work on reservation so they are better equipped to handle sexual assault cases, and greater access to criminal history records, among other measures designed to expand and strengthen authority in tribal courts, tribal police departments, and crime-prevention programs.¹⁸

The Indian Health Care Improvement Act (IHCIA) is the cornerstone legal authority for the provision of healthcare to American Indians and Alaska Natives in the United States. IHCIA was originally passed in Congress in 1976, but in 2000, the authorization for appropriations for the Bill expired.¹⁹ Since then, the reauthorization of the IHCIA had been a high priority issue for American Indian interests lobbying Congress, with various bills being debated in Congress but none being passed. When Obama signed the IHCIA on March 23, 2010, the Bill was permanently reauthorized, thus ensuring that the Bill would never be at the mercy of Congress. Major improvements in the updated version include allowing tribal businesses to purchase

¹⁷ Rosenthal, Lynn. White House Council on Women and Girls. *Tribal Law and Order Act of 2010: A Step Forward for Native Women*. 2010

¹⁸ Ibid

¹⁹ US Gov't: Department of Health and Human Services. *Indian Health Care Improvement Act Made Permanent*. 2010

health care coverage for their employees, authorizing the Indian Healthcare Service (IHS) to enter into arrangements with the Department of Veteran Affairs, and Defense concerning the medical treatment and care of tribal members, etc.²⁰ The passing of this Act has the most potential to remedy the disparity between American Indian health care and the rest of the Nation as President Obama pointed out; “Our responsibility to provide health services to American Indians and Alaska Natives derives from the nation-to-nation relationship between the federal and tribal governments. And today, with this bill, we have taken a critical step in fulfilling that responsibility by modernizing the Indian health care system and improving access to health care for American Indians and Alaska Natives.”²¹ IHCA provides comprehensive health services and programs through the HIS for 1.9 million of the nation’s 3.5 million American Indians and Alaska Natives, and increases the budget by 13 percent, a step up from the current IHS budget of 3.3 million.

2010 White House Tribal Nations Conference

Although the actual summit was scheduled for December 16th, a smaller meeting took place between President Obama and 12 tribal leaders at the White House.²² The president met directly with the leaders from twelve regions of the U.S.; what was discussed remains unknown due to the meeting being closed press and the absence of a prior announcement of the intimate meeting. Nor was information offered on the selection process of the twelve regional tribal leaders. The twelve leaders who did get

²⁰ Ibid

²¹ Ibid

²² Wallace, Thom, Obama Holds Direct Talks with American Indians at the White House, 2010

to meet with President Obama were: Earl J. Barbry, Sr., Chairman, Tunica-Biloxi Tribe of Louisiana; Cedric Black Eagle, Chairman, Crow Nation; Brian Cladoosby, Chairman, Swinomish Indian Tribal Community; Karen Diver, Chairwoman, Fond du Lac Band of Lake Superior Chippewa; Brenda Edwards, Chairperson, Caddo Nation; Tex G. Hall, Chairman, Mandan, Hidatsa, and Arikara Nation: Three Affiliated Tribes; Gary Hayes, Chairman, Ute Mountain Ute Tribe; John Red Eagle, Principal Chief, Osage Nation; Joe Shirley, Jr. , President, Navajo Nation; Robert H. Smith, Chairman, Pala Band of Mission Indians; Edward K. Thomas, President, Tlingit Haida Central Council; and Mervin Wright, Jr., Chairman, Pyramid Lake Paiute Tribe of Nevada.²³ Most of the leaders present at the meeting were from tribal nations who had oil and drilling prospects, coal mining and power plants, including the attendant health issues associated with heavy mining and the production of fossil fuel based energy.

The second annual Tribal Nations Conference was held the next day, on December 16th, 2010, an event attended by over 500 people, although only 350 or so attendees were tribal leaders, while the rest were Administration staff and members of Congress.²⁴ Emphasis was given to 5 main topics, that were discussed throughout the day by Obama, other officials, and tribal leaders: (1) restoring tribal homelands; (2) building safer Native communities; (3) building strong, prosperous tribal economies; (4) fostering healthy communities; and (5) developing a structured and meaningful consultation policy.²⁵ No memorandums were signed that day, but in a surprising

²³ Ibid.

²⁴ Naff, *The White House Tribal Nations Conference*, pp. 46

²⁵ Teehee, Kimberly, *Working with Tribal Nations to Build a Brighter Future*, 2011

announcement to all, President Obama said that he would lend his support to the United Nations Declaration on the Rights of Indigenous People (UNDRIP): “And today I can announce that the United States is lending its support to this declaration. The aspirations it affirms -- including the respect for the institutions and rich cultures of Native peoples -- are one we must always seek to fulfill.”²⁶ The announcement of support for UNDRIP was indeed a present for all tribes, recognized or not, as Chief Cerda explained; “I honestly, believe that [UNDRIP], that is our hope for recognition, and I don’t mean federal recognition, I mean by the United Nations... I think, for me, it would change things. Because then, they would be dealing with us as a government-to-government. Because then, we would be recognized by the United Nations as a government.”

2011 White House Tribal Nations Conference

Now into the third year of the summit, President Obama once again hosted a pre-meeting with a select number of tribal leaders the day before the actual Conference at the White House. This time, in the invitation letter for the 2011 summit, the White House announced that the regional meetings the two days prior to the actual Conference were to be hosted by “senior members of the Obama Administration” and that “The President is not expected to participate.”²⁷ ²⁸ Due to the secretive nature of the event, it is unknown if the President attended any of the meetings, what was spoken about in those meetings, and which tribal leaders were invited to attend.

²⁶ Obama, Barack. "Remarks by the President at the White House Tribal Nations Conferences,"

²⁷"Tribal Leaders Invitation." *United South and Eastern Tribes, Inc.* 2010 [My italics]

²⁸ <http://bsnorrell.blogspot.com/2011/11/white-house-obama-not-expected-at-white.html>

The actual Conference, where all federally recognized tribal leaders were invited, was held the next day on December 6th, 2011. The 2011 Conference was much like the two previous, with Obama giving a speech to the assembled tribal leaders, and discussion groups with high-ranking Administration officials. This time, Obama focused on Indian economic development and sovereignty as the main talking points of his speech. The highlight of this Conference was the signing of an Executive Order entitled “Improving American Indian and Alaska Native Education Opportunities and Strengthening Tribal Colleges and Universities,” an act designed to improve educational performance and options for Native American and Alaska Native students from early education through college.²⁹ Although the signing of the Executive Order itself happened the day before, on December 5th, it was arranged to be conjunction with the Conference.

A few announcements were made in the week before the Conference that should have been announced at the third Conference, given their importance to Indian Country. The Department of Energy started a Strategic Technical Assistance Team initiative that aimed to help tribal nations advance in the clean energy sector and providing technical assistance in order to speed up any clean energy projects.³⁰ The Department of the Interior announced a reform in the federal surface leasing regulations, reforms that would streamline the approval process for home ownership, expedite economic development and spur renewable energy development for

²⁹ Capriccioso, Rob. "Obama Signs Executive Order on Education and Tribal Colleges." 2011.

³⁰ "Following DOI's Lead, DOE Launches Initiative To Advance Clean Energy Development On Tribal Lands." *North American Windpower*. 2010

American Indians.³¹ The Department of Transportation announced the availability of \$15 million dollars in grant money for rural tribal governments to invest in public transit that will improve access to areas of employment and general economic development.³² Lastly, Secretary of the Interior, Ken Salazar, named five tribal leaders to participate in a national commission whose purpose is to undertake a comprehensive evaluation of the Interior's management of nearly \$4 billion in American Indian trust funds.³³

General Critique of the Conferences

Although the Conferences have generally been thought of as successful by the Obama Administration and various tribal leaders, as evidenced above, there are many flaws, policy-wise and organizationally, that have hindered the true effectiveness of the Conferences. These flaws have also been overlooked by attending tribal leaders and the general public, or simply have been hidden well enough as to make them obvious only upon close inspection.

The Tribal Nations Conferences are good examples of the inclusionary politics that Obama is so good at utilizing. This is evidenced by the fact that letters were sent out to all of the 565 federally recognized tribes in America. However, not all invited tribal leaders were able to attend any of the Conferences: the tribal nations who sent leaders were able to pay for the travel costs for their tribal representative(s), and had a representative(s) who even had free time to attend the Conference. This means that

³¹ Ibid

³² US Gov't. The White House Press Office. *2011 White House Tribal Nations Conference Progress Report*.

³³ Rickert, Levi. "*White House American Indian Staff Review Tribal Nations Conference Week*." 2011.

the majority of attendees were from rich or large tribes who could spare personnel while the tribes who did not attend were those with limited funding/personnel who could not afford the costly distance to Washington D.C. The Obama Administration did not offer any alternate funding or travel stipends that could have been provided to those tribes who could not send a representative. Non-federally recognized tribes and state-recognized tribes were also not invited to any of the Conferences, leaving out an important viewpoint in American Indian affairs. With all of these restrictions, the Obama Administration has shown an unconscious bias for federally recognized tribes and successful/wealthy tribes. With only certain tribes and regions being represented at the Conferences, those who could not attend were unable to present their concerns and issues, thus making the Conferences an uneven representation of tribal interests and concerns.

Furthermore, the Obama Administration has steadfastly refused to release a list of all the tribal leaders who have attended any of the Conferences. Privacy and safety concerns have been cited as the reason for the lack of information available. Only approximations of the number of attendees are given, as evidenced in all the reports of the annual summits from both the White House press and other news sources. Media coverage of the second and third summits can effectively be characterized as media blackouts, with limited information being disseminated by the White House and a select few press members. A transcript and video of Obama's speech were released for both conferences, but additional information on the listening sessions were kept secret. Any additional information that surfaced came from tribal leaders themselves. Once again, privacy and safety concerns were cited as the main reasons

for this media blackout. The sudden increase in security is odd, considered that the first Obama summit was characterized by an extreme commitment to transparency, with the proceedings being streamed online for those who were unable to attend, a detailed summary of the topics being discussed in the discussion groups, which groups were being led by which officials, and online transcripts of the speeches. The White House Press Corps, authorized Indian-run news outlets, and mainstream news reporters were allowed to cover the first summit.

Unfortunately, this lack of information only hinders further understanding of the Conferences by American Indians and non-Indians alike. With no publicized list of attendees and details of the pre-conference meetings kept secret, it is up to the individual tribal leaders to inform the rest of their tribes about the Conferences. However, there is no way to tell if information about the Conferences, the discussions, and policy outcomes, is being disseminated by tribal leaders other than looking at a tribal newsletter for mention of the Conference. For the regular American Indian tribal citizen, this hidden information leaves them at a marked disadvantage—without information, there is no way for the average tribal member to hold his or her tribal leader/representative responsible for their actions at the Conferences. The only option left is of blind trust in one's respective tribal representative, a trust that may be easily betrayed. This concern was justified after the news broke about the 'secret' meeting between Obama and select tribal leaders before the 2011 summit. According to John Kane, a prominent radio host and a Mohawk, caustically remarked; "This is such a farce. If the entire six-hour event was about direct access with the president, it would work out to less than 40 seconds per 'tribal leader.' Most of these guys are such

figure heads and BIA puppets that their biggest concern will be to get their pictures taken. Nothing meaningful could possibly come from such an event." Alex White Plume, Lakota and former VP of the Oglala Sioux at Pine Ridge, echoes Kane's sentiments: "Obama is meeting with the tribal councils. They represent the modern colonized form of government. The real Lakota are home and never get heard. Our issue of Treaty violation is never bought up. This all sounds good, except it does not represent the Treaty Lakota."³⁴

This dearth of information on Indian affairs in Washington D.C. further affects non federally recognized tribes; without even a representative at any of the Conferences, they have to gather information from news sources, other tribes, and can only hope that their concerns may be brought up by an ally attending the Conferences. Non-Indians are forced to rely on the few news reports available, which present a one-sided view of the Conferences. As Chief Cerda admits, "I always get reports from other peoples and there is the news, because I get on the Internet and look for stuff. I haven't stayed on it, you know what I mean?"

Obama Conferences Policy Critiques

A conference, debate, or meeting usually claims success when both parties leave the proverbial table with a substantial plan of action, whether that 'plan' is a draft of a Bill, an Executive Order, a signed legal agreement, or a business deal. The same can be said of President Obama, always eager to rattle off a list of his accomplishments for Indian Country at the Conferences, touting them as the best indicator of 'his

³⁴ Norrell, Brenda. "Obama's nearly secret meeting with Native American reps this week." 2011.

success.’ If the Conferences are successful as the President believes, than a closer look at the ensuing policies will either strengthen his conviction, or prove the opposite.

2009 Tribal Nations Conference

The Tribal Consultation Memorandum that President Obama signed at the first summit was the most substantial and serious action of the Conference, a memorandum that ordered all Department heads to submit an a detailed plan outlining improved tribal consultation policy to the Office of Management and Budget in 90 days. President Clinton signed a very similar Executive Order at his 1994 Tribal Nations Conference, but unfortunately, it was an order that only a few agencies fulfilled while the majority ignored it. This time, Obama was sending a message to signaling to the assembled tribal leaders that he meant business by holding his departments accountable. The deadline passed in early February but not every agency followed Obama’s orders. A majority of the agencies, the Departments of the Interior, Justice, Treasury, Housing and Urban Development, Commerce, Health and Human Services, Agriculture, Education and Transportation, all confirmed meeting the 90-day deadline, while the Department of Veteran Affairs was two days late in turning in their proposal.³⁵ The Department of Homeland Security also missed the deadline, and department spokeswoman Amy Kudwa only responds was “Our submission is imminent,” without further explanation of the delay.³⁶ A tribal consultation plan by

³⁵ Capriccioso, Rob. "Agencies Miss 90-day Tribal Consultation Deadline." 2010.

³⁶ Ibid

the DHS was finally unveiled on March 1st, almost 20 days after the deadline.³⁷ White House officials did not name any of the other tardy agencies. No statement from Obama was released concerning the failure of some agencies; a rather troubling sign considering the tribal consultation policy was designed to emphasize the importance of a nation-to-nation relationship. Tribal leaders have not hesitated to speak out, concerned over Obama's lack of disciplinary action. Tex Hall, former president of the Nation Congress of the American Indian and a member of the Three Affiliated tribes, said that "This has been an outstanding issue for years and now we finally have a president who wants to consult with us, and some of his Cabinet members aren't ready? They're holding back progress. The president needs to identify who they are, make them apologize, and promise to meet with the tribes;" while Jonathan Windy Boy, a Montana state legislator and member of the Chippewa Cree Tribe, was more direct: ""The president should hold their feet to the fire.""³⁸

2010 Tribal Nations Conference

The only noteworthy event at the 2010 Tribal Nations Conference was Obama announcing U.S. support for the United Nations Declaration of the Rights of Indigenous People (UNDRIP). The Declaration aims to gain international support for the rights of Indigenous people and to improve federal law, policies, and practices that interact or conflict with those rights. Obama's announcement was met with a

³⁷U.S. Gov't: Homeland Security. "Secretary Napolitano Unveils DHS Tribal Consultation and Coordination Plan." 2010.

³⁸Capriccioso, Rob. "Agencies Miss 90-day Tribal Consultation Deadline." 2010.

mixture of approval and skepticism by tribal leaders, and rightfully so.³⁹ At the time of the announcement, it was clear that Obama only meant to lend support, not sign the document. Nor does the government consider UNDRIP to be legally binding. In a Senate Indian Affairs Committee Hearing held on June 9th 2011, months after the initial announcement, Deputy Assistant Secretary Donald Laverdure summed up the U.S. Government's position on UNDRIP: "The Declaration is a not legally binding, aspirational international instrument that includes a broad range of provisions regarding the relationship between nations, organizations and indigenous peoples and individuals...The Administration, however, does not see support for the Declaration as an end in itself...we are already being challenged...Toward this end, the Administration is looking to the principles embodied in the Declaration to meaningfully address the challenges that Indian communities face and to improve the lives of Native Americans."⁴⁰ Thus, the status quo in federal-Indian relations is preserved while the Administration offers a façade of sympathy and understanding.

2011 Tribal Nations Conference

The third annual Conference offered a more substantial 'present' to tribal leaders in the form of the Executive Order 13592 'Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities.' The Initiative's mission is to "help expand educational opportunities and improve educational outcomes for all AI/AN students, including opportunities to learn their Native languages, cultures, and histories and receive complete and

³⁹ Capriccioso, Rob. "The Obama Administration Now Supports UNDRIP—But That's Not Enough." 2011.

⁴⁰ Laverdure, Donald. Testimony at Senate Hearing for Committee of Indian Affairs, 2011

competitive educations that prepare them for college, careers, and productive and satisfying lives” and to establish a White House Initiative headed by an Executive Director.⁴¹ The Initiative was met with positive reactions from tribal leaders in Indian Country. Derek Bailey, chairman of the Grand Traverse Band of Ottawa and Chippewa Indians, welcomed the initiative: “If successful, this Order will also allow for language enrichment, accurate historical understandings, and a ground work for career achievement. For our children's benefit, we can only hope this Order will meet its intended goal.”⁴²

Others, such as Ron Andrade, La Jolla Band of Luiseno Indians and director of the Los Angeles City/County Native American Indian Commission, are concerned about the ramifications that could affect existing Indian education programs: “While the Order mentions public schools, the emphasis is on Bureau of Indian Education schools. There is little indication of appropriations. If the new Initiative takes more money from the Elementary and Secondary Education Act to give to Bureau of Indian Education schools, the urban/off-reservation schools may lose their access to Title VII funds. The Initiative could have helped urban/off-reservation by making it clear that those schools will have full access to all Elementary and Secondary Education Act funds as requested by the American Indian community.”⁴³

The Future of the Conferences

Whether or not the Conferences are failures in the current of Indian-federal

⁴¹ Obama, Barack. *Executive Order 13592 -- Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities*. 2011.

⁴² <http://www.nativenewsnetwork.com/president-obama-executive-order-creates-american-indian-education-initiative.html>

⁴³ Ibid

relations, the importance of the Conferences in building trust between the federal government and Indian nations cannot be denied. It is a flawed system, for sure, but one that portends a growing positive future in federal-Indian relations. The future of a 2012 White House Tribal Nations Conference remains unknown, for 2012 will see an intense battle between the Republicans and Democrats for control over the Oval Office. There is no guarantee that Obama will win, or even less of a guarantee that a next Republican president would think of continuing the Conferences and the current, close relationship with Indian Country that Obama has cultivated. Whether or not the Conferences will continue, many prominent tribal leaders, such as Ben Nighthorse Campbell, expressed the sentiment that “Obama has done better for tribes than the others, except for the Nixon administration.”⁴⁴

Chief Cerda echoes Campbell’s sentiments, especially considering the fact that the Obama Administration has continually ignored non-recognized tribes; “But since Obama was in, he signed a new law. And that new law—they have to deal with non-federally recognized tribes if they’re associated with the cultural artifacts or funerary objects in the area. So even though we are not federally recognized, they have to work with us. So that’s something that just started last year. So now—they used to, if they wanted to— but now anything that they use federal funds, they have to go through the NAGPRA (Native American Graves and Repatriation Act).” Here, at least, all tribes are on equal footing, thanks to Obama’s efforts.

