



The Emerging role of Native Americans in the American Electoral Process

Russ Lehman
First American Education Project

Sponsored by the Evergreen State College
Native American Applied Research Institute

January, 2003

Executive Summary:

The catalyst for this research project is the dramatic change occurring in the participation of Native Americans in the electoral process. The motivation is the lack of research and analysis of this important trend.

The first Americans were the last to be granted voting rights. Without representation in Congress and without the right to vote, Tribes were subject to the federal policies of Allotment and forced Assimilation, which resulted in the loss of millions of acres of lands, and the removal of Indian children from their parents, as well as the prohibition against speaking their language. It is of course vital that Tribes, like all others who are impacted by the actions of our elected representatives, be permitted and encouraged to participate in the political process.

In most places within "Indian Country", both Reservations and other lands which are populated and governed by Native Americans, Native voting has greatly increased. The legal, cultural, and economic conditions of many Native Americans have changed significantly in the last decade, creating an environment more conducive to participation in the electoral process.

The increase in levels of Native voting and campaign contributions has had dramatic impacts both in and outside Indian country. Many Native community leaders now report higher levels of involvement and a greater sense of engagement than ever before. Elections for various political offices, from the U.S. Senate to County Sheriffs and Commissioners, have been impacted directly by Native voters resulting in new found respect and influence within the political establishment.

In this political environment, an inadequate amount of research and analysis exists. Media accounts of Native political involvement sometimes perpetuate stereotypes of Native participation or completely miss critical patterns and trends. While certain Native voting and giving patterns are indeed predictable, Native Americans do not behave monolithically.

With the recent surge in Native voting, overall participation rates are still significantly below many state and national averages. Great disparities exist as between Native communities, and from one state and/or region to another.

The economic growth some tribes have experienced, often from the advent of Indian gaming, has created opportunities for financial participation not at all possible just 12 years ago. A small percentage of tribes across the U.S. now contribute to political campaigns in amounts far greater than just four election cycles ago.

As relative political newcomers, an examination of tribal giving patterns shows that as contributors, their strategies are more similar than not to most other participants. Whether it says more about tribes as contributors, or the political system within which the contributions occur, tribes are similar to others with issues before legislatures (federal and state) and contributions are often less about ideology and more about political realities.

With the increases in tribal giving, as compared to other givers, they are still far lower than many entities and organizations who contribute to political campaigns. A tremendous expansion in political giving has occurred in the last decade with tribes playing merely a representative role. The starkest difference between tribal and other givers is simply that tribes, for the first time, have the opportunity.

Increased participation, voting and contributions, are giving some Indians a voice never before experienced. In a participatory Democracy, "access" and "influence" are essential ingredients. It has only been in recent times that these practices have earned negative connotations. The access and influence now enjoyed, by a still relatively small number of tribes, is comparatively minimal when an examination of political influence on Capital Hill and in state capitals is thoroughly examined.

Introduction:

Purpose of the Report

This research examines the role of Native American Tribes in the American electoral process. Specifically, it focuses on voter registration, voter turnout rates, the public record of campaign contributions, and the impact of Native American voters in particular states and specific campaigns. This analysis is intended to provide a foundation upon which the First American Education Project plans to build an analysis of related issues, including the impact of the current campaign finance system on Native Americans, electoral history and record of Native candidates, the legislative record of those officials who have been the beneficiaries of Native political largesse, and the impact of indirect political activities.

As a population group, Native Americans are now playing an increasingly important role in electoral politics. Through their voting in elections and their financial contributions to candidates and political committees, they are only now beginning to participate in the selection of those policy makers who hold great sway over innumerable issues of direct importance to them.

What this evolution of participation has created is an all too familiar scenario where a paucity of accurate and thorough information creates an environment where reliance on antiquated notions prevails. This report intends to educate Native Americans about their vital role in this participatory Democracy, as well as inform all those who have an interest in the health of the electoral process as determined by the participation of all Americans.

There are two fundamental ways for Americans to participate in our electoral process: directly, by voting; and, indirectly by contributing financially on behalf of candidate or campaign. This report examines both forms of participation and does so at the state and federal election levels.

Background:

History of Native participation in the electoral process:

As determined by voter registration and voter turnout, Native Americans have historically participated in electoral activities at among the lowest rates, compared to other population groups in the country. Historically, and for a variety of reasons, many Native Americans, especially those who live on or near reservations, have not ever registered to vote. Of those who did register, only small percentages actually voted.