⁴⁴ Gamboa, Suzanne. "Tribes pleased with Obama efforts, asking for more." Tampa Bay Online.

Chapter 3: “The Frybread Factor” American Indian Political Power

“My Indian policy starts with honoring the unique government-to-government relationship between tribes and the federal government, and ensuring that our treaty obligations are met, and ensuring that Native Americans have a voice in the White House. I’ll appoint an American Indian policy advisor to my senior White House staff, to work with tribes. I’ll host an annual summit at the white house with tribal leaders to come up with an agenda to work for tribal community. Because that’s how we’ll make sure that you have a seat at the table when important decisions are being made about your lives, about your nations, and about your people.” — Barack Obama 5/19/08, Crow Agency, Montana.

The 2008 presidential campaign was notable in many respects— it was the first time that an African-American candidate became a serious contender for the Presidency for either political party, Democrat or Republican. It was also the first time in many years that presidential candidates had paid much attention to American Indians as a viable voting bloc; Obama, McCain, and Clinton all made efforts to win over the American Indian votes by visiting reservations and talking to tribal leaders. The last person to have done so in such a public manner was Robert Kennedy during his whistle-stop tour across the United States in his bid for the presidency; Kennedy visited and spoke at the Pine Ridge Reservation in South Dakota, and consistently mentioned the plight of Indians in his many speeches.⁴⁵ (John Kerry also courted the Native vote in 2004 in a manner eerily similar to Obama; Kerry promised to uphold tribal sovereignty, as well as “to name American Indians to key positions throughout his administration, including a White House liaison to Indian country, to elevate the Indian Health Service director to an assistant secretary level, and to increase funding

⁴⁵ Clarke, Thurston. *The Last Campaign: Robert Kennedy and 82 Days the Inspired America*. New York: Henry Holt, 2008.

for Indian health care and education.”⁴⁶ Unfortunately, Kerry’s attempts to gain Native support were not as publically noticed as Obama’s was.) Although a record number of American Indians came out to vote for Obama, as did many Americans that year, their political participation was nothing new. Since the start of the new millennium, American Indians have been steadily participating more and more in mainstream politics in America; increased voting in national and state elections, more monetary donations to political entities and candidates, and the growing number of American Indian state and federal legislators. The question still remains as to why these Conferences are happening. Perhaps American Indians have gained enough political power to be noticed by mainstream politics, the President? Perhaps the tribal casino donations have convinced politicians that American Indians are politically powerful? I argue that Obama promised to hold a yearly Conference with tribal leaders on the campaign trail in order to ensure the utilization of the previously-untapped power of the American Indian vote in future electoral races.

Problems with Finding American Indian Voting Patterns

The study of American Indian political behavior is majorly hindered by the stark fact that there hasn’t been much accountability towards native voters as there should be; the U.S. Census Bureau has routinely tracked the demographics and voting patterns of every other minority group in the United States except American Indians due to their small sample size. The Current Population Survey, which is conducted by

⁴⁶ "Kerry Courts Native Americans: Democratic Candidate Gains Tribal Leaders' Endorsements." *MSNCB.com*. 2004

the Department of Labor, also misreported American Indian statistics, for they did not ‘recognize American Indians as a separate category until 1990.’⁴⁷ Self-reporting is also an issue, for those of Indian heritage did not mark themselves as so, in order to escape the stigma of being identified as ‘Native American’ so they could better access the benefits of white society. (The memory of federally enforced boarding schools and other ‘civilization’ attempts were still fresh and many were eager to avoid involvement with the federal government). The measurement of who is considered ‘native’ varied by tribe; with some using the one quarter standard, while others use the one-half or one-eighth standard. Mixed blood Indians did not always identify as American Indian, nor did the Census’ and other official documents differentiate between full American Indian and American Indian mixed with one or more race.

Nor are there very well informed voting records available at the state and local level, even in states with large American Indian populations. The numbers of registered voters on reservations are usually highly inaccurate, as they don’t reflect the realities of reservation demographics. In the past, many on reservations were not registered to vote, let alone registered as citizens because of their distrust of dealing with the federal government, thus making recent estimates based on reservation numbers incorrect. Non-Indians who live and work on the reservations also inflate the perceived number of American Indian voters on reservations. Additionally, not all American Indians live on the reservations; many have migrated to the surrounding areas or the big cities. Thus, the official voting rolls do not accurately reflect the changing geographic boundaries of the American Indian voter.

⁴⁷ Menifield, Charles. *Representation of Minority groups in the U.S.: Implications for the Twenty First Century*. 2001

The Literature

The literature regarding the voting patterns of American Indians in the United States has always been lacking, in part because of the poor statistics available. It has been universally acknowledged that American Indian turnout is consistently lower than the national population in the various studies attempting to measure such turnout (Peterson 1957; Steiner 1967; Rendon 1977; Ritt 1979; McCool 1982; Chaudhuri 1986). However, all of these studies suffer from severe limitations, such as the lack of sufficiently large databases from which to draw substantial conclusions, a focus on a single election, and focus on an individual tribe rather than American Indians as a whole or visa-versa. Some tentative but important conclusions about American Indian voting patterns have been drawn and should not be completely disregarded. However a gap remains in the literature of Indian voting patterns that needs to be addressed. This omission has also affected my own work on American Indian voting patterns, for I have been forced to rely on the data that has already been collected by the government and other third party actors, information that is subject to errors and miscalculation.

Past Political Participation

Part of the reason that much of the numerical data on American Indian voting, turnout, registration, and voting patterns has either not been recorded at all or is sporadically recorded, can be found in the past: the manner in which American society has treated and regarded American Indians since the founding of our nation has been one of neglect. Throughout the annals of history, the Indian vote has not

always been an important factor in political races; indeed, both Republicans and Democrats alike have long ignored American Indians voters in the political process. Even after receiving the right to vote in 1924, American Indians were still subject to disenfranchisement; in some places, they were treated like African-Americans under Jim Crow laws.⁴⁸ Most politicians and the major political parties also did not consider the native vote to be worth courting, for American Indians only make up 1.7% of the population in the United States; no political party or major candidate would campaign in Indian country, perceiving it as a waste of time and resources.⁴⁹ The American Indian psyche was handicapped by the belief that their votes didn't count, that it wasn't worth the effort to become a registered voter and vote in an mainstream election.⁵⁰ No one took their interests and problems seriously, so there was an utter lack of incentive for the average Indian to vote in mainstream elections, even in counties with high numbers of American Indians who could have possibly made a difference had they participated in the political arena. When they did participate politically, it was restricted to the tribal level for two reasons; lack of response and awareness from mainstream politicians toward native issues and needs, and the belief that participating in non-Indian elections only served to undermine their own inherent sovereignty.⁵¹

This self-restrictive behavior was in part due to the emergence of a self-determination movement among American Indians in the U.S., whose origins were

⁴⁸ Svingen, Orlan. "Jim Crow, Indian Style." *American Indian Quarterly*. 11.4 (1987): Pp. 275.

⁴⁹ [As of the 2010 Census] Norris, Vines, and Hoeffel. U.S. Census Bureau. *American Indian and Alaska Native Population Report* Pg. 3

⁵⁰ "Voting Rights in Indian Country." American Civil Liberties Union. 2009.

⁵¹ Lehman, Russ, and Alyssa Macy. "Native Vote 2004: A National Survey and Analysis of Efforts to Increase the Native Vote In 2004 and the Results Achieved." 2004. Pg. 4.

rooted in the 1930's, and peaked in the 60's with the Red Power Movement. Self-determination can be defined as: the concepts of inherent sovereignty, the protection of Indian lands and resources, federal resources, opportunities for self-administration, and the preservation of distinctive Indian cultures.⁵² The self-determination movement started in the 1934's, with John Collier, an Indian Commissioner in the BIA, who was instrumental in drafting and supporting the Indian Reorganization Act; the Act was touted as the 'Indian New Deal,' which ended land allotment, restored the management of assets, and a saw return to local self-government.⁵³ The 50's was the disastrous period in which the federal policy of termination, which favored the assimilation of American Indians into mainstream culture; a policy which left many tribes powerless and angry, ready for the turbulent 60's. The 60's were a period known for its general social upheaval: counterculture, social revolution and reformations. It also saw the rise of many movements: the Anti-war movement; the first wave of the Feminist movement; the Gay Rights Movement; the African-American Civil Rights Movement; and the Chicano and Hispanic Movement.

It is in this turbulent period that the Red Power Movement arose, an Indian power movement stressing tribal sovereignty and self-governance, led primarily by the American Indian Movement (AIM), a native activist organization. AIM's occupation of Alcatraz in San Francisco was the catalyst for the rise of an active, political, Indian community who began to reaffirm their ethnic identities as American Indians, participate in social protests against the government and the BIA, and

⁵² Riggs, Christopher. "American Indian Self-Determination and The War on Poverty in Historical Context. Pg. 5

⁵³ Philip, Kenneth. *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953*, pp. 3-5

sparked a cultural renaissance on many reservations; their struggle was further validated by the siege of Wounded Knee on the Pine Ridge Reservation in 1973, a two-month violent standoff between AIM activists and federal officials which left several dead and many injured.⁵⁴ Wary of further armed conflicts like Wounded Knee II and needing to bolster his Indian policy, the Nixon Administration wasted no time in pushing Indian-friendly measures through Congress, with the most important being the Indian Self-Determination and Education Assistance Act of 1975, which allowed the government to give grants to Indian tribes, thus allowing tribes greater authority over their administration of funds.⁵⁵ This control over their welfare after years of stifling BIA administration meant that many tribes began to focus on creating government systems on their own reservations, a task that did not leave much time for participation in mainstream political elections. This observation is supported by Lumbee political scientist David Wilkins in his research on Indian voting patterns; “As recently as 1992 the Senate Committee on Indian Affairs estimated that while over 85 per cent of native people voted in tribal elections, only about 20 per cent of those voted in federal elections.”⁵⁶

***American Indian Representation at the Local, State, and National Levels:
From 1990 -2000***

Representation at the Federal Level

⁵⁴ Marger, Martin. *Race and Ethnic Relations: American and Global Perspectives*. 2008. Pg. 145-146

⁵⁵ Ibid, pp.146-147.

⁵⁶ Salvatore, Susan. *Civil Rights in America: Racial Voting Rights*. 2007. Pg. 47.

With their focus turned inwards, there was not much effort to fix the systematic under-representation at the state and federal levels; “While American Indians may not focus their efforts on gaining representation at the state and national governments, they may well be satisfied with their level of representation through their control of their tribal destinies.”⁵⁷ Indians felt more represented by their tribal officers than by voting for mainstream politicians, who tended to ignore native interests anyways. Representation at the national level was, and continues to be, particularly difficult for American Indians; only a couple of American Indians have made it to prominent positions in the government and in Congress. It is important to keep in mind that the actual number of American Indians at the federal level remains unclear, despite the official numbers, because past members of Congress did not always acknowledge their American Indian ancestry. Table 1.1 below highlights the small number of recognized American Indian Congress members from 1960-2000, a number that clearly shows the underrepresentation of American Indians at the congressional level.

Table 1.1 American-Indian Members of Congress: 1960-2000

| Year | American Indian Members | Total Members in Congress | % of Seats Held by American Indians |
|-----------|-------------------------|---------------------------|-------------------------------------|
| 1960-1979 | 1 | 535 | 0.19% |
| 1970-1980 | 0 | 535 | 0.00% |
| 1980-1990 | 0 | 535 | 0.00% |
| 1990-2000 | 1 | 535 | 0.19% |

Source: Peterson and Duncan. "American Indian Representation in the 20th and 21st Centuries."

⁵⁷ Menifield, Charles. *Representation of minority groups in the U.S.: Implications for the twenty-first century*. 2001

The branch with the least gains made by American Indians has been, unsurprisingly, the Executive branch and the Presidency. Minorities have never advanced very far in the Executive branch due to the continuing, inherent, racial discrimination present in federal workplace hiring and promotion processes, as found in a 2010 report by the non-profit Coalition for Change.⁵⁸ The discrimination in the Executive is so deep that it took America 172 years to elect a White Roman Catholic (Kennedy) instead of the usual White Protestant candidate: Kennedy's election caused a uproar among the U.S. Protestant clergy, who feared that his election would mean taking orders from the Vatican instead of remaining a secular nation.⁵⁹ After Kennedy, it took the U.S. 219 years to elect a minority African-American president (Obama). Looking back into the history of the U.S. government, the highest position attained by an American Indian in the Executive branch was Vice-President Charles Curtis under President Hebert Hoover from 1929-1933. Curtis has the distinction of being the first high-ranking U.S. government official with acknowledged and significant American Indian (non-European) background.⁶⁰

American Indian officials at the judicial level, i.e. non-elected positions, has been very rare, if at all. In the whole 200-year history of the judicial branch, no American Indian has ever been appointed to the Supreme Court or the federal appellate bench, out of the 866 federal judgeships: nor has there even been one American Indian appointed to the position of Supreme Court Clerk!⁶¹ There have been two federal judges, Michael Burrage (Choctaw) who was the Chief Judge of the

⁵⁸ 2010 Annual Report of Accomplishment." *Coalition for Change.com*. 2011. Pg.1.

⁵⁹ AP. "Protestant Clergy Vs. the Catholic Candidate, JFK." *Time Magazine*. 1960.

⁶⁰ Andrews, A. "Charles Curtis; Native-American Indian Vice-President. 2012

⁶¹ Miller, Robert. "No American Indian Federal Judges?." 2009

Eastern District of Oklahoma from 1996-2001, and Frank Howell Seay, a senior-status judge on the same court (Seay's native heritage, likely Cherokee ancestry, was only recently discovered).⁶² The Bureau of Indian Affairs (BIA) is the statistical outlier, with the highest percentage of American Indian hires in both regular and administrative positions in any governmental Department. Since 1824, six Commissioners of Indian Affairs have been American Indian, five Directors (the new title replacing Commissioner after the major reorganization of the BIA in 2003) were American Indians, and following the creation of the Assistant Secretary-Indian Affairs position within the Department of the Interior, the Senate had confirmed ten American Indians for the position.⁶³ In the non-managerial positions, the BIA has hired, and continues to hire, a majority of American Indian/Alaska Natives.

Representation at the State Level

At the state level, there has been a higher number of American Indians in state legislatures due to factors like the small size of state legislative districts and reservations that encompass multiple counties, making American Indians the majority in those county-level elections.⁶⁴ For instance, the Pine Ridge Reservation in South Dakota encompasses Shannon County, and parts of Jackson and Bennett Counties, while the Navajo Nation, the largest reservation in the United States, spans multiple counties in the three states of Arizona, Utah, and New Mexico.⁶⁵ ⁶⁶ Native

⁶² Ford, William. "Judiciary Decision Making Swayed by Race and Ethnicity." *Diverse Issues in Higher Education*.

⁶³ U.S. Gov't: Department of the Interior: Bureau of Indian Affairs. *BIA Mission Statement*. 2012

⁶⁴ American Indian Representation in the 20th and 21st Centuries, Peterson

⁶⁵ "Pine Ridge Statistics." *4AIHF*. American Indian Humanitarian Foundation, 2012.

Legislators, in both the upper and lower chambers of State legislatures, have been most prominent in the states with high American Indian populations. Redistricting has also played a role in preserving or increasing opportunities for American Indians to be elected to state legislatures. In South Dakota, for example, redistricting plans are underway to redraw the west and south-central Districts 26, 27 and 28 to ensure greater native representation in the state senate; all three districts cover six Indian reservations—the Lower Brule, the Crow Creek, the Rosebud Sioux, the Oglala Sioux (Pine Ridge), the Standing Rock Sioux, and the Cheyenne River Sioux reservations.⁶⁷

However, representation in state legislatures was still weak; the National Caucus of Native American State Legislators was only formed in 1992.⁶⁸ In 1990, there were only five American Indian women serving in state legislatures—Arkansas, Montana, New Mexico, and Oklahoma.⁶⁹

Table 1.2 American Indian State Legislators, 1992

| State | Total Number of Legislators | Number of American Indian Legislators | % of American Indian Legislators |
|-------------------|-----------------------------|---------------------------------------|----------------------------------|
| Alaska | 58 | 11 | 19.0% |
| Arizona | 91 | 5 | 5.5% |
| Montana | 150 | 4 | 2.7% |
| New Mexico | 112 | 6 | 5.4% |
| North Carolina | 170 | 1 | 0.6% |
| North Dakota | 147 | 1 | 0.7% |
| Oklahoma | 149 | 5 | 3.4% |
| South Dakota | 105 | 3 | 2.9% |
| Colorado | 100 | 1 | 1.0% |
| All States | 7424 | 41 | .6% |

Source: Peterson and Duncan. "American Indian Representation in the 20th and 21st Centuries."

⁶⁶ *Navajo Nation*. 2008. Map

⁶⁷ Mercer, Bob. "American Indian Voting Rights a Dominant Theme in Redistricting." 2011

⁶⁸ Davis, Sia. "Caucus Background." *Native American Legislators.org*. 2012.

⁶⁹ Jewell, Malcolm, and Marcia Whicker. *Legislative Leadership in the American States*. 1994. Pg. 160.

The chart above shows only five native legislators for Oklahoma in 1992, not many for a state purported to have 13% of the total native population outside of Alaska: in 1995, Oklahoma had the largest share of the Nation's American Indians, (257,000 or 13%), while in 1996, the other states with the largest proportion of the Nation's American Indian population in rank order were Arizona, California, New Mexico, and Alaska.⁷⁰ California, one of the top ten states with a big American Indian demographic, is not even listed as having one native legislator in 1992. While the total number of .6% native legislators is close to the .8% of American Indians as percentage of the total U.S. population, it still does not accurately reflect if American Indian interests are truly being represented in their States: the small number of current legislators is not enough to serve the many tribes and tribal interests that exist. However, the 1992 number suggests that American Indians will run for office when the conditions are perceived as favorable for them; there is not a complete withdrawal or exclusion from mainstream politics as the literature seems to suggest. While the number of American Indian Legislators, male or female, has certainly risen since 1990, the 1992 results still show that the need for further representation.

Representation at the Local Level

At the local level, there are more American Indian elected officials, for the smaller county district size affords many opportunities for election into office. Alaska, the exception, continues to have a percentage of elected Indian local officials

⁷⁰ Campbell, Paul. U.S. Census Bureau. *Population Projections for States by Age, Sex, Race, and Hispanic Origin: 1995 to 2025*. 1996.

that is higher than the American Indian population percentage in the lower 48. Only Oklahoma has a comparative number, with the percentage of elected Indian local officials almost half of the American Indian population percentage in the state (13% in Oklahoma). The chart below shows that there are more American Indian officials at the local level, as there exists certain variables that make the increase in Indian officials at the local level more likely. First, running for appointments in local government does not need the level of time, resources, and experience that a State Legislator requires; this automatically makes the pool of available candidates for local offices much larger. Secondly, there are more positions available at the local level, rather than the one or two available Senate positions depending on election terms.

Table 1.3 American Indian Elected Local Officials: 1992

| State | Total Number of Elected Local Officials | American Indian Local Officials | % of American Indian Elected Local Officials | American Indian Population Percentage |
|--------------------|---|---------------------------------|--|---------------------------------------|
| Alaska | 1,674 | 603 | 36.0% | 15.6% |
| Arizona | 3,050 | 83 | 2.7% | 5.6% |
| Montana | 4,905 | 78 | 1.6% | 6.0% |
| New Mexico | 1,981 | 30 | 1.5% | 8.9% |
| North Carolina | 5,227 | 23 | 0.4% | 1.2% |
| North Dakota | 15,277 | 38 | 0.2% | 4.1% |
| Oklahoma | 8,627 | 371 | 4.3% | 8.0% |
| South Dakota | 9,529 | 55 | 0.6% | 7.3% |
| Colorado | 8,325 | 8 | 0.1% | 8.3% |
| California | 18,699 | 54 | 0.3% | 0.8% |
| All States: | 493,830 | 1,800 | 0.4% | 0.8% |

Source: Peterson and Duncan. "American Indian Representation in the 20th and 21st Centuries."

Lastly, there are many counties that are mainly comprised of American Indians, making the odds of electing an American Indian to office extremely likely. The

realities are reflected in the number of local Indian elected officials that exist in all of the five states with high American Indian populations, including those states where Indian legislative representation didn't exist before, as evidenced in Tables 1.2 and 1.3. However, representation is still low, as the percentage of Indian elected officials are not even close to the percentage of Indian population in their respective states, save Alaska, Oklahoma, and Arizona, leaving room for future growth.

Already low numbers of representation in local and federal political institutions, combined with a history of being ignored politically, created a non-friendly atmosphere for American Indians to participate in elections that weren't tribal elections. This minimum participation in mainstream American politics continued in the 1990's until the early 2000's, when two notable events occurred that were the catalysts for thoroughly changing the American Indian perspective about their own power at the polls.

Case Study: The Washington State Congressional Election of 2000

The state of Washington has a high concentration of American Indian voters, making it a potential powerhouse for American Indian voters if they so chose; there are 29 tribes in Washington state, making up 1.6% or 93,301 of the population, as per the 2000 Census, with the possibility of about 100,00 native votes in a good election cycle.⁷¹ As of February 29, 2012, Washington State had 3,677,919 active registered voters.⁷² Voting records do not maintain voter registration numbers by race, which makes finding the voter registration numbers of Indians in the State near impossible.

⁷¹ <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

⁷² United States Government. Washington Secretary of State. *Voter Registration Data. 2012*

In early 2000, Washington voters were faced with the choice of re-electing incumbent Republican Sen. Slade Gorton for a fourth term, or electing former one-term Congresswoman Maria Cantwell. Washington state Indian tribes and Sen. Gorton have long been at odds with each other, as Sen. Gorton had a history of fighting against native interests, such as opposition to tribal governance rights, supporting several proposals to weaken tribal sovereignty in the state, BIA funding, tribal jurisdiction, among other issues important to Washingtonian tribes.

Tribal leaders had long desired to see the political retirement of Slade Gorton, so they began planning a native statewide opposition to Slade Gorton. Tribal leaders created the First American Education Project (FAEP) in 1999 to help educate the public and politicians about important American Indian issues; later on, it became a resource for the fight against Gorton's reelection by facilitating and coordinating resources and funding.⁷³ The fight against Gorton was mainly financial and media based- the main goal was to inform the general public about Gorton's stance against Native interests more than an Indian GOTV effort. A monetary goal was made to donate more than \$1.5 million in soft money to run the media campaign— radio, T.V., and newspaper ads— against Gorton.⁷⁴ Many Casino-rich tribes in Washington State donated to the cause, despite the uncertainty of the situation: “The three local tribes with profitable casinos - the Muckleshoots, Tulalips and Puyallups - gave the state Democratic Party \$20,000 earlier this year to conduct a public-opinion poll about Gorton's strengths and weaknesses. The Muckleshoots also have given \$30,000 to various national Democratic committees, including one that is targeting Gorton for

⁷³ Egan, Timothy. "Indians Unite Against a Senator Despite His Grip on Tribal Funds." *New York Times*. 2000.

⁷⁴ Kelley, Matt. "Tribes' Top Target in 2000: Sen. Slade Gorton." *Los Angeles Times*. 2000.

defeat...As much as \$500,000 could come from [them], according to tribal sources."⁷⁵ The \$10,000 dollar T.V. ad accused the Senator of trading off the state's environmental health for campaign contributions from the mining and oil industries, citing the Gorton-supported, controversial, Crown Jewel Mining Project in Oroville, WA; the newspaper and radio ad messages were in the same vein as the T.V. ad.⁷⁶ Canvassing on reservations to informed tribal members of the strong stance that FAEP and local tribes were taking against Gorton, no matter the results of the election, was a part of the process.⁷⁷

An unprecedented outpouring of cooperation and support sprung up among tribes across the state in their shared political goal; interest and confidence levels rose sharply in Indian Country, with many Indians participating in the political arena for the first time. The race was a close one, with Democratic Sen. Maria Cantwell winning by 2,229 votes.⁷⁸ Voter turnout of registered American Indian voters was 69.9% in a statewide turnout of 75%, with an estimated amount of 4,640 new, on-reservation Indian voters.⁷⁹ However, it cannot be said with certainty that the victory was due to the increase in the American Indian presence at the polls. Any other group at that time actively involved in supporting Cantwell can also claim to be the decisive factor in the election.

⁷⁵ Westneat, Danny. "Tribes Target Gorton With Casino Money." *Seattle Times*. 1999

⁷⁶ Anderson, Ross. "Tribal Ads criticize Gorton." *Seattle Times*. 2000.

⁷⁷ Montana, Cate. "Anti-Gorton Effort Mounted in Indian Country." *Indian Country Today*. 2000.

⁷⁸ Capriccioso, Rob. "Election 2010 Native Influence: 'The Frybread Factor'." *Indian Country Today*. 2010.

⁷⁹ Lehman, Russ. "The Emerging Role of Native Americans in the American Electoral Process." *First American Education Project*. 2003. Pg. 12

Ross Lehman, author of the *Emerging Role of Native Americans in the American Electoral Process Report*, a report that tracks recent American Indian votes and political participation, is of the opinion that it was the American Indian voters who made the difference; “The fact remains, however, that if the other constituency groups did what they did to influence the election, and the FAEP was never created and Tribal leaders didn’t focus such energy on their Reservations, clearly Gordon would have won. Adding the impact of the TV spots on the general electorate to the almost 10,000 new voters, the vast majority of whom voted for Cantwell, Native American involvement in that election was a critical factor in its outcome.”⁸⁰ Regardless of whether Indian votes were actually the decisive factor in the election results, the Cantwell election was a particularly pivotal moment in the psyche of native voting participation in the state; her election showed tribal leaders that they *could* influence local politics through effective mobilization and GOTV efforts in Indian Country.

The unseating of Gordon, known as a powerful ‘Indian fighter’ in Congress, was the realization of Native power at the election booth. As Ron Allen, chairman of the Jamestown S’Klallam tribe based in Sequim, Washington, states; “We’ve come a long way and conditions have changed. We’re rising above the clouds to see the sunshine, and it’s only because of our newfound political activism and the political savvy that is emerging among tribal leaders.”⁸¹ This trend continued in Washington State the following two years, where the native vote was credited in the defeat of a long-hostile

⁸⁰Endnote: Public opinion surveys conducted for FAEP by Evans/McDonough Company, Inc. showed a movement towards Cantwell of between 5% and 8% in those areas where the TV spot ran.

⁸¹ Green, Sara. "Indian Leaders Encourage New "Voting Culture". *Seattle Times*

County Commissioner via a concentrated effort led the Lummi Nation in 2001, and the defeat of an anti-Indian lawyer running for a State Supreme Court seat by a native-led statewide initiative.⁸²

Case Study: The South Dakota Governor Election of 2000

South Dakota was also the site of one of the closest political races in history for the seat of Governor in the 2000 election cycle, which is not surprising given the long history of political and social protest by South Dakota's Indian tribes. The 1973 Wounded Knee Incident on the Pine Ridge Indian Reservation, so named after the infamous Wounded Knee Massacre of the Lakota, which took place on the very same reservation in 1890, was an armed and deadly standoff between Oglala Lakota and American Indian Movement (AIM) activists against the federal government. South Dakota has the third-highest proportion of American Indians statewide, only lagging behind Alaska and New Mexico. Conditions on the reservations are often below the national standard; Pine Ridge Reservation has a particularly troubled reputation, where 80% of the population is unemployed, the average life expectancy is lower than the rest of the United States, violence, drugs, and other maladies prosper, and prospects are generally bleak. Disenfranchisement of American Indian voters caused by deficiencies in voting laws in the state were widespread, although South Dakota had agreed to settle a lawsuit filed against the disenfranchisement practices of American Indian voters in 2002.⁸³

⁸² Lehman, Russ, and Alyssa Macy. "Native Vote 2004. 2004. Pg. 40

⁸³ McDonald, Laughlin. "Voting Rights in South Dakota: 1982-2006." *RenewtheVRA*. 2006

It is against this background that the 2000 elections arrived, with the State Senate vote shaping up to be particularly important due to the divided status of the Senate at that time. First term Democratic Sen. Tim Johnson was running against Republican Sen. John Thune. Incumbent Sen. Johnson had a history of supporting American Indian interests on a wide variety of issues, such as housing, health care, trust reform, domestic and sexual abuse prevention, among others. Sen. Johnson was a sitting member of the Indian Affairs Committee and had conveyed a sincere understanding and commitment to change to tribal leaders and regular citizens alike; he had visited Indian Country many times before, proving his commitment to Indian Country.⁸⁴ On the other hand, Sen. Thune did not have a long history of supporting native interests, nor had he visited Indian Country to talk directly to tribal leaders and members about their concerns. South Dakota had also voted Republican in the 2000 presidential elections, having supported George W. Bush.

It was quickly decided by both sides that Shannon County was to be the battleground in the upcoming election.⁸⁵ The Democratic Coordinated Campaign (DCC) of South Dakota quickly assessed the political landscape, and with the expected total voters of 350,000, saw that the race was going to be a tight one, with Thune having a slight advantage in the polls already.⁸⁶ Faced with an uphill battle, the DCC began to build a strategic network of support in Indian Country by educating American Indians on the current issues in the upcoming race, voter registration drives, and GOTV efforts on all of the reservations in the area. This was the first time

⁸⁴ US Govt. Senator for South Dakota: Tim Johnson. *Issues/Legislation: American Indian Affairs*.

⁸⁵ Lehman, Russ, and Alyssa Macy. "Native Vote 2004."

⁸⁶ Ibid

that there had been a concerted effort on behalf of a major political organization with the participation of Indian tribes on a statewide level since the Robert Kennedy presidential campaign in 1968. In comparison, although Thune had a history of good relations with the Indian tribes, no Republican efforts were conducted on any of the reservations. Furthermore, in an effort to discourage American Indian voters, Republican operatives filed a complaint with state and federal authorities alleging that the Democratic field organizers at Pine Ridge were in violation of election laws in the registration of new voters on the reservations.⁸⁷

These allegations proved to be unfounded. When it came out that Republican operatives filed the complaint, the American Indian community was incensed. The allegations drew barbs from prominent Republican supporters, specifically Robert Novak, who stated that; "South Dakota's 2002 U.S. Senate election was stolen by stuffing ballot boxes on Indian reservations" and admitted to calling Native Americans "election thieves."⁸⁸ Novak's comments were soundly rebutted by high ranking members of the State's GOP and the then-current Republican State Governor. Thune's campaign staff also denied involvement with Novak in an effort to distance themselves; "Robert Novak's comments were **inappropriate** and certainly do not reflect John Thune's commitment to work hard for the Native American vote in 2004."⁸⁹ Despite the rebuttals of Thune's campaign and other state GOP members, Novak's serious allegations angered South Dakotan Indian voters, who didn't

⁸⁷ South Dakota Election Scandal: Are Oglala Civil Rights Doomed?." *ACLU of South Dakota*.

⁸⁸ CNN. "Transcripts: The Presidential Race Is Down To The Wire. How will the Senate, House Seats Shake Out?. 2004.

⁸⁹N.C. "Yet again, Novak claimed "the Indians stole" South Dakota's 2002 Senate Election." *MediaMatters for America*. 2004.

appreciate the stereotypical representations of Indians as thieves. The stage was practically set up for Jonson to win, with voters at the ready.

Table 1.4 Registered Voters in Shannon County, South Dakota: 2001-2002

| Precinct | Registered Voters | | Turnout | |
|---------------|-------------------|-------------|------------|-------------|
| | 2001 | 2002 | 2001 | 2002 |
| Kyle | 976 | 1189 | 351 | 570 |
| Oglala | 794 | 1054 | 210 | 443 |
| Pine Ridge | 792 | 922 | 321 | 407 |
| Total: | 2562 | 3165 | 882 | 1420 |

Source: Modified from Lehman, Russ. "The Emerging Role of Native Americans in the American Electoral Process." *First American Education Project*. Evergreen State College, 2003.

Nowhere is this power at the polls evidenced than in Shannon County. As evidenced in the table above, there was a sharp increase in voters in three of the biggest precincts in Shannon County in the span of one year— Kyle, Oglala and Pine Ridge. Kyle Precinct saw an increase of 12%; Pine Ridge saw a smaller increase of only 3.5%, while Oglala Precinct saw the highest increase in voters, with a 15.7% increase. About 200 new voters were registered in Shannon County alone, as the number of registered voters in 2000 increased from 5160 to 5361 registered voters in 2002, helping Johnson win the race by a mere 528 votes: the number of registered democrats in Shannon County rose from 3807 in 2000 to 3939 in 2002.⁹⁰ ⁹¹ This sharp increase in registered voters was in part because of the strong GOTV efforts that the DDC led.

American Indians in other parts of the state also came out and voted for Johnson; it wasn't just Shannon County alone. In all of the five counties in the middle of an Indian reservation in South Dakota, all with a demographic of more than 50% Native

⁹⁰ U.S. Gov't: South Dakota Secretary of State. Primary Voter Registration Numbers. 2002.

⁹¹ U.S. Gov't: South Dakota Secretary of State. Primary Registration by County. 2002.

as per the 2000 Census—Corson, (60.9%); Dewey, (74.2%); Shannon, (94.2%); Todd, (85.6%); and Ziebach, (72.3%)—Johnson overwhelmingly won, gaining 8,193 votes over Thune’s 2,204 votes, out of a turnout of 10,621 voters.^{92 93}

Table 1.5 Votes for Thune and Johnson in 5 South Dakota Counties, 2002

| County | # of Thune Votes | # of Johnson Votes | Turnout |
|----------------|------------------|--------------------|---------------|
| Corson | 573 | 983 | 1610 |
| Dewey | 598 | 1678 | 2341 |
| Shannon | 248 | 2,856 | 3154 |
| Todd | 464 | 2027 | 2529 |
| Ziebach | 321 | 649 | 987 |
| Totals: | 2204 | 8193 | 10,621 |

Source: Lehman, Russ. "The Emerging Role of Native Americans in the American Electoral Process." *First American Education Project*. Evergreen State College, 2003.

Observers of the race pointed to the increase in American Indian votes in Shannon County as the reason that Johnson won his election, proving that underestimating the native vote, even in a county that historically has a low native voter turnout, can cost or win an election. In this case, it is possible to say that the American Indian vote in Shannon County and the rest of the State helped Tim Johnson win the Senate bid. There is still a margin of error, even though Shannon County is comprised of 94.2% Native American, with the other four counties 50% and above, that the election was won because of the impact of other ethnic groups as the decisive factors in the race. Regardless, the minds of American Indian voters and tribal leaders were fundamentally changed, having realized that through effective campaigning and GOTV efforts, they were able to make a difference in the political sphere. The long-held notion that the mainstream politicians did not need to care

⁹² U.S. Gov’t: South Dakota Secretary of State. U.S. Senate Official Returns. 2002.

⁹³ U.S. Gov’t: South Dakota Secretary of State. General Election Turnout by County. 2002.

about Indian Country was forever changed, especially for South Dakotan politicians and American Indians alike.

Political Participation 2000-Onwards

After the Washington State and South Dakota examples, the minds of American Indian voters were radically altered over the effectiveness of their political power; even if they didn't vote themselves, they at least knew that if they did choose to vote, they could be make a difference. Because of their concentration in a few states-American Indians make up more than five percent of the population in the states of Alaska, Arizona, Colorado, Montana, New Mexico, Oklahoma, and South Dakota-those states have effectively become battleground states, with American Indian vote often playing an important, if not decisive role, in local and statewide elections. Dubbed "The Frybread Factor," their growing political power at the polls was duly noted and observed by political pundits, many who predicted the continuing importance of this once-ignored group in future electoral races.⁹⁴ In 2008 in New Mexico, the Native American Caucus of the Democratic Party of New Mexico was created with the full approval of the Democratic National Committee (DNC), a first for the state; the caucus was created in response to the growing power of the American Indian vote in the state, and a method of continuing GOTV efforts and outreach among this important voting bloc.⁹⁵ In 2011, both Republican Sen. Lisa

⁹⁴ Capriccioso, Rob. "Election 2010 Native Influence: 'The Frybread Factor'." *Indian Country Today 2010*

⁹⁵ Broderick, M. "New Mexico Dem Party Native American Caucus Elects Officers at Packed Meeting." *Democracy for New Mexico*. 2012

Murkowski in Alaska, and Democratic Sen. Patty Murray in Washington state won their reelection bids by a narrow margin because of support from their Native constituencies.⁹⁶ 2004 was particularly important because the First American Education project launched a massive GOTV effort among Indian voters in eight different states: both Democratic Rep. Stephanie Sandlin Hearst of South Dakota, and Democratic Gov. Brad Henry of Oklahoma credited their elected to office in 2004 respectively from the Indian vote.^{97 98} The report on native voting in 2004 entitled *Native Vote 2004*, found that “while registration and turnout is still below non-Native averages in many parts of the country, many Native communities saw increases of 50 percent to 150 percent in their turnout” due to their GOTV efforts.⁹⁹

U.S. Senator John Tester of Montana credited his win over his opponent to the native vote in 2006; it was revealed that 83% of the 2,461 people voting from the precincts of the Blackfeet Reservation voted for Tester.¹⁰⁰ American Indian votes were also credited as the decisive factor in the close gubernatorial race in Washington State of Democratic Governor Christine Gregoire against Republican Dino Rossi, with Gregoire winning by just 113 votes in 2004.¹⁰¹ Individual tribal organizations and the National Congress of American Indians (NCAI) have stepped up GOTV efforts in Indian country by informing voters of the importance of their vote in the political arena, organizing voting drives, and registering Indian voters: NCAI has

⁹⁶ Lehman, Russ. "The Emerging Role of Native Americans in the American Electoral Process." *First American Education Project*. Evergreen State College, 2003.

⁹⁷ Capriccioso, Rob. "Election 2010 Native Influence: 'The Frybread Factor'." *Indian Country Today 2010*

⁹⁸ Ahtone, Tristan. "Paying Attention to the Native American Vote." *PBS*. 2008

⁹⁹ Lehman, Russ, and Alyssa Macy. "Native Vote 2004. 2004. Pg. 7

¹⁰⁰ Wilkins, David. *American Indian Politics and the American Political System*.

¹⁰¹ *Ibid*.

rolled out a website entirely dedicated to the “Native Vote 2012,” featuring voting/poll information, videos, opinion pieces, and everything else needed to help American Indians make an informed decision at the voting booth.¹⁰²

2008 in Perspective: Obama and the Native Vote

2008 was an important year for America and American Indians politically: Barack Obama was on the campaign trail for the highest office in the land— the President of the United States. His campaign was notable for reaching out to new voting blocs previously ignored, blocs that included Indian Country. His outreach culminated in the most-memorable campaign stop at Crow Agency, Montana, home of the Crow Reservation, where Obama was adopted as a member of the Crow Tribe and given an Indian name. His attention to Indian Country was something that past presidents had not even bothered to attempt since the Robert Kennedy campaign of 1968. Because of his outreach, an unprecedented number of American Indian voters, some who had not voted for years, came out and voted for Obama. He gained the support and endorsement of “over a hundred tribal leaders, seven tribal councils, and the Great Plains Tribal Chairman’s Association, who was representing sixteen native nations.”¹⁰³ A poll conducted by Native Vote Washington that examined the voter preferences of 600 American Indian and Alaska Natives from 30 states in the 2008 presidential election: when posed the question “If the election were being held today, [who] would you vote for (or already voted for)?,” the overwhelming majority answer

¹⁰² "Native Vote 2012: Every Vote Counts." *Native Vote.com*.

¹⁰³ Wilkins, David. *American Indian Politics and the American Political System*.

in support of Obama.¹⁰⁴ American Indian vote could potentially be the decisive factor in battleground states, such as Colorado, Nevada, New Mexico, and Arizona.^{105 106} Tribal leaders, galvanized by the efforts of the Obama team to engage the native vote, conducted their own GOTV efforts amid a mood of general hopefulness for the future. When Election Day arrived on that fateful Tuesday of November, Obama made history by winning the presidency.

The Table below shows that a majority of Native voters who were polled had planned to vote for, or already voted for, Obama. This is consistent with the evidence chronicling native support for Obama in many counties with a high Indian population; the chart shows that in all states except Oklahoma, native votes were 70% and above, with many approaching 100% in some states. In Colorado (not listed in the chart) many of the Crow precincts where Obama had campaigned, reported higher polling numbers than the rest of the state; Obama ended up winning the state with 91%.¹⁰⁷ Even in states where Obama did not end up winning the state, he still won in the precincts with high levels of American Indians: in Wyoming, Obama won 76 percent of the vote in the Fort Washakie precinct, 66 percent in the Arapahoe precinct and 79 percent in the Ethete precinct, all precincts on the Wind River Reservation.¹⁰⁸

Whether or not the predictions of the pundits and political observers of the 2008 race were corrected about the swing power of the American Indian vote, their America politics where Indian voters felt that they had a chance, a voice.

¹⁰⁴ "Obama Draws Nearly 90% of Native Vote." *Native Vote Washington*. 2008

¹⁰⁵ Admin. "American Indian Vote Will Be a Factor in Several Swing States." *NDN News*. 2008.

¹⁰⁶ Ahtone, Tristan. "Paying Attention to the Native American Vote." *PBS*. 2008

¹⁰⁷ Ibid

¹⁰⁸ AP. "Obama Won Big in Wyoming Reservation Towns." *News from Indian Country*.

Table 1.6 Survey of Candidate Support by Native Voters Nationwide Oct. 2008

| | Obama | McCain | Undecided/Other |
|---------------|--------------|---------------|------------------------|
| Overall | 89% | 6% | 5% |
| Already Voted | 95% | 4% | 1% |
| | | | |
| Men | 91% | 5% | 4% |
| Women | 87% | 7% | 6% |
| | | | |
| Ages 18-34 | 87% | 7% | 6% |
| Ages 35-54 | 89% | 6% | 5% |
| Ages 55+ | 90% | 6% | 4% |
| | | | |
| Washington | 94% | 3% | 2% |
| Arizona | 74% | 14% | 12% |
| New Mexico | 85% | 13% | 2% |
| Oklahoma | 42% | 42% | 16% |
| Montana | 94% | 2% | 3% |

Source: Wilkins, David. *American Indian Politics and the American Political System* Pg. 104

The perceived importance of ‘the native vote’ further resonated in the minds of Indian voters; their validation as an important group on the political process further spurred to them to continue their trend of political participation.

Although it is easy to find percentages, finding a concrete voting pattern of American Indian voters for Obama is harder. Detailed voting patterns are tabulated on a state-by-state basis; national numbers are not always reported, or if reported, contain errors. Even at the state level, finding Indian voting patterns for presidential candidates in 2008 and further back is difficult, for there are only a few counties that are 80% native; the rest are 50% and below, leaving too much room for error and misattribution of voting demographics as the difference. The few counties that are majority Indian are in South Dakota: in states with high native populations, such as Washington State, American Indians are scattered geographically, without one county

being majority Indian. Relying on just several counties in South Dakota to establish a national American Indian voting pattern for Obama would be erroneous and would not accurately reflect actual Indian voting patterns for 2008. Lastly, the 2008 election was an anomaly in terms of voting patterns for many groups, including American Indians; trying to compare 2008 voting patterns to previous election years and making inferences in nation-wide native voting patterns is difficult, at best, misleading.

Donations by American Indian Casinos

Another way of looking at whether there is a sustained pattern of American Indian political participation is looking at the amount of monetary contributions given by tribal entities to political campaigns. Monetary donations have recently become an important resource in influencing political elections due to the emergence of tribal casinos that have completely changed the fortunes of many tribes for the better. The opening and operation of casinos and other gaming facilities on tribal lands has allowed for an influx of disposable funds that tribes are able to, and have been, donating to various political and non-political causes. Tribal gaming was first introduced through a lawsuit dealing with the issue of tribal sovereignty in 1976: *Bryan v. Itasca County* challenged whether the federal government had the authority to tax Indians on Indian reservations. Upon review by the United States Supreme Court, Justice Brennan held that “not only that states do not have authority to tax Indians on Indian reservations, but that they also lack the authority to *regulate* Indian

activities by Indians on Indian reservations.”¹⁰⁹ This effectively paved the way for gaming on reservations, a fact that was quickly seized upon by enterprising individuals and tribal governments. Federal and local efforts to suppress the operation of gaming in Indian Country arose just as quickly, cumulating in the Indian Gaming Regulatory Act (IGRA) of 1988, which greatly decreased the autonomy that Indian tribes had over their gaming operations in the past. Nonetheless, the gaming industry has continued to profit; since President Reagan signed IGRA in 1988, Indian gaming revenue has skyrocketed from \$100 million in 1988 to \$16.7 billion in 2006.¹¹⁰ According to the National Indian Gaming Commission as of 2011, 240 tribes out of the 565 federally recognized tribes have gaming facilities on their lands, with a total of 460 gaming operations overall in 28 states.¹¹¹ As of 2009, according to the annual Indian Gaming Industry report, revenues from American Indian-owned casinos nationwide totaled to an amount of only \$26.4 billion, a dip that reflects the continuing economic situation in the United States.¹¹²

With disposable funds at the ready, many tribes turned an eye towards the political arena in hopes of gaining the attention of politicians at the federal and local levels. For some tribes, campaign contributions became, and continue to be, the only way they can affect the political system in the manner they desire, for they may not have enough tribal members to make a difference at the voting booth. In those cases, their campaign donations speak for their political participation, as it is a medium

¹⁰⁹ Kevin K. Washburn, “The Legacy of Bryan v. Itasca County.” (2008).

¹¹⁰ Wilkinson, Charles. *Blood Struggle: The Rise of Modern Indian Nations*. 2005. Pg. 335-226

¹¹¹ United States Government. National Indian Gaming Commission. *Gaming Tribe Report*. 2011.

¹¹² "Indian Gaming Industry Report 2011 Edition." *Research and Markets*. 2011.

gladly accepted in the political world, no matter the donor. Several tribes with gaming operations have contributed an astounding total of \$3,820,000.00 dollars to political causes as of 2009: the Gila River Indian Community (total: \$1,310,000.00); the Crow Tribe (total: \$730,000.00); the Seminole Tribe of Florida (total: \$730,000.00); the Miccosukee Tribe of Indians of Florida (total: \$560,000.00); and the Jicarilla Apache Nation (total: \$490,000.00).¹¹³ The increase in donations from tribal casinos reflects the fact that tribes have figured out that monetary donations are the best way to protect their interests and sovereignty in the U.S. political system— a flexing of tribal political muscles—after years of having zero political clout. A study done by researchers at the University of Wisconsin-Eau Claire found that “the presence of a casino in a reservation county increased turnout by 9.5% above and beyond the increase in per capita income created by the casino.”¹¹⁴ Having first calculated the mean county turnout of American Indian counties with and without casinos, their preliminary data suggested that in counties with 20% and above American Indian population, there is a average of 10% increase in turnout in counties with casinos, as opposed to those without casinos; the researchers used a multivariable model to control for extraneous explanations, finding the same results as they did in the mean turnout.¹¹⁵ Thus, it is clear that the presence of the casino has, for many tribes, increased voter turnout; casinos also allow for monetary contributions to be made to politicians.

These monetary donations from tribal casinos come at a ‘price;’ tribal leaders

¹¹³ Wilkins, David. *American Indian Politics and the American Political System*.

¹¹⁴ Gehring, Johnson & Peterson. "Bets and Ballots: The Impact of Legalized Gambling on American Indian Politics." 2001.

¹¹⁵ Ibid

have been watching the federal policy on Indian gaming to make sure that their interests are being represented, ready to add or withhold funds as needed. Even though Obama didn't have a previous record on Indian gaming as a senator, he "espoused the view that tribal casinos were important to tribal economic development."¹¹⁶ After months of silence, the Interior released a statement in June 2010 detailing the Administration's path on future Indian gaming policy. The memorandum lays out the details of the policy, namely the decision to move forward with pending gaming land applications, but did not offer any new policies.¹¹⁷ These first steps are still good news to Indian gaming tribes, as it signals that the Obama Administration is willing to work with tribes in supporting economic development, self-sufficiency, and strong tribal governments, something that the previous Bush Administration was not willing to do. An example is the Bush-era Commutable-Distance Gaming Rule, which ruled that tribes could develop casinos on land off their reservations only if it was within "commutable distance," a problem for tribes with rural reservations: the memo was rescinded by Echo Hawk.¹¹⁸ Tribes have also received a seat at the table in other ways; President Obama hosted a glitzy fundraiser exclusively for tribal leaders—where the price of admission was 35,800 per person—and ended the night with a reported number of over \$1 million in donations.¹¹⁹

Elected American Indian Officials: 2000-Present

¹¹⁶ Rand, Kathryn, and Steven Light. "The Obama Administration's "Path Forward on Indian Gaming Policy. 2010

¹¹⁷ U.S. Gov't: Dept. of the Interior. *Interior Details Path Forward on Indian Gaming Policy*. 2010

¹¹⁸ Toensing, Gale. "Bush-Era Commutable-Distance Gaming Rule Nixed." *Indian Country Today*.

¹¹⁹ Anderson, Michael. "Presidential Preference." *Tribal Government Gaming*. 2010

To further measure whether American Indian political participation has reached beyond just responding to voting from targeted GOTV efforts in Indian Country, I look at the number of American Indians who have run and successfully won office in a variety of positions, and at every level from the local level to the federal, to see whether their political power is just manifested through voting or if it extends to elected offices as well.

Congress: House or Senate

After the retirement of Sen. Nighthorse Campbell, Tom Cole assumed office as a U.S. Representative for the State of Oklahoma in 2003. Cole is currently the only registered American Indian (Chickasaw Nation) in the U.S. Congress, a gap waiting to be filled.¹²⁰

State Legislatures

American Indians continue to have high numbers in state legislatures in both states with a strong native presence and those without. When compared to the number of American Indian legislators in 1992, as previously seen in Table 1.2, the number of Indian legislators has increased considerably. Oklahoma is especially notable, as 22 American Indians started their legislative careers in either the House or Senate of the Oklahoma Congress in the 2000's. Several states not mentioned on the previous list have gained American Indian senators since the start of the 21st century: Kentucky

¹²⁰ United States Government. Congressman Tom Cole. *Native American Heritage*. 2012

gained a Cherokee member of the House in 2001; Montana gained seven new members in its state House in 2000, 2004, 2007, and 2009 respectively; Nevada welcomed one Indian into its House of Representatives in 2000; Pennsylvania saw the election of an American Indian into its House in 2006; and lastly Wyoming also welcomed the arrival of an American Indian into its House Chambers in 2004.¹²¹

There were several 'firsts' to be celebrated as well: Claudia Kaufmann became the first Indian woman to be elected to the Washington State Senate in 2007; Barbara McIlvaine Smith became the first Indian in the Pennsylvania House in 2006; and Al Macaffrey was the first openly gay Indian man to be elected to the Oklahoma state House in 2007.¹²²

Local Appointments

Local appointments continue to be the other arena where American Indians have continued to make gains. According to INDN's List, an organization whose goal is to support and elect American Indians to public offices at all levels of government all across the nation, the number of local appointments by Indians keeps on growing. In 2006, INDN's List supported two American Indians who ran for, and won, County Board of Supervisors position, and a local school board, respectively; in the following year, American Indians filled the seats for County Council and County Treasurer in Whatcom County, Washington.¹²³ In 2008, a high number of five American Indians ran for, and won, their local appointments, which ranged from county sheriff to San

¹²¹ McGuigan, Patrick. "Oklahoma's Kalyn Free closes INDN's List, saying 'Yakoke' (Thank you)." *Capitol Beat Ok*. 2012

¹²² Ibid

¹²³ Ibid

Diego City Council. Some of the notable appointments include the election of Denise Juneau as the first American Indian woman to be elected to a statewide executive office in Montana and the election of a tribal member, James Ramos, to the San Bernardino County College Board in 2005.¹²⁴ ¹²⁵ Because of the relatively few number of American Indian elected officials as compared to the *Table 1.3*, which detailed the number of Indian elected officials in 1992, it is tempting to believe that there have been a decrease in Indian local officials in the 2000's. This is untrue; compiled lists of American Indian politicians, local officials, etc., are notoriously scarce for reasons already enumerated. The few lists that are compiled are far and few in between, leaving the average person to not know the information at all or compile an incomplete list based on personal research. Thus, while my list is far from complete, it is a few examples of the general upward trend of American Indian elected local officials in the 2000's in America.

Governmental Positions:

The most gains that American Indians have made in representation at the federal level have been in the Executive Branch. Before the Obama Presidency, the American Indian voice was not strongly represented in past Administrations in capacities other than the BIA and involvement in the Senate Committee on Indian Affairs or the House Natural Resources Subcommittee on Indian and Alaska Native Affairs. The new Obama Administration was a harbinger of changes to come at the federal level even before he took office, for Obama appointed seven American Indians to his

¹²⁴ Ogden, Eloise. "Juneau to be sworn into office Monday." *Minot Daily News*. 2009

¹²⁵ Free, Kalyn. "President James Ramos." *INDN's List*. 2010

transitional team in 2008: John Echohawk, Keith Harper, Robert Anderson, Mary Smith, Mary McNeil and Yvette Robideaux, and Wizipan Garriott.¹²⁶ Although they were not in senior level positions in the transitional team, their presence still signaled that Obama was ready and willing to work with American Indians. A few of the members even went on to permanent positions in the newly created Obama Administration as part of the President's mission to change the level of representation of American Indians in bureaucratic positions in the government. President Obama appointed a number of American Indians to prominent and newly created positions in his government: Larry EchoHawk (Pawnee) was appointed as the Head of the Bureau of Indian Affairs; Kimberly Teehee (Cherokee) as the senior advisor for Indian Issues; Wizipan Garriot (Rosebud Sioux) to the newly created First Americans Public Liaison; Jodi Gillette (Standing Rock Sioux) as the Deputy Associate Director of the Office of Intergovernmental Affairs for the White House; Hilary Tompkins (Navajo Nation) as the first American Indian as Solicitor of the Department of Health; and Yvette Robideaux (Rosebud Sioux) as Director of Indian Health Services.¹²⁷ (Mary Smith (Cherokee) was nominated to the position of Assistant Attorney General of the Tax Division in the Department of Justice. However, her nomination was blocked twice, failing to be confirmed by the Senate both times; the White House decided not to re-nominate her to the position in 2010).¹²⁸

The judicial branch is still lacking American Indian representation at most of the

¹²⁶ Capriccioso, Rob. "Wizipan Garriot Named Obama's First Americans Public Liaison." *Indian Country Today* 2009

¹²⁷ U.S. Gov't: The White House. *White House Tribal Nations Conference Progress Report*. 2011. Pg. 1-38

¹²⁸ Fletcher, Matthew. "Lawrence Baca on Mary Smith's Stalled Nomination to the DOJ Tax Division." *Turtle Talk*. 2010

levels, including the Supreme Court. This need in the judiciary is tied to other factors, such as the fact that many American Indians do not have access to higher learning, let alone law school; solving the lack of Indian judiciary would also mean closing the education gap, a monumental task. Arvo Mikkanen (Kiowa) was nominated by President Obama to a seat on the Northern District of Oklahoma, which would have made him the third American Indian ever to serve on a federal bench.¹²⁹

Unfortunately, Mikkanen's nomination was met with opposition and remains unresolved.

Democrat or Republican? The political preferences of American Indian voters

Few studies have been conducted on the partisan voting patterns of American Indians. At the tribal level, the data on Indian voting preferences is virtually non-existent because of the private nature of tribal affairs. There are a few studies that show that American Indians are more likely to engage in partisan politics at the national level when they do participate. According to the Native Vote 2004 study, a national campaign focused on the Indian vote in 2004, American Indian political preference “remains consistent. The overwhelming support of Native voters can be virtually guaranteed only when a candidate has a record of support for Native issues [and] in such cases where a candidate has a consistent record of hostility towards issues of importance to Native voters, a strong showing of electoral opposition from Native voters can almost be assured.”¹³⁰ This means that native voters may swing

¹²⁹ Cohen, Andrew. "Judicial Nominee Arvo Mikkanen Deserves Answers." *The Atlantic.com*.

¹³⁰ Lehman, Russ, and Alyssa Macy. "Native Vote 2004. 2004. Pg. 5

Democratic or Republican depending of the level of support that the candidate shows towards native issues, as most evidenced by former Sen. Nighthorse Campbell.

Nighthorse Campbell started his political career as a Democrat; his switch of allegiance to the GOP in 1995 didn't seem to affect his political career, for he was reelected to the Senate in 1998. Many American Indian voters supported Sen. John McCain, who represented Arizona, a state with a big Indian population, during his presidential election bid because of his strong history of support and work on Indian affairs in Congress.

The results of the poll in Table 1.7 below further strengthen the notion that American Indian voters are swing voters in their partisan allegiances. However, there still remains a strong preference among Indian voters to vote Democratic, as evidenced by a study in Wisconsin, Minnesota, and North and South Dakota from 1982-1992.¹³¹

Table 1.7 American Indian Partisan Identification

| Partisan Identification | 1990-2004(%) |
|--------------------------------|---------------------|
| Extremely Liberal | 1.93 (5)* |
| Liberal | 13.3 (34) |
| Slightly Liberal | 9.65 (25) |
| Moderate | 32.82 (85) |
| Slightly Conservative | 17.37 (45) |
| Conservative | 19.31 (50) |
| Extremely Conservative | 5.79 (15) |
| Total | 100 (259) |

Table 1.7 Notes: Note: 127 respondents did not answer the question

*Number in parenthesis represents the number of Respondents

Source: Wilkins, David. *American Indian Politics and the American Political System*
Pg. 180

¹³¹ Wilkins, David. *American Indian Politics and the American Political System*. Pg. 180

It is important to keep in mind that this strong correlation does not hold true for every tribal citizen of every tribe; voting differences are present due to factors such as generational differences, youth perceptions, geographic differences (rural or urban), tribal cohesiveness as a voting bloc or not, and personal preferences. Some tribes have histories of voting and participating in mainstream elections while others don't. It is important to keep in mind that the findings in the table above only serve to highlight a general trend that shows up among a certain group and number of American Indians that cannot speak for every individual voting preference as if it were a pan-Indian voting pattern.

Does Increased Political Representation Equal More Political Power?

While there has been an increase in the number of American Indians in elected offices in State Legislatures and in local offices across the nation, as well as an increased presence in the White House because of Obama appointments, there is still uncertainty over whether American Indians have actually gained political power. As defined by Heywood, power is “the ability to achieve a desired outcome,” while in a political analysis, power becomes “the ability to influence the behavior of others... power *over* others.”¹³² In our case, political power would be the ability to influence others (politicians) in order to achieve a desired outcome through the ballot box (voting). It is true that in the South Dakota and Washington State Gubernatorial and Congressional elections, respectively, American Indian voters perceived their votes to have made a difference in the outcome of the elections, that they wielded political

¹³² Haywood, Andrew. *Key Concepts in Politics*. 2000. Pg. 35

power during those races. It is true that American Indians now know, that if they so wished, their political participation in non-tribal elections can affect the outcome. There are limitations of course. This sort of political power is not widespread and has the best potential to succeed in areas that have high concentrations of politically active American Indians.) Considering the limitations that this American Indian political power has, i.e., geographic dispersals, it should be limited only to those states with high levels of politically active, American Indians; it would be inaccurate to claim the existence of a national, native political power. This is not to say that the data compiled on the number of American Indian officials is useless in the face of questionable political power; the fact the American Indians have been gaining more seats in the halls of power, local, state, and federal, is a positive trend of mainstream political participation, something that American Indians have been long been left out of. This upward trend only serves to bolster Indian confidence in participating American politics. More non-native politicians are learning to recognize that American Indians are taking advantage of the political system like never before; ready to communicate their political dislikes and desires via the ballot box. In the minds of many American Indians, there is the notion that they have political power, which is what matters in the end; whether or not they have political power in the truest sense, their belief that they do will ensure that native issues will continue to be an important, if not vital, part of the American political scene, not to be forgotten.

Chapter 4: Are the Conferences Just Symbolic Politics?

The first White House Tribal Nations Conference inspired a lot of mixed emotions in tribal leaders—many were enthusiastic about the outreach from Obama and assumed the best. Other leaders were more cautious and adopted a lets-wait-and-see approach, concerned that the 2009 Conference was going to be politics as usual. Tribal leaders were not eager to believe in Conference, given that federal government has a history of easily breaking promises to American Indians many times in the past. The real word that floated through everyone’s mind was but no one addressed outright was “symbolic politics.” Although the first Conference was quickly hailed as a success, questions remained. Are these conferences merely for show or are they true examples of representation in democratic politics? How do American Indians themselves view the conferences as accurately representing their interests? I argue that these conferences are merely examples of symbolic politics, a medium that President Obama is adept at harnessing for his own interests.

What is Symbolic Politics?

Representation is a core value of the democratic system, but the exactitudes of representation have varied, especially among scholars. It is important to differentiate the different meanings of representation in order to clearly understand the representative relationship between Indian tribes and the federal government. Hanna Pitkin, in her seminal work, *The Concept of Representation*, clearly identifies four different views of representation: formal, descriptive, symbolic, and substantive.¹³³ Formal Representation is based on the consent of the governed, where a

¹³³ Pitkin, Hannah. *The Concept of Representation*. 1967. Pg. 1-3

representative is authorized to make political decisions for his/her constituents, but is held accountable by the constituents, who have the power to punish the representative for failing to act in accordance with their wishes. Descriptive representation is when the representative looks like, have common interests as, or share certain experiences with the represented. Substantive representation is where the representative advances the interests of his or her constituents through policy preferences and other substantial actions designed to serve 'the best interests' of the represented. Symbolic Representation is when representatives are seen as 'standing for' something, whether it be an issue, or an ideal, by those being represented: "Hence, political representation will not be an activity but a state of affairs, not an acting for others but a "standing for"; so long as people accept or believe, the political leader represents them, by definition...It will be the activity of making people believe in the symbol, accept the political leader as their symbolic representative."¹³⁴

The Literature

Symbolic politics or symbolic representation is one of the branches of representation that has been extensively written about by political scientists (Edelman, 1985; Pennock and Chapman, 1968; Pitkin, 1967; Schwartz, 1988; Sears, 1993), for the question of how elected officials represent their citizens is an important concern in any democratic society, including the United States. Representation is also important to the citizens of America, for the more representation a certain political or racial group obtains, the more the specific group benefits from positive outcomes,

¹³⁴ Pitkin, Hannah. *The Concept of Representation*. 1967. Pg. 102

such as policy implementation of issues that are important to that specific group. Thus, representation is even more important to minority groups as they vie among themselves to gain the attention, resources, and political visibility of the dominant governing elite, as politics has shown to be the means for upward mobility among racial and ethnic groups in the U.S. (Dahl, 1961; Gosnell, 1968; Hunter, 1953; and Wilson, 1960). An example of the link between representation and policy outcomes is exemplified in studies looking at the presence of African-American and Hispanic elected officials; it was found that the presence of those officials increased the likelihood that African-American and Hispanic interests were represented in policy processes (Bratton 2002; Bratton and Haynie 1999; Eisinger 1982; Lim 2006; Mladenka 1989; and Saltzstein 1989).

According to Davis Easton (1953), symbolic politics is a very important tool for the government and its institutions in order to maintain stability and norms; Easton contends “in certain instances, the government can engage in policy that that gives an illusion of change when in fact nothing other than a façade has been created to mask the truth.”¹³⁵ This theory is further supported by Murray Edelman’s take on political symbolism as a method utilized by the political elite to distract the masses from actual political participation in the government.¹³⁶ Because this ‘distraction of the masses’ goes against the basic tenets of a democratic based political society—with the basic tenets of a democratic society being that all the citizens of a nation together determine public policy and have an equal opportunity to express their opinion through elections and chooses politicians to represent them in a Legislative

¹³⁵ King, Kendra. *African-American Politics*. 2010. Pg. 25

¹³⁶ Ibid

Assembly— and in order to maintain their elite position, politicians have found it necessary to make concessions (symbolic politics) in order to appease the masses. This appeasement is necessary, especially for minority groups, whose members may act out against the government in a threatening and/or violent manner if they believe that they are not being accurately represented in American politics. (Think of the Black Power Movement and the Red Power movements in the 60's and 70's that sprung up as a response to the continued political oppression and lack of representation of African-Americans and American Indians, respectively, in mainstream American politics.) The political elite are careful enough to promote and enacted the barest minimum of change, only enough to fool the impacted group or groups into believing that they have 'beat the system' and 'overcome,' when the reality is that they haven't made much substantive permanent political progress at all.

This strategy of appeasement via symbolic politics has been effectively utilized against many of the major minority groups in the United States—African-Americans, Asian Americans, Latinos, and women. A wide array of literature has been found on the representation of women, Latinos, and Asian Americans in American politics (Collins, 2004; Geron and Lai, 2002; Gilliam 1996; Kauffman, 2003; Kim, 1993; and Lawless 2004). Political scientists in the U.S. have also extensively studied African-American political representation (Cameron, Epstein and O'Halloran 1996; Gay, 2002; King, 2010; Sears, 1979; Tate, 2008; and Whitby, 1997, 2007). There is even a niche for representational literature that has arisen around Barack Obama, his extensive use of symbolic politics, and its debatable affect on

African-Americans since winning the presidency in 2008 (Clayton 2010; Gay, 2002; King, 2010; Tate, 2008; and Wilson, 2011).

Even though American Indians are one of the minority groups in the U.S., there is little to no literature on their representation in government, symbolic or otherwise, excluding the hard numerical data of native representation. If native representation is mentioned, if at all, it is usually only a paragraph or two in a chapter on minority representation, and usually cites statistics instead of political analysis. This dearth of literature once again stems from the relatively small population size, a history of non-participation in federal and state political elections in the U.S. due to lack of attention from the mainstream political system, lack of interest on writing about American Indian politics from academia, and the difficulty in collecting data from American Indians themselves. Their dual political nature only serves to add confusion to American Indian representation in the United States: American Indians are both citizens of foreign, sovereign, tribal nations *and* minority group members in the United States, “refusing to occupy a fixed position in imperialistic binaries.”¹³⁷

Dual Citizens: How American Indians Occupy Two Political Spaces

American Indians are first mentioned in Article 1, Section 8, Clause 3 of the Constitution, which states that the United States Congress shall have the power to “regulate commerce with foreign nations, and among the several states, and with Indian tribes”¹³⁸ Indeed, tribes were considered to be sovereign entities that the United States made treaties with on a sovereign-to-sovereign basis, i.e. through

¹³⁷ Ericson, David. *The Politics of Inclusion and Exclusion*. 2011. Pg. 98

¹³⁸ "The United States Constitution." Article 1, Section 8.

official diplomatic means. The treaties made with the various Indian tribes by the fledgling United States government were considered “not a grant of rights to the Indians, but a grant of rights from them,” with “all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.”¹³⁹ ¹⁴⁰ As they were considered to be citizens of other sovereign governments, Indians were expressly not counted as citizens unless they paid taxes to the U.S. government. Even after Congress passed a law that granted all Indians U.S. citizenship in 1924, they still retained their own citizenship rights, effectively becoming dual citizens.¹⁴¹ As the United States grew in power and prestige, so did the relationship between the government and Indian tribes change, although it was a change for the worse. Tribal sovereignty, the inherent authority of Indian tribes to govern themselves within U.S. borders as determined in the early years of the U.S. government, was steadily eroded by an ‘Indian termination’ policy, such as the Discovery Doctrine, the contradictory Empowerment of Tribal Courts Act in 1883, the General Allotment Act (Dawes Act) of 1887, the Indian Reorganization Act of 1935, and Public Law 280 in 1953, among others. These acts and rulings decreased the power of tribal sovereignty to the point that the United States government deemed the federal-tribal relationship one of “domestic dependent nations.”¹⁴²

In the 1970’s, Nixon changed the current government policy of Indian termination to that of Indian self-determination, a policy that promoted the ability of

¹³⁹ *United States v. Winans*, 198 U.S. 371, 25 S. Ct. 662, 49 L. Ed. 1089 (1905). Supreme Court

¹⁴⁰ "The United States Constitution." Article VI.

¹⁴¹ Sam, Mary. "History of American Indian Voting Rights." *Mille Lacs Band of Ojibwe*. 2009.

¹⁴² United States Government. Department of Justice. *About Native Americans*. 2012

tribes to practice self-governance and address issues concerning their people. Every president succeeding him has maintained a commitment to Indian self-determination and self-governance, leading many to believe that American Indians have regained their status as ‘sovereign nations,’ interacting with the U.S. government on a nation-to-nation basis. In reality, tribal governments have still not been granted full sovereignty equivalent to foreign nations; instead, they are still treated as ‘domestic dependent nations’ and ‘wards of the state.’ Technically, Congress should have no more power over them than it does over states; however, the harsh reality is that Congress can limit tribal sovereignty and decide which tribes to recognize as legitimate, most Indian land is still held in trust by the United States, and federal law still regulates the political and economic rights of tribal governments.^{143 144} Tribal courts are still struggling to obtain criminal jurisdiction over non-Indian persons who commit crimes in Indian Country, for the courts lack the inherent authority to arrest, try, and convict non-Indians who have committed crimes in Indian Country due to the decision handed down by the Supreme Court in the case of *Oliphant v. Suquamish Indian Tribe* in 1978.¹⁴⁵ Further conflict comes from tensions between the states and Indian tribes, with the states believing that they should have jurisdiction over local tribal governments, in such areas as fishing rights and gambling.

How to Identify Symbolic Representation

¹⁴³ Oklahoma Tax Commission v. Citizen Band Potawatomi Indian Tribe, 498 U.S. 505, 509

¹⁴⁴ United States Government. Department of Justice. *About Native Americans*. 2012

¹⁴⁵ Royster, Judith. "Oliphant and its Discontents: An Essay Introducing the Case for Reargument Before the American Indian Nations Supreme Court." *University of Kansas Law School*.

Because of the absence of data on American Indian symbolic politics, the history of African-Americans symbolic politics can serve as an example of what American Indians response to symbolic politics may have looked like. As the third oldest minority group in the United States after American Indians themselves, African-Americans have a long history in the U.S., one that chronicles the struggles and obstacles of gaining representation in American politics from the emancipation of slavery in 1862 to current day. From the days of the emancipation proclamation in 1862, African-Americans have struggled to gain representation and the right to participate in U.S. political elections, a struggle that reached its climax with the Civil Rights Movement, which took place from 1955 to 1968. The emergence of African-American elected officials in the 1970's appeared to signal that racial boundaries had been overcome; "the incorporation of blacks into the political mainstream symboliz[ed] commitment to the principles and legitimacy of American democracy...for blacks in particular, the presence of a highly visible black elected officials raise[d] group pride as [they] receive[d] broad psychic benefit from the governing activities of black politicians."¹⁴⁶ Political scientists continued to observe and study African-American representation, unsure of the degree of the sincerity of representation for African-Americans in politics: many have argued over whether African-American political power was, and continues to be, substantial or merely symbolic in nature (Fenno, 2003; King, 2010; Tate, 2003).

Because of the similarities shared with American-Indians—both are minority group members, had organized into distinct social and racial ethnic groups prior to

¹⁴⁶ Gilliam, Frank. "Exploring Minority Empowerment: Symbolic Politics, Governing Coalitions and Traces of Political Style in Los Angeles." *American Journal of Political Science*. Pg. 59

European/American contact, were regarded as less than human, were subject to deep and lingering disenfranchisement and disempowerment “against their will through such events as colonization and/or enslavement, war, land dispossession, forced migration, apartheid, and ghettoization as institutionalized in Congressional Legislation, Supreme Court decisions, presidential practices, codes, and military actions”— African-American symbolic politics can potentially shed light on the current process that American-Indians are going through now.¹⁴⁷

However there are major differences that limit the analogous analysis that can be undertaken between the Black and Indian experience in politics. Some include: the reservations are uniquely Indian, as the government cannot hold in trust land for any other group in the U.S.; African-Americans are not dual citizens; African-Americans comprise of 12.6% of the U.S. population, which means they have the numbers to influence society, politics, etc.¹⁴⁸ There is no set criterion for deciding how a minority group qualifies as being subjected to symbolic representation. However, Preston’s *Public Policy: Symbolic or Substantive Representation?*, lays out a list below of the conditions necessary to meet symbolic representation, arguing that African-American political power was still a mere ‘illusion of power’ and a ‘symbolic gesture’ that despite the growing increase in Black Elected Officials (BEO’s) in the 1970’s:

- BEOs are limited in number
- BEOs have inherited situations and problems that have been allowed to deteriorate over a period of two hundred years
- BEOs seldom have permanent political machinery

¹⁴⁷ Dance, Lori. Struggles of the Disenfranchised: Commonalities Among Native Americans, Black Americans, and Palestinians. *Al-Hewar Magazine*. May 2010.

¹⁴⁸ U.S. Census Bureau. Quick Facts. 2010

- Blacks in particular, and BEOs in general, have no tradition of power
- Blacks have little economic clout
- Black voters vote Democratic most of the time and tend to be taken for granted
- Independent BEOs lack power to implement programs or policies
- Structure of government and fragmentation limits the influence of BEOs
- National policymakers are reluctant to deal with issues of the Blacks and the poor.
- Minority status in a majority culture and the race variable confounds many efforts to correct the oppressive conditions of black people in America.

Source: Preston, Michael. "Black Elected Officials and Public Policy: Symbolic or Substantive Representation? 1978

As Preston's list handily lays out the requirements necessary to determine whether minority group members are being subject to symbolic representation, it is easy to compare the situation of BEO's to American Indian elected officials today to see if their situations match. The depressing history of American Indians has all but guaranteed the replication of the Preston's requirements, placing native political power firmly within the category of symbolic representation. As repeatedly mentioned, American Indians only make up less than 1% of the population in the United States, guaranteeing them minority status. Conditions on many Indian reservations continue to be equal to those of third world countries; violence, crime, and high unemployment rates are also the norm on many reservations. A report by the U.S. Commission on Civil Rights in 2004 mentioned the deplorable health conditions that many on reservations face; "It has long been recognized that Native Americans are dying of diabetes, alcoholism, tuberculosis, suicide, and other health conditions at shocking rates. Beyond disturbingly high mortality rates, Native Americans also suffer a significantly lower health status and disproportionate rates of disease

compared with all other Americans."¹⁴⁹ Economic and higher education opportunities are usually quite scarce, with few options available on-reservation; those who can afford it leave the reservations to find better jobs and quality of life. They tend to vote democratic, are ignored by the mainstream political institutions, have no tradition of power within the structure of the U.S. government, and most Indian- friendly Acts and laws are promoted and implemented by non-Indians, whether for completely altruistic or selfish reasons. At the same time, recent events have allowed for the deviation from Preston's conditions. In the last 10 years, American Indian representation at the state and local levels has risen, as evidenced in Chapter Three. The White House Tribal Nations Conferences has provided an opportunity for American Indian issues to be brought to the attention of national policymakers, change the oppressive conditions on reservations through Acts, laws, and court cases, and, most importantly, gives American Indians the chance to lay the groundwork for a permanent political machinery. Whether or not these exceptions can be taken advantage of for the permanent benefit of American Indians remains to be seen.

Representation Under Obama

As if Obama was aware of the desire of American Indians to move from symbolic representation to substantive, the Obama campaign had been awash in messages for American Indian voters from the onset, mostly of the hope-inspiring variety. During the 2008 election, Obama maintained a website especially dedicated to 'First Americans for Obama' that laid out his future platform of federal-Indian policies;

¹⁴⁹ U.S. Commission on Civil Rights. *Broken Promises: Evaluating the Native American Health Care System*. Pg. iii

“Native American tribal nations are sovereign, self-governing political entities and enjoy a government-to-government relationship with the United States federal government that is recognized expressly in treaties with the United States... Barack Obama is committed to tribal nation building and enforcing the federal government's obligations to Indian people.”¹⁵⁰ While on the campaign trail, Obama promised to “appoint an American Indian policy advisor on his senior White House staff so that Indian Country has a direct interface at the highest level of the Obama Administration [and] host a White House "Tribal G8" -- an annual meeting with Native American leaders to develop a national Indian policy agenda.”¹⁵¹ Tribal leaders have held Obama to his promise, and true to his word, he has come through, appointing six high-ranking American Indian officials to prominent position within his Administration, thereby increasing the political visibility of American Indians at the national level, and hosting the now annual White House Tribal Nations Conference in D.C. The Tribal Nations Conferences and the ensuing policy outcomes, debates, and media surrounding the Conferences have further served to highlight the growing political power and visibility of American Indians within the U.S. political system, thereby fostering the assumption that America Indians are doing well in America right now. Because these two promises were the only substantial promises made regarding change in the way that the federal government deals with tribal nations, President Obama is able to say, in good conscience, that he has fulfilled his specific campaign promises to American Indians. The ambiguity of his other promises allows his Administration to claim all other achievements (court cases, memorandums,

¹⁵⁰ <https://my.barackobama.com/page/content/firstamissues>

¹⁵¹ Ibid

policy reversals, Indian-friendly Act creation, etc.) as groundbreaking, substantial, innovative, solutions developed to help Indian Country, while neatly hiding the fact the his ‘achievements’ are really ‘maintenance work’ that should have been done years ago by past Administrations. However, this ‘maintenance’ is still an important shift in federal-Indian relations, as it suggests that the Obama Administration is clearing the path for the creation of new, needed Indian-friendly policies, whether for his next tenure or for a future Administration. After all, some change is better than none.

This deception surrounding policy matters has allowed the Obama Administration to take control of the narrative surrounding change (policy or otherwise) towards Indian Country and its relationship with the federal government; this narrative control has directed the attention of tribal leaders and the general public away from noticing what change Obama could enact that would actually be considered substantial change, policy-wise or structurally. This reluctance to spend political capital on real change is most noticeable in the specific policy options that the Obama Administration has chosen to pursue, and those they haven’t chosen.

Many tribal leaders, and those observing the Conference proceedings, have not been shy in expressing their views on which issues that Obama Administration should have focused on instead of the current ones Obama has espoused. Robert Porter, the president of the Seneca nation in Western New York, believes that Mr. Obama had failed to pursue a legislative agenda that would help empower the American Indian nations and improve the economic situation for residents; “The administration is very easily co-opting us with lofty promises of supporting the

nation-to-nation relationship but then not following through,” Mr. Porter said. “We need to have support for meaningful tribal economic empowerment.”¹⁵² Issues like the Supreme Court case, *United States v. Jicarilla Apache Nation*, the failed Arvo Mikkanen nomination to a federal judgeship in Oklahoma, the approval of the Keystone XL Pipeline through tribal land, the signing of the Prevent All Cigarette Trafficking (PACT) Act, and the Tribal Law and Order Act, are all examples of President Obama’s underwhelming devotion to what issues really matters to American Indians, instead of the potential change in the federal policy concerning eagle feathers or the naming of members to the Indian Trust Commission that his Administration has offered so far.

Are These Examples of Symbolic Politics?

The *Jicarilla Nation* case dealt with whether the federal government can claim attorney-client privilege in withholding information from a tribe involving the government’s management of money that it holds in trust. The government won the case in a 7-1 decision, a decision that holds implications for the more than 90 other pending trust-mismanagement cases that tribes have brought against the federal government. Andrew Cohen, contributing editor for the *Atlantic* and legal analyst for *60 Minutes* on *The Atlantic*, responded to the case outcome as another sign of how the federal government truly treats tribal interests. Two unsettling themes emerge from Justice Alito’s opinion; “First, he [Alito] reminds us that the ‘trust’ relationship between the federal government and our nation’s Indian Tribes is less about trust; and

¹⁵² Shear, Michael. "Has President Obama Kept His Promises to American Indians?" *New York Times*.

more about the exercise of our sovereign authority over a vanquished people.

“Second, by highlighting the conflicting interests between the government and the [tribal] Nation in these trustee cases, Justice Alito undercuts the entire statutory and administrative framework that bears the government’s relationship with the Apache Nation and other Indian tribes.”¹⁵³ Cohen further criticized the White House’s lack of response to Sen. Coburn (R-OK) blockage of Mikkanen’s nomination, a move that would have made Mikkanen only the third American Indian judge in federal history; “So what is the other branch of government, the executive branch, doing for Native Americans as 2011 comes to a close? Is the White House pushing for Mikkanen to get a hearing? No. Is it pushing Congress to help change the procedural rules in Indian trust cases so that American Indian litigants can have more access to federal documents that pertain to their claims against federal officials? No. Those things would involve the expenditure of political capital -- and the administration has shown repeatedly its unwillingness to spend in this area.”¹⁵⁴ Even Mikkanen himself questions Obama’s lack of action regarding his failed nomination and of his support of American Indians in general: “Was it because administration officials believed that Oklahoma's senators would never in any event support the nomination of a Native American to the federal bench? I would like to know that. Was it because the White House wanted to use me as a pawn in some larger political game over judicial nominations? I would like to know that, too.”¹⁵⁵

¹⁵³Capriccioso, Rob. "Lost Trust: Jicarilla Apache Nation Looses at Supreme Court." *Indian Country Today*. 2011

¹⁵⁴ Cohen, Andrew. "If Obama Is Serious About American Indians, He'll Offer More Than Eagle Feathers." *The Atlantic.com*. 2011.

¹⁵⁵ Cohen, Andrew. "Judicial Nominee Arvo Mikkanen Deserves Answers." *The Atlantic.com*. 2011

The Keystone XL Pipeline is a controversial pipeline system that would transport synthetic crude oil and diluted bitumen from the Oil Sands in Alberta, Canada to different parts of the United States. The proposed pipeline has met with extreme opposition from a relatively broad coalition of environmentalists from both sides of the aisle, American Indians, and other concerned citizen groups. The environmental impact of the U.S. extension could be massive, with concerns about air and water pollution, and impact wildlife in the area; a potential plan has the pipeline crossing the Nebraska Sandhills, one of the most largest and intricate wetland ecosystems in the U.S., and the Ogallala Aquifer, one of the largest freshwater reserves in the world that serves two million people in eight states and supports more than \$20 billion in agriculture.¹⁵⁶ A leak could cause irreparable contamination to the Aquifer and even the devastation of the Midwest economy; an inevitable possibility given the nature of the oil piping business as evidenced by the past with other oil companies, and the fact that Nebraska sits on top of an active seismic zone where tremors shake the ground, and the pipeline, if it is built.¹⁵⁷ American Indians are concerned about the environmental impact, as well as the impact the pipeline may have on their sacred sites, burial grounds, and artifacts; “President Obama is an adopted member of the Crow Tribe, so his fast-tracking a project that will desecrate known sacred sites and artifacts is a real betrayal and disappointment for his Native relatives everywhere,” remarked Marty Cobenais of the Indigenous Environmental

¹⁵⁶ Anderson, Mitchell. "Ed Stelmach's Clumsy American Romance." *The Tyee*. 2010

¹⁵⁷ Dembicki, Geoff. "Gulf Disaster Raises Alarms about Alberta to Texas Pipeline." *The Tyee*.

Network.¹⁵⁸ Although the pipeline has been delayed until 2013, it will remain a contentious issue for American Indians in the near future.

Another betrayal by Obama comes from the signing of the PACT Act on April 1,st a move that has hurt the Seneca Nation of New York in particular. The measure bans the distribution of tobacco products via the U.S. Postal Service, a move that will severely cripple the Seneca Nation economy, and result in a loss of at least 3,000 jobs in Western New York that is tied to their tobacco economy.¹⁵⁹ The Seneca Nation president, Barry E. Snyder Sr., has called the Act a “deliberate betrayal” of all American Indians, considering it a blow to the sovereignty and self-determination of the Seneca Tribe in particular; "The President of the United States invited Native American leaders to Washington D.C. in November and looked us in the eye as a sign of good faith in his pledge to protect federal treaties. Now four months later he has betrayed that promise... This is certainly not the first time a U.S. president has failed to honor federal treaty rights, but it is particularly hurtful when this country's first minority president turns his back on another group of minority Americans, it's a very personal pain and insult."¹⁶⁰ As Snyder mentioned, the signing of the Act by Obama, the very same president who promised that under his watch, American Indians would have a seat at the table when things were being decided that would impact Indian Country, is a betrayal of the shaky trust that Indian tribes have decided to bestow upon Obama. There has been no response from the White House concerning the signing of the Act, and nor will there be, for the Act was signed with little press

¹⁵⁸ Dupre, Deborah. "Native Americans Caged to Protest Obama XI Pipeline Betrayal." *The Examiner.com*. 2012

¹⁵⁹ "Seneca Nation of Indians Accuses President Barack Obama of Deliberately Betraying Native Americans by Signing the PACT Act." *PR Newswire* 2010

¹⁶⁰ Ibid

attention. Of the press it has received, the Act has been mainly touted as important in the struggle against cigarette smuggling, obscuring from the public who the Act is actually effecting, as Seneca President Snyder pointed out; “The PACT Act is being portrayed as a tool to fight cigarette smuggling. In reality, it is about big tobacco protecting market share. This action will result in the death of legitimate, treaty-sanctioned Native American commerce, causing significant economic harm¹⁶¹

The Tribal Law and Order Act (TLOA) was signed by Obama’s acts with ‘great fanfare’ in July of 2010, while staff members and two tribal leaders in regalia looked on. Designed to combat the crime crisis that is affecting many reservations today, TLOA had real potential to bring much-needed change to Indian Country. Thus, it was a real disappointment to former Senator Dorgan (D-N.D.), who sponsored and approved TLOA as head of the Senate Committee on Indian Affairs, and other advocates when they learned that Congress authorized sweeping funding cuts for 2012 fiscal year. These funding cuts affected tribal justice programs across the board, did not allow for a tribal set-aside for discretionary Office of Justice Programs needed to implement the Act, severely undercutting the ability and effectiveness of TLOA.¹⁶² Even though Obama strongly supported TLOA, there was no reaction, no fight against the cuts, from him or his Administration, when the budget cuts became known. This move has disappointed many, including Ryan Dreveskracht, a lawyer with the Galanda Broadman Indian-focused law firm, who sees the budget cuts as not just hindering justice on tribal lands, but the further disavowal of tribal sovereignty; “Unlike other areas of government spending, the

¹⁶¹ "Seneca Nation Blasts Passage of PACT Act ." *Observer Today*. 2010

¹⁶² Capriccioso, Rob. "Do Congress and Obama really support the Tribal Law and Order Act." *Indian Country Today*. 2011

federal government has a distinct legal, treaty, and trust obligation to provide for the public safety of Indian country. This obligation was made explicit in section 202 of the TLOA and was thoroughly discussed in the congressional record. That the same Congress is absolutely ignoring those duties now makes it that much worse... TLOA preserves the status quo in that it bestows the responsibility of policing tribal communities in federal police forces and prosecutors who have proven themselves incapable and uninterested in putting an end to reservation crime. Tribal governments are still stripped of the inherent sovereign authority to protect their citizens.”¹⁶³ For many, the TLOA budget cut is just another example of broken promises from the federal government, an inevitable no matter how friendly the president in office is.

This pick-and-choose approach by the Obama Administration in deciding what issues should be considered important and relevant to Indian Country in the face of issues that tribal leaders have blatantly pointed out as relevant, has prompted many to question the sincerity of the Obama Administration’s commitment to real change in Indian Country. Their concerns are further exacerbated by the fact that their growing native political power has not translated into lasting permanent change in the manner in which tribal nations are treated politically by the U.S. government. The Obama Administration has not radically changed the manner in which the government deals with tribal affairs, despite promises by Obama himself to bring bold change to the current federal-Indian relationship. Tribal leaders are still not accorded the same respect that leaders of other sovereign nations receive from the Executive branch.

If tribal leaders were truly considered leaders of sovereign nations, Obama would have met each tribal leader individually to welcome him or her to the Tribal

¹⁶³ Ibid

Nations Conference as benefitted a meeting between two leaders: Obama would also engage in an one-on-one dialogue with each tribal leaders instead of giving a speech towards all tribal leaders. Non-federally recognized tribal leaders should be invited as well, for they are just as sovereign as a recognized tribe, and it is only politics that separate them: as Chief Cerda said; “And I don’t like that name. Non-federally recognized tribes because what’s that’s saying is that they don’t know we’re Indians. But they do know that we’re Indians.” Most importantly, as sovereign-to-sovereign nations, tribal affairs would be handled through the State Department, the department designed to deal with the foreign ministries of other countries. But this change will never happen, because although the Obama Administration, like its predecessors, gladly espouses the ideals and doctrine of American Indian self-sovereignty and self-governance, actual recognition of American Indian sovereignty would result in the complete loss of control that the American government currently has over tribal affairs in the U.S.

Passing the Torch: The Cycle of Symbolic Representation

In order to prevent the creation of autonomous, sovereign, Indian nations within U.S. boundaries, and to control the American Indian political movement to their advantage (wanting to prevent further civil disobedience, such as Wounded Knee II), past and present Administrations have taken the steps to ensure that American Indians are deprived of permanent political machinery and an tradition of power within the institutions that comprise the United States government. From Lyndon Johnson onwards, every president has publically supported American Indians

rights and sovereignty, some more than others; some of the recent, more supportive presidents include Nixon, Clinton, and Obama, while the less supportive include Carter, Reagan, George H.W. Bush and George W. Bush. The level of support and political visibility depends on variables such as whether supporting American Indian interest fell within the political needs of the particular president, a pattern that is repeated in history (Belonging to Democrat or Republican party is another variable, but a more uncertain one, as not all Indian-supporter presidents were strictly Democrats and all non-supporters strictly Republican.)

President Nixon was Indian Country's biggest supporter in the 1970's, a time when tribal nations were continually being threatened by forced termination and beset by social ills on the reservations. Although he didn't appoint many American Indians to political positions in his Administration, it was Nixon who "reaffirmed the government-to-government relationship of Indian tribes with the United States; expressed the primary role of tribal governments in reservation affairs; and called for special efforts to develop reservation economies,"¹⁶⁴ a policy that effectively developed and expanded the national policy of self-determination for Indian Country. The most famous and arguably the most effective bill for American Indian sovereignty interests, The Indian Self-Determination and Education Assistance Act, passed Congress in 1975 because of Nixon's urging and continuous support for the Act. His other prominent acts include returning the sacred Blue Lake to the people of Taos Pueblo in 1970; negotiating the federal agreement in 1971 with the Florida Miccosukee tribe, one of the least assimilated groups in the United States, acknowledging their right to control their own affairs; and restoring the previously

¹⁶⁴ United States Government. EPA. *American Indian Policy*

terminated Menominee Tribe to federally-recognized status (the Menominee Restoration Act of December 22, 1973).¹⁶⁵ This reversal of federal-Indian policy on behalf on Nixon was not an accident; during his presidency, Nixon promoted Indian self-determination for two distinct reasons. Primarily, supporting American Indian interests was part of Nixon's sweeping domestic reforms, reforms that promised "to begin a decade of government reform such as this nation has not witnessed in half a century."¹⁶⁶ Secondly, during his presidency Nixon suffered from poor approval ratings from blacks and other minority groups; in order to regain approval among those groups, Nixon pushed Indian policy initiatives as a way to "show heart."¹⁶⁷

Unfortunately, Nixon's level of support towards tribal interests were not to be repeated by his successors, Ford and Carter. Ford's Indian policy was more of a continuation of Nixon's policy in order to keep the peace in Indian country at the time; "president [Grant] seemed less interested in Indian affairs that his predecessor, partly because Indian protest never again reached the level of Alcatraz or Wounded Knee...Nevertheless...there were enough hints of unrest to keep the new president's team on the track of self-determination."¹⁶⁸ Carter was similarly unenthusiastic concerning Indian affairs due to the "rising non-Indian backlash at the grass roots."¹⁶⁹

¹⁶⁵ Hoff, Joan "Re-evaluating Richard Nixon: His Domestic Achievements." *Nixon Era Center Library*. 2010.

¹⁶⁶ Ibid

¹⁶⁷ Steinman, Eric. Obama Administration policy toward American Indians and Tribal Relations

¹⁶⁸ Kotlowski, Dean. "Alcatraz, Wounded Knee, and Beyond: The Nixon and Ford Administrations Respond to Native American Protest." *Pacific Historical Review*. Pp. 217-218

¹⁶⁹ Kotlowski, Dean. "From Backlash to Bingo: Ronald Reagan and Federal Indian Policy." *Pacific Historical Review*. Pg. 620

Reagan's support of tribal sovereignty corresponded with "his administration's devolutionary emphasis and accompanying efforts to slash federal budgets."¹⁷⁰

The next president, Republican George H.W. Bush did not take an interest in American Indian affairs; there are no records detailing the number of American Indian appointees to any political office or judicial seat. The only Indian policy that this Bush Administration espoused was that of his predecessor, Reagan. Clinton, the 42nd President of the U.S., has been mentioned at length in this paper due to his extensive relationship with the Indian community. Under his tenure, Clinton actively pursued many policies beneficial for American Indians, such as providing block grants for Indian housing, hosted a historic Tribal Nations summit in 1994, created the Office of Tribal Justice, and appointed 63 Native Americans to all levels of his Administration, including 11 top positions requiring Senate confirmation and 30 to Presidential appointment positions.¹⁷¹ George W. Bush's Indian policy can be summed up in his now-famous quote concerning tribal sovereignty: "Tribal sovereignty means that; it's sovereign. I mean, you're a -- you've been given sovereignty, and you're viewed as a sovereign entity. And therefore the relationship between the federal government and tribes is one between sovereign entities."¹⁷²

Conclusion

Political visibility and temporary political machinery for American Indians is initiated and supported by one government but fails to be carried on by the

¹⁷⁰ Ibid

¹⁷¹ US Gov't. The Clinton White House. *President Clinton and Vice President Gore: Supporting Native Americans*

¹⁷² "Bush on Native American Issues: "Tribal Sovereignty Means That. It's Sovereign." *Democracy Now*.

succeeding government. This means that with each pro-Indian President, the whole temporary political machinery must be reconstructed from the beginning, and because of this continuous cycle of rebirth, it is easy for the current president to hail his efforts in helping improve Indian Country as historic. Because the visibility of Indian-important issues depends on the whims and political machinations of the current President, American Indians have no tradition of power within the U.S. government. Owing to the long intervals between Indian-friendly administrations and the changing political demographics between regimes, it becomes hard for American Indian issues to be settled in a timely manner. There exists little to no cohesive, permanent, network of politicians on both sides of the aisle dedicated to tribal interests who can effectively agitate for those interests during regime changes in the Congress, the Executive branch, the Judiciary, and other governmental bureaucratic agencies. Obama's federal Indian policy will no doubt follow the same path that his predecessors' policies have gone— It will lapse under the next president in 2012, if Obama is not re-elected, until it is revived under the aegis of political expediency by a future President. (Romney, Ron Paul, Santorum, and Gingrich all have not made mention of American Indian issues on their issue list on their official websites for the 2012 Republican presidential campaign.)^{173 174 175 176} Their omission of American Indian affairs does not bode well for future federal-Indian relations that are at the same level as they are currently under Obama.

¹⁷³ "Issues." *MittRomney.com*. Romney for President, 2011.

¹⁷⁴ "Ron Paul on the Issues." *Ron Paul 2012*.

¹⁷⁵ "Solutions." *Newt Gingrich 2012*.

¹⁷⁶ "The Issues." *Rick Santorum*.

Chapter 5: Conclusion

Starting his term with the distinction of being the first-ever minority member to the Oval Office in the history of the United States, who won on a platform of change and shouts of “Yes We Can!,” President Barack Obama arrived to the White House ready to change Washington, much like an idealist who’s head is filled with dreams and what many call the impossible. Not content to rest on his laurels, President Obama set about to fulfilling his campaign promises to the people of America, including the American Indians. His campaign promised blossomed into the first White House Tribal Nations Conference and the appointment of Kimberly Teehee to the White House staff. A year rolled around, and a second Conference emerged, then a third. While the fact that a summit with tribal leaders in Washington has never been new, the fact that one conference had turned into an annual Conference was.

In trying to puzzle out the motivations for these Conferences, two hypotheses emerged. One hypothesized that these meetings was only motivated by the American Indian political power that played an important role in the 2008 election. The other hypothesis argued that these Conferences are simply examples of symbolic politics. Two chapters lay out the support for their respective sides, but in the end, it is the evidence that has to speak for itself. Ultimately, we cannot know the real motivations behind Obama’s hosting of the Conferences without knowing the mind of the man himself. It may be that he has kept his promise to American Indians simply because of his altruistic nature to help those in need coupled with the ability to enact change as the President, or it may simply be a part of his bid to maintain positive press about his Administration in the face of low approval ratings.

Whatever the reasons, it cannot be denied that the Tribal Nations Conferences have not made an impact on tribal nations all across the country, federally recognized or not. As in everything, there are detractors and supporters of the Tribal Conferences. Many tribal leaders have not hesitated to speak out about their approval of the Obama Administration's commitment to Indian Country: Bill John Baker, who is currently the principal chief of the largest tribe in the U.S., the Cherokee Nation in Oklahoma, echoes Campbell's sentiments; "Obama has gone beyond lip service and backed up his words with actions that have made a positive impact on the lives of Native people."¹⁷⁷ Others furiously counteract the positive perceptions with their equally valid view that Obama has betrayed American Indians— (think of the XL Keystone Pipeline or the PACT Act and the bitter responses those Acts have engendered from tribal leaders)— and/or are disappointed that he hasn't lived up to their ideals. Other tribal leaders are more practical in their analysis of Obama's actions as President, like Chief Cerda of the Ohlone Tribe, who also approves of Obama but recognized the realities of being President and dealing with Congress:

"Obama has tried to do some things but Congress has stopped him. People are crazy; I don't know why they have those Tea Party guys in there. To me, if Obama stays in, I think he will do better now because then he doesn't have to worry about being reelected, so I think he will do a better job next term. See, the Congress is a Republican Congress. It was just like when Clinton was in office; all that baloney developed and Clinton was impeached..."

Regardless of the opinion of Obama's commitment, it cannot be denied that the

¹⁷⁷ Gamboa, Suzanne. "Tribes pleased with Obama efforts, asking for more." TampaBay Online. 2011

Indian-friendly Acts, settlements, and laws that Obama has passed has profoundly affected Indian Country and the federal-Indian relations for decades to come. Obama has broken through the years and layers of neglect, inadequacy, and broken promises to fix things, even if it is 'maintenance work' rather than real change. Now, when dealing with a future Administration, American Indians can point to Obama's accomplishments as both an example of how to enact change in a positive inclusive manner for Indian Country *and* as an teaching example of what could be changed for the better of Indian tribes.

What does the Future Hold?

While the near future of the presidency is uncertain right now, it does not mean that once a new President who is not Obama is elected, that the White House Tribal Nations Conferences will go away or loose their importance in the understanding of the 21st century federal-Indian policy. There is still a lot unknown about the Tribal Nations Conferences, such as the potential effects that many of Obama's accomplishments will have for the next five-ten years. While it seems a little silly trying to think about what the future of federal-Indian policy will be in the next several years at first, upon closer inspection, the future suddenly is clear. The future is about what is best for the future generations. As Chief Cerda explained it to me, the children were the most important, more important than whether or not they were invited to the Conference or not; "[The kids are our most important asset. They are the ones who are going to go on, carry on, or whatever it takes. And if they get educated, we will go a lot further." Thinking for the next generations, born and

unborn, is a decidedly non-western thought process, but Obama has managed to think, and act upon, a future for American Indians in America that will be decidedly improving, intentionally or not. It is at moments like these when one realizes that Obama may have truly earned his Crow name of “One Who Helps People Throughout the Land.”

There are plenty of questions to be brought up that could be answered by future research. One such question is to wonder how Obama, and politicians in general, will treat American Indians as a voting bloc, if at all? Will the native vote once again be credited towards helping Obama win a battleground state or two? Will Obama campaign in Indian Country as he did in 2008 or will he ignore them in favor of a more powerful minority group, or a coalition? If Obama does ignore American Indian voters in the 2012 elections, will tribal leaders continue to endorse him, mindful of his past beneficial actions, or will they switch to the Republican candidate, who may see the wisdom in courting the scorned Indian vote? Will the next President ignore the Acts and Laws and Memorandums that Obama signed or not? And if there is a new President, will tribal leaders be bold enough to demand the level of attention that the Obama Administration showed them or will federal-Indian relations go back to pre-Obama levels of ignorance, ‘self-determination,’ and broken promises?

Future research remains to be done on the ongoing impact of the Tribal Nations Conferences on non-recognized and recognized tribes alike. I was only able to get an interview with a non-recognized tribe to ask about their particular view of the Obama Conferences. A further understanding of the Conferences themselves would be helped

by interviews with federally recognized tribes who have and have not gone to the Conferences; with tribes who have casinos on their reservations and are prospering, compared to tribes who do not have a casino and have to rely on other methods of economic development; opinions from west coast tribes as opposed to those tribes who live on the East coast. With interviews from all different tribes, a clearer picture will begin to emerge on how tribal nations perceive themselves in the federal-Indian relationship and how they react to a Democratic president or a Republican one, a pro-Indian president or an 'Indian fighter' one.

With many options to choose for future research, the Conferences themselves will continue to provide opportunities for further learning by Indians and non-natives on the subject of the White House Tribal Nations Conference, the federal-Indian relation, and its changing role/place in American politics. The next few years will hopefully prove to be interesting for the federal-Indian relationship, especially if Obama remains in the Oval Office for another term. Even if Obama is not reelected, it should be remembered that the White House Tribal Nations Conferences will continue to remain an important milestone in the history of American Indians and their treatment by the federal government, one that is hopefully changing towards a sovereign-to-sovereign relationship rather than the dependent one that it is now. The introduction of UNDRIP has provided hope for many American Indians that someday they will finally be recognized as sovereign nations by America and the world.

**FULL TRANSCRIPTION OF AN INTERVIEW WITH OHLONE
CHIEF TONY CERDA AT THE TRIBAL OFFICE ON FRIDAY 6th,
2012**

When I started researching the White House Tribal Nations Conferences, interviews were always expected to play an important role— What better way to get information about the now-annual Tribal Conferences but from the tribal leaders who went to the Conferences? Initially, I was certain that I would get at least a couple of interviews from tribes eager and willing to talk about their experiences at the Conferences. However, my resolve was sorely tested when I began to contact different tribes about setting up interviews to discuss the Conferences. Because I do not have any American Indian heritage, nor have any connections with any tribe, every tribe I talked to ignored or refused my request for an interview. I had underestimated the general culture of distrust that American Indians hold in regards to non-native researchers, scientists, government officials, and anybody claiming to represent Indian affairs who they didn't know personally; a long history of distrust and betrayal has informed the American Indian psyche when confronted with 'whites' who are interested in their affairs.

With no interviews granted, I had resigned myself to relying on quotes from tribal leaders in online news reports covering the Conferences. In a last ditch attempt in late March, I contacted the Pitzer College Community Engagement Center (CEC), which is dedicated to creating community between students and members of the community in order to promote community-based research, service learning, and experiential education opportunities to enhance the social, cultural, political, and economical

health of the community; one of their staff, Scott Scoggins, is the Native American Program Coordinator. If anything, I believed that the CEC could help me find a local tribe willing to work with me. My hopes turned out to be justified; Scott readily assured me that he could help me connect with some of the local tribes in the area and even conduct interviews.

Because I did not have a lot of time in which to conduct interviews, I was only able to conduct one interview; with Scott's help, I was able to conduct an interview with Chief Cerda, current leader of the (Ohlone) Costanoan Rumsen Carmel Tribe of Pomona (Chino), a 5013(c) organization, at the Ohlone Tribal office in Pomona, CA on Friday 6th, 2012. The Ohlone tribe, one of the seven contemporary Ohlone groups in California, is not federally or state recognized in California, but they are in the long and arduous process of gaining recognition. Also participating in the interview was Scott Scoggins, as he was instrumental in setting up and coordinating this interview with Chief Cerda.

The main purpose of this interview was to ask tribal leaders about his or her thoughts and perceptions regarding the President Obama's White House Tribal Nations Conferences in Washington D.C. I wanted to interview tribal leaders about the Tribal Nations Conferences in order to better understand the Conferences from the point of both a non-recognized tribe and federally recognized tribe; non-federally recognized tribes have been excluded from the Conferences, both physically and psychologically. Mainstream media reports of the Conferences usually contain only sound-bite quotes from a few tribal leaders of federally recognized tribes, with many

reports not even mentioning who was being left out of the discourse, let alone think to interview them. I had hoped that by interviewing leaders from both types of tribes, it would provide a more comprehensive understand of the Conferences for all.

However, I was only able to obtain an interview with Chief Cerda of the Ohlone Tribe. To elaborate, I am not complaining that I just conducted one interview. That fact that I was granted this opportunity is a big deal for me and should not be derided.

Because the Ohlone Tribe is not a federally recognized tribe, they are unable to access many of the programs and opportunities available to federally recognized tribes, the Conferences being an example of programs only available to recognized tribes. Their exclusion from the regular federal-Indian relations with the U.S. government is both a hindrance and an asset; it has allowed for an alternative view of the federal-Indian relationship, and the struggle to gain recognition, but at the same time, they are unable to give a clear account of the experience of working within the federal-Indian relationship. Those benefits and limitations were present in my interview with Chief Cerda; he could only give his opinion of the Conferences and Obama's Indian policy, not having much experience with them, but could extensively talk about his tribe's experiences in gaining recognition and working with the California state government. Despite the limitations, I feel as though I obtained an important perspective of the federal-Indian relationship from somebody in Indian Country, one that deserves to be voiced.

Interview Key:

Chief Cerda: plain text

Me: In Bold

Scott: In Italics

INTERVIEW WITH CHIEF CERDA OF THE OHLONE PEOPLE

[After introductions are made, Chief Cerda starts talking about the history of the (Ohlone) Costanoan Rumsen Carmel Tribe of Pomona (Chino) to give me some background on their current situation]

...the salad bowl of the world. That's where they get all those crops for the markets. Every day, thousands and thousands of trucks going up and down that highway.

So all that land, the legislators from California went to Congress because... I got copies of the 18 treaties and those treaties were not ratified. The governor and the state legislators went to Congress to fight the ratification of those treaties. Those treaties were put away in a desk and didn't resurface till 1905, and this was in 1862 when they did them. They were lost. So that's why we weren't federally recognized.

Now, they didn't give us any land. Federal-recognition is tied to a land base. So with no land base, the land was too valuable. Now you go to San Francisco, you go to Santa Barbara, you go to Los Angeles, San Diego, all of those places, there are no federally recognized tribes. The tribes are in the hills or in the deserts, in the mountains. But not in those areas. So that's why you don't find no federally recognized tribes in downtown L.A., in downtown San Francisco, in Monterrey.

What did they really give? What did they really give? They didn't really give nothing. I think if the truth was known, and people really did a title search, they could come up with a bunch of bogus stuff because that's what happened. And our land was... I'll show you a picture of it...

See this is our land here, 24 thousand acres. It is still there and it's still intact. It was the pasture for the livestock of the Carmel mission. That was our land. This is the project that they were doing. And this is the village. It's still there. Let me show you.

The whole area of our area, the Ohlone area, there are no federally recognized tribes, so it used to be that whenever they found any bones or anything like that, they wouldn't give it to us. They put it in their universities. So the universities have all

those artifacts and human remains and all that stuff. But since Obama was in, he signed a new law. And that new law—they have to deal with non-federally recognized tribes if they're associated with the cultural artifacts or funerary objects in the area. So even though we are not federally recognized, they have to work with us. So that's something that just started last year. So now—they used to, if they wanted to— but now anything that they use federal funds, they have to go through the NAGPRA (Native American Graves and Repatriation Act). I got all those books there about NAGPRA.

Wasn't it under one of the Bush's that they signed one of those acts about burial grounds and preservation?

I don't know but I do know that Obama signed the one that had to deal with us. I think when Bush was in there, they had to do— It was Clinton. It was before Bush. Clinton really worked with us. I went to four white house meetings when Clinton was there. And every year he would send me a Christmas card.

There were four meetings?

Yeah, we'd go there for those—there were federal recognition meetings at the White House.

Was Gayle a part of that?

Uh, no. Gayle wasn't part of it.

But at that time, there was California Council (Consul) on Indian policy and they're the ones that were setting all that stuff up for the state of California. And the other states came in. So there were people there from Alaska and all over from the meetings with him.

Ok. Because so far in my research, I've only come across one meeting that Clinton had hosted that was for all tribal leaders.

No, that was after the other ones. The ones that we went to is with—I got minutes and stuff here— that was in '94, '95 at different times of the year. Because sometimes I'd be there, it'd be hotter than hell, snowing...

Wow. They definitely don't publish that. Because in all the research I have been doing so far for the Obama Conferences, he always frames them as "historic" and "once in a lifetime." So he makes you think that these are the first kind of conferences ever when they're really not...

But what does historic mean?

Historic, as in never happened before, first time happening.

Historic means his-story. Not our story, right?

So when you heard that Obama was going to have the Conferences, what did you think about the announcement?

Well, anything that has to do with Native Americans people there, there has some input for us is good, I think. But what he didn't do is that he didn't invite the non-recognized tribes. When Clinton was there, he did. When Clinton was there, he invited us—in fact I got in to the White House with my Tribal I.D. card.

Nice. [Laughter] Did you hear from other tribal leaders who went about the Conferences?

I always get reports from other peoples and there is the news, because I get on the Internet and look for stuff. Most of that stuff is public record; most of the stuff is on the Internet now.

Well, there is and there isn't. The first Conference there was a lot—they had a video of the Conference online, and a bit of a transcript of what was going on. But, for example, they didn't give out a list of who was there, and they didn't exactly tell what went on in the mini conferences. They had the text of Obama's speech. But then in the second and third conferences, basically, there was a media blackout, where I couldn't find information on what happened. There is no real information on what happened at the Conferences, what they talked about, other than what was published by the White House.

And those Conferences were on Indigenous peoples rights? Oh they just signed on to that. The United States just signed on to that. Just last year?

I though he just said he would give support but not— they haven't actually signed it.

Oh, they didn't sign it? I though he was going to sign it after he said that.

No, it was just like "I'm going to give support" kind of gesture.

Oh, so he's the only one holding out then, because Britain already did, didn't they?
Possibly.

Because it was Canada, Britain, and Australia that signed. I think they already signed it, and he's the only one that said he was going to, and I thought that he did, after that. But he didn't then.

I don't think so. I'll look it up but...but from what I understand.

Yeah, you could be right. I haven't stayed on it, you know what I mean? Because I, honestly, believe that [UNDRIP], that is our hope for recognition, and I don't mean federal recognition, I mean by the United Nations. Because our rights of Indigenous occupancy—like I said, were never honored. That's wrong because...Indigenous people...they should have dealt with us as from the beginning. Just like I was saying, they're trying to wash away our sovereignty. But you know what? Sovereignty is something they didn't give us. That's something that we had when they got here.

I know one day I told—his name was Robert Stanton; he used to be the director of the National Parks—and I saw him in San Francisco and we were talking and I told him, I said: "Robert, you have 88 thousand acres here in San Francisco. How did you get them? I know that you didn't buy them. I know that we didn't give them to you. So, there are only three ways to get land. You buy it, they give it to you, or you steal it. So how did you guys acquire this land, this 88 thousand acres?" He said: "You know what Tony? I can't really answer that but I think it was because of the Treaty of Guadalupe Hidalgo." I told him; "That has to do with the Mexicans. What does that have to do with us?"

But, do you really think that if you get recognition with the U.N., that would change things?

I think, for me, it would change things. Because then, they would be dealing with us as a government-to-government. Because then, we would be recognized by the United Nations as a government. That's what Oren Lyons talks about.

I think I have some questions to ask him. Ok, just because I have the perception of the U.N. as...they say a lot of things but they don't have the power or the ability to get it done. Always that question.

Right, right.

How can you control the world?

That's true. Has any of the policies that Obama has passed, have they helped you in any way?

Well, I think that the one that has helped us, is that they have to deal with us through NAGPRA, they have to deal with us non-federally recognized tribes. And I don't like that name. Non-federally recognized tribes because what's that's saying is that they don't know we're Indians. But they do know that we're Indians.

Didn't some of the criteria for becoming federally recognized, you have to show a place of origin to a certain land since the time of arrival? Look at that right there. Tony's got that right there. That's just shows that you've been here. That area. And we make every single one— that they're still meeting on a regular basis that other tribes recognized them as a legit tribe, that they have that. Everything!

You see that here. You see what it says there? There are the same ones that you saw on the genealogy page that I showed you.

Definitely, there is history. Has it made your process of getting recognition easier?

Ok, let me tell you this story. It was in the Sacramento Bee and they were writing about this. The guy's name was Shepherd. And he worked for the BIA for forty years. When all this stuff started about Indians getting casinos, and federal recognized Indians were getting casinos, he retired from the BIA and went as a lobbyist for Indian tribes to get casinos, and in that way, he could get some money. Now, there are people that have offered us a billion dollars to help us get our federal recognition, and

we would go in partnership with them in a casino. So, that is the kind of stuff he was looking at. When he went to work for the tribes, he found out that his regulations were impossible to meet. There hasn't been a tribe recognized, except tribes that were terminated and they were reorganized again, those are the only ones that they have brought back. But nobody has been officially recognized. See. Because those regulations are impossible to meet: He couldn't meet them and he wrote them!

Regulations for?

For the federal recognition. For a government-to-government relationship. They don't want that. You know, if we have a reservation—now the tribes right now, they screwed up. When you have a reservation, you don't pay taxes. Anything that you buy or sell there, you don't pay taxes. So in other words, if the Navajos got a million acres, which they do, they could have car dealerships there from Japan and any other country, and deliver the cars there, sell the cars there, and pay no taxes to the federal government. So that's what they don't want to do; they don't want to run into a problem like that by recognizing tribes and giving them a land base. Then you can import from all over the world and have a duty-free place. And that would make a lot of money. They're afraid of that.

Because that is what happened with the casinos, and the reason that I think that those tribes messed up with the casinos is because, this is federal recognition. Federal recognition is like this basket; you're all in this together with the federal government, right? And the states are over here, right? Well these tribes went and signed agreements with the governors. They shouldn't have done that. Now they've brought them down to this level. I think they messed up.

And that first ones that did that was Pala [Pala Band of Mission Indians]. Pala was the first ones because the other guys were having problems because, remember that they were trying to close it down and they put guards—the national guard was going out there—and almost started fights with the Indians in the government, right? And the, Pala signed an agreement with the governor of California to put a casino there; then they got money from Las Vegas casinos, so then they started popping up with

more casinos. But they already had their sovereign lands. Which is not really sovereign, because they do a lot of other things.

The ones that I hear—I don't know them, I've never been there— but what I hear from Robert John? is that the Mohawks or somebody, they didn't go in the Army, and they didn't register with the United States or nothing, and they don't vote...and to me, I don't know. That's what they say. Because that way, they still have their sovereignty: because that is what it means.

They have their own passport.

I remember reading an article, I think it was in early 2002, where the lacrosse team tried to go play in the finals in, I think it was Australia, and they weren't allowed to go because their passports weren't ok, even though they had traveled to other places before with the same passports. In the end, Hillary Clinton had to end up issuing a State Department memo saying that they could go. But Britain still refused them.

Do you know where lacrosse came from? Or who developed the game?

I have an idea but not specifics

Who do you have? Sorry, I don't want to put you on the spot. It was the Iroquois Confederacy. Part of that was strategic because they didn't want the Iroquois— the Mohawks— to play the Australian team or something.

Oh, I didn't know that!

Yeah. That was what was going on. By the time Hillary got there, it was too late.

Ok. Because they spun it as sovereignty issues and not as...

Yes. Big time sovereignty issues.

See that picture over there with those two guys in the orange jackets? One of them is my son Tony, on the left, and the other one is Colonel Dina Ho?, and he is from the

U.S. State Department. He's the one that issues the passports for the traveling teams for the Olympic games and stuff.

U.S. passports or special ones?

Yes. U.S. passports.

Do you get a special passport, right? A different passport or the regular ones?

No. He just issues them. That way there is no problem when you are taking a team, an amateur team for the Olympic trials, Olympic development squad, and all that kind of stuff. He is the one that— He might have died already. He was kind of old.

Or retired.

Tony took a picture with him at the L.A. Olympics in '84.

So, do you think that Obama's actions are actually going to help or do you think that they are examples of symbolic, 'just-to-appease-people' politics?

Well, what I've seen, the ones that I've been involved with— which is the NAGPRA thing— that worked because now they are dealing with us. Now, they have to deal with us. And now the State passed a SB 18, with the planning departments in the cities have to deal with us.

SB-18?

Yes. Now they have to deal with the indigenous people whenever they are working on general plans. In San Francisco, they said they didn't have to. We are working on some stuff in San Francisco right now and San Francisco said they didn't have to because they were a charter city. I don't know what that means. They said that they were exempt from because that because they are planning the shoreline project, a billion dollar project, and they didn't tell us. We went there and we went to the Supervisors Meeting, and they passed a resolution that they would support what we were doing. And then the mayor gave me a proclamation— the mayor of San Francisco— so that's the whole thing in San Francisco. The mayor's office and the— they're not city councilmen, they are county supervisors in San Francisco. So they are

the ones that supported our position. So now, I had to go to Sacramento last week to make sure that our name was on the list there as the most logical descendents from the area. So now they've already got it. I have to take some documentation to San Francisco. So that is a thing we are working on in San Francisco right now.

You know that San Francisco is where the United Nations started? Right in San Francisco.

Really? I always thought it started in Switzerland considering that is where they are.

Right now, what we want to do there at the shoreline project is to— part of the litigation would be to build an Ohlone cultural center there. So I am going to San Francisco next weekend to the Ohlone Family Picnic but I want to get some of the people over there because I think that the only way we are going to get that over there because the first thing they do, when I talked to Sacramento, they be telling me; “You know how the Ohlones are. They are all split up.” And it's true. We are like the only real tribe. The other ones are just individual people. So what I'm going to do is I'm going to go over there, I'm going to start our grassroots thing, get some people together, start getting some ideas as to what they would like to see in a cultural center so that they are supported and become stakeholders. Then that way, we get that going, then, I think we can get it. If we get the people at the grassroots level to send letters, and have meetings, and put the proposition with everybody working on it, I think we will get it. I think we will get an Ohlone Cultural Center then.

You wouldn't have to go through the courts or something to make the city allow this?

We are already working on that. What I need to do is that I need to get an artist to make a rendition so that I can show people and show the city. And it doesn't have to look like that, but as long as we can show something that people can look at and then write a proposal for it.

Ok. I just feel like the city might not be accommodating sometimes, but I guess it depends on who is in charge...

Well, I think that we really have a good chance if we get the support of the people. If everybody becomes a stakeholder... If I was to ask you what you would like to see in the Center, and we had a meeting in your home, and you had your friends there, and everybody comes up with ideas like; "I'd like to have a place to go see California Dancers dancing; I would like to have a place to go research, a library, a place where we could have ceremonies. And it would be there ideas. We would take them together. If they all have ideas, we will incorporate them. So when you see that, and you see your ideas in the proposal, then you're going to back it up. And if you back it up with letters, then it's going to happen. We are still a democracy.

I guess I'm a little cynical.

It's a government of the people, by the people, and for the people. And the land—the Navy Shipyard— belongs to the federal government and the federal government gives it to the state and the state gives it to the city, and then the city is working the project and one of the main people of the project is Nancy Pelosi's husband. So I met with him. In fact, I took a picture with him. He's the one that is in the Lennar Corporation, the ones who are doing the development.

We have already gotten some support from organizations; we got support from the American Legions, from Environmental Justice League, from the board that runs the Ballet Company. We went to their meeting—the rich people in San Francisco, which there are more rich people in San Francisco than any place else, they belong to that board. They're the ones that say what goes on. It's where I met Paul Pelosi, and the lady there from Bethlehem Steel, from the Moscone family, all of them were in the meeting. There is about thirteen of them, the general there and all of those kinds of people. So they asked me what we wanted to do, and we told them; they supported us unanimously. I think we have a good chance now. We got the Presidio Trust supporting us, so we got some good organizations helping us. Now, I got to get the grassroots people. If I can do all that, we will have a chance.

That is really good.

You got too much work to do, Tony.

Well, not really. If you enjoy what you are doing, then it's not work. And you know, my grandkids and great grandkids are going to be the ones who benefit from anything that I do. That's the way I look at it. I'm seventy-five years old and I'm not going to be around for that much longer; my dad lives to be eighty-one, so I got six more years in me.

That's still a respectable age... What do you think of the future of federal-Indian relationships especially given the chance that Obama might not be reelected? Do you think it will go back to just being ignored or?

I think so, because Obama has tried to do some things but Congress has stopped him. People are crazy; I don't know why they have those Tea Party guys in there. To me, if Obama stays in, I think he will do better now because then he doesn't have to worry about being reelected, so I think he will do a better job next term.

Yeah, because I have heard some people say that what he has done so far is good but it is 'maintenance work' that should have been done ages ago.

Yes, but its because of the Congress. See, the Congress is a Republican Congress. It was just like when Clinton was in office; all that baloney developed and Clinton was impeached. What does that have to do with anything? All the presidents— George Washington, John Kennedy— they all had mistresses. So what is the big deal? It's what they do for the country that counts. That's the difference, see. This is a thing that I tell sometime: what the Democrats do to their secretaries, the Republicans do to the country.

Oh no!... I know that some people are also angry at Obama because of things like the pipeline and the PACT Act.

The pipeline to me is the real important to me; I'll tell you why. Because those kids are our most important asset. They are the ones who are going to go on, carry on, or whatever it takes. And if they get educated, we will go a lot further. See, I only went through the seventh, eighth grade you know? So I never got no education: the education I got is through life. I was an operator ? engineer, I made good money; I

could always support my family, my wife never had to work...But I did that by life; it was only what I knew, not by going to school and learning, you know? Some guy told me one time; "Hey, you know what, if you had an education, you would be dangerous."

Yeah, my dad is kind of like that. I definitely think it is a generation thing. He got through some of college but didn't complete it but he has his own business, is successful and it was because he went through life. I'm sure if he had been more educated...

I think that is so important for our kids to get educated; to get educated doesn't mean, to me, that they're going to go all the way or whatever, or what jobs they are going to be. I think that you get educated is partly about life too, because you got to be able to earn a living too. A lot of people get educated and they have a hard time earning their living. So, we got a program right now going on with the Christian? union to get some scholarships for some of our kids, so they don't have to pay nothing, and they start earning when they're learning.

~~~~~End~~~~~

## *Appendix*

### **Full List of Accomplishments of the Obama Administration<sup>178</sup>**

- Executive Order 13175, “Consultation and Coordination with Tribal Governments.”
- Permanent authorization of The Indian Health Care Improvement Act (IHCIA)
- Launched Michele Obama’s obesity fighting and child health awareness program Let’s Move! in Indian Country
- Signed into law the Tribal Law and Order Act (TLOA)
- Resolved the longstanding *Keepseagle* case against the USDA
- Signed the Claims Resolution Act
  - Resolution and Settlement of the longstanding *Cobell v. Salazar* class-action lawsuit against the U.S. government
  - Four water settlements benefitting seven tribes in the states of Arizona, Montana,
  - and New Mexico
- Announced U.S. support for the United Nations Declaration on the Rights of Indigenous People (UNDRIP)
- Appointed many American Indians to prominent positions in his Administration
  - Larry Eco Hawk (Pawnee) as Assistant Secretary of the Interior for Indian Affairs
  - Dr. Yvette Roubideaux (Rosebud Sioux tribe) as the Director of the Indian Health Services
  - Hilary Tompkins (Navajo Nation) as the Solicitor of the Interior
  - Lillian Sparks (Rosebud and Oglala Sioux Tribes) as Commissioner for

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<sup>178</sup> All of the material comes from the White House Report, “Achieving a Brighter Future For Tribal Nations” 2011, unless otherwise noted. U.S. Gov’t: The White House Press Office. *Achieving a Brighter Future For Tribal Nations: 2011 White House Tribal Nations Conference Progress Report*. 2011 pp. 1-38

- the Administration for Native Americans
- Tracie Stevens (Tulalip Tribes) as Chairwoman of the National Indian Gaming Commission
- Charles Galbraith (Navajo Nation) as the Deputy Associate Director of the White House Office of Intergovernmental Affairs
- Kimberly Teehee (Cherokee Nation) as Senior Policy Advisor in the White House Domestic Policy Council
- Tracey LeBeau (Cheyenne River Sioux) as Director of the Office of Indian Energy Policy and Programs at the Department of Energy
- Jodi Gillete (Standing Rock Sioux) as the Deputy Assistant Secretary to the Assistant Secretary-Indian Affairs for Policy and Economic Development in the U.S. Department of the Interior<sup>179</sup>
- Settled the Osage Nation's lawsuit in a separate ceremony in October 2011
- Supported Native Infrastructure, Business, Education, and Investment through Grant creation and Funding for:
  - Department of Labor's Employment and Training Administration's Indian and Native American Program
  - On-the-Job Training and National Emergency Grants for the Cherokee and Seminole Nations of Oklahoma and the Orutsararmiut Native Council in Alaska
  - Department of Labor's Community College and Career Training Grant for four Tribal Colleges
  - \$510 million for Department of Housing and Urban Development's Native American Housing Block Grant Program
  - \$310 million to the Department of Transportation for the Indian Reservation Roads Program
  - Over \$142 million to the BIA for roads maintenance.
  - A \$32 million grant given to the Navajo Tribal Utility Authority to provide high-speed broadband in the Navajo Reservation

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<sup>179</sup>Office of the Press Secretary. *President Obama Announces More Key Administration Posts*. 2011.

- A \$1.6 million dollar grant to the Nez Perce Tribe to provide wireless broadband
- Telecommunication Companies given grants to provide broadband to the Choctaw Nation in South Eastern Oklahoma, the Blackfeet and the Confederated Salish and Kootenai in Montana, the Poarch Creek Tribe of Alabama, The Confederated Tribes of the Warm Springs Reservation in Oregon, and the Sac and Fox Tribes of the Mississippi in Iowa
- The Department of Energy's Tribal Energy Program invested \$5.6 million in 30 tribal energy assessments and initiatives
- Funding was awarded for the High Intensity Drug Trafficking Area (HIDTA) Program in five different American Indian communities
- The Department of Health and Human Services established the first HHS Secretary's Tribal Advisory Committee (STAC)
- 2-year extension of the Special Diabetes Program for Indians (SDPI) through 2013
- Established the Office of Indian Alcohol and Substance Abuse
- The creation of the National Action Alliance for Suicide Prevention, with a strong focus on lowering suicide rates in Indian Country
- Creation of the American Indian Research and Education Initiative (AIREI)
- Signed the Indian Arts and Crafts Amendments Act, strengthening the original Indian Arts and Crafts Act
- In the process of changing the federal policy regarding use of eagle feathers<sup>180</sup>
- Supported The Administration for Native Americans (ANA) in its quest to preserve Native Languages
- Signed the Native American Apology Resolution (Not very well Publicized)<sup>181</sup>

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<sup>180</sup> Cohen, Andrew. "If Obama Is Serious About American Indians, He'll Offer More Than Eagle Feathers. 2011

<sup>181</sup>Native Vote Washington. "President Obama Signs Native American Apology Resolution." 2009

An incomplete and unofficial List of American Indian Tribes who sent Representatives to the 2009 White House Tribal Nations Conference in Washington D.C.

| <b>Agua Caliente Band</b>               | <b>Eastern Band of Cherokee Indians (N. Carolina)</b> | <b>Keweenaw Bay Indians</b>                | <b>Northwest Band of Shoshone Nation</b> | <b>Quinault Tribe</b>         | <b>Stockbridge Munsee</b>      |
|-----------------------------------------|-------------------------------------------------------|--------------------------------------------|------------------------------------------|-------------------------------|--------------------------------|
| Alabama-Coushatta Tribes                | Eastern Shawnee Tribe                                 | Leech Lake Reservation                     | Oglala River Sioux                       | Red Lake Band                 | Susanville Rancheria           |
| Boise Fort Band                         | Eastern Shoshone Tribe of Wyoming                     | Little River Band                          | Oneida Nation (New York)                 | Redding Rancheria             | Swinomish Tribe                |
| Catawba Indian Nation                   | Flandreau Santee Sioux                                | Little Traverse Bay Band                   | Oneida Tribe of Wisconsin                | Rincon Indian Council         | United Auburn Indian Community |
| Cher-Ae Heights Indian Community        | Fond du Lac Band                                      | Lower Brule Sioux                          | Onongada Nation                          | Rosebud Sioux                 | Wampanoag Tribe of Gay Head    |
| Cherokee Nation                         | Goshute Indian Tribe                                  | Lower Elwha Tribe                          | Osage Tribe                              | Sac and Fox Nation (Oklahoma) | Wiyot                          |
| Cheyenne and Arapaho Tribes of Oklahoma | Grand Traverse Band of Ottawa and Chippewa Indians    | Meechoopda Indian Tribe of Chico Rancheria | Paiute Indian Tribe                      | Saginaw Chippewa Tribe        | Yocha Dehe Wintun Nation       |
| Cheyenne River Sioux                    | Gun Lake Pottawatomi                                  | Menominee Tribe                            | Pauma                                    | Saint Regis' Mohawk Band      |                                |
| Chickasaw Nation                        | Hannahville Indian Confederation                      | Mohegan Indian Tribe                       | Pechanga Band Luiseno Indians            | San Pasqual                   |                                |

*An incomplete and unofficial List of American Indian Tribes who sent Representatives to the 2009 White House Tribal Nations Conference in Washington D.C. Cond.*

|                              |                                  |                           |                                   |                                               |  |
|------------------------------|----------------------------------|---------------------------|-----------------------------------|-----------------------------------------------|--|
| Choctaw Nation               | Ho-Chunk Nation                  | Muckleshoot Indian Tribe  | Pit River Tribe                   | Sault Ste. Marie Tribe                        |  |
| Coeur D'Alene Tribe          | Huron Band of Potawatomi Indians | Muscogee Creek Nation     | Poarch Band of Creek Indians      | Seneca Nation                                 |  |
| Colville Reservation         | Iowa Tribe                       | Narragansett Indian Tribe | Pokagon Tribe                     | Shoshone-Bannock Tribes of Fort Hall          |  |
| Comanche Nation              | Jamestown S'Klallam Tribe        | Navajo Nation             | Port Gamble Indian Community      | Sisseton-Wahpeton Oyate Tribe                 |  |
| Coushatta Tribe of Louisiana | Kalispel                         | Nez Pierce Tribe          | Prairie Band of Potawatomi Nation | Spokane Tribe                                 |  |
| Crow Creek Sioux             | Karuk Tribe                      | North Fork Rancheria      | Quapaw Tribe                      | Standing Rock Sioux of North and South Dakota |  |

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