Because of the legal, cultural and geographical circumstances of many in Indian Country, participation in the American electoral process had been viewed by potential Native voters as inconsequential at best and dangerous at worst. After the oppression suffered by generations of Native Americans at the hands of the federal, and some state governments, to vote in an election of non-Indians where the voting public was comprised of overwhelming majorities of non-Indians, was perceived to be of little value. In addition, because of the perception that participation, which requires identification, would be a relinquishment of tribal identity, many tribal members refused to register. Because identification by the government could lead to negative legal or economic consequences (the memory of the government forcefully removing Indian children from their homes and sending them to boarding schools is still fresh in many Indian communities), many Natives avoided any type of government registration.

Counts of Native voter participation are derived from three main sources: 1) precinct by precinct analysis in those areas which are exclusively, or at least primarily, Indian occupied,

2) exit polling data, and 3) anecdotal information from reservation and urban-Indian activists with direct knowledge.

Conventional wisdom holds that Native American voting patterns have shown among the lowest participation rates of all ethnic groups in the U.S. Unique challenges exist when attempting to chronicle registration and turnout records within a specific ethnic community: data gathering is complex, time consuming, and must be cross referenced with demographic and racial profile data to yield accurate and meaningful results.

The U.S. Census tracks voter participation by ethnic group only for those who self identify as "White", "Black", or "Hispanic". Nationwide in 1994, an "off-year" election, the Census reported that 64% of the white voting-age- population (VAP) was registered and 47.3% of that VAP actually voted. In an effort to compare apples with apples because most researchers and media outlets report turnout as a percentage of those actually registered, turnout of whites registered that year was 73%. For blacks, 58% of the VAP were registered and 63.4% of them actually voted. For Hispanics, 31% of the VAP were registered and 64% of them voted. Because the Census does not track voter participation rates for Natives, national information on voter registration and voting are not available. Regional information, however, does provide a point of comparison.

During that same election period (1994), Native turnout was only 33% of registered voters in Shannon County South Dakota, compared to 58% in certain high Native-majority precincts within Washington state. Shannon County, S.D. is comprised of 94% Native population and

includes the Pine Ridge Sioux Indian Reservation. In the northeast corner of Washington state, it was members of the Confederated Tribes of the Colville Reservation, which registered the high turnout.²

While the turnout numbers are important, again, they are measured as a proportion of those registered. When the portion of the VAP actually registered is disproportionately low, a high turnout number tells only part of the story. As this study also reveals, there is in addition, a degree of complexity to the other element of tribal participation in the electoral process – campaign contributions.

A similar story is seen in tribal financial participation in the electoral process. Prior to 1990, while some Indian tribes did contribute financially to candidates and/or political committees, the amounts were so small, occurred so infrequently and from so few tribes, as to warrant little attention from the media or politicians. After 1990, and especially in the last few election cycles, due to the success of some tribes' gaming and other economic enterprises, some tribal contributions have increased dramatically. However, the contributions have not necessarily followed the same candidates preferences or partisan leanings that tribal members have shown in their voting patterns.

Who, or what, exactly are Tribes for purposes of laws governing political campaigns?

Indian tribes are "persons", but not "individual human beings" under federal election law. While there was an attempt to change the legal status of Tribes during passage of the new campaign finance law, known as the Bipartisan Campaign Reform Act, that effort was unsuccessful. Notwithstanding that attempt, as of November 7, 2002 a new set of contribution limits went into effect for all contributors.

Now, under current law, Tribes may give \$2000 to any individual federal candidate or candidate committee, and are not subject to aggregate limits, as are individual human beings and Political Action Committees. Under the new law, Tribes may now give only \$25,000 to any one Party Committee, but unlike other "individuals," are not subject to the total aggregate limits.

Indian Tribes have a distinct status under United States law. The United States Constitution, federal laws, and court rulings recognize the inherent right of Indian Tribes to self government and their status as domestic dependent nations in relation to the Federal Government. Tribes are not foreign, state, or local governments. Through treaties and other agreements, Tribal governments ceded millions of acres of land to the federal government. In return, the federal government recognizes a special relationship and trust obligation to Indian Tribes.

Unlike state governments, tribal governments do not send representatives of their governments to Congress. The Constitution's Apportionment Clause and Section 3 provide for direct representation of the "Several States". Article I, section 2, clause 3, refers to "Indians not taxed" in specific recognition of the fact that Tribal governments are not represented in Congress.

Under state laws, Tribes are often treated as "Persons" or "Individuals" and subject to contribution limits for state election campaigns which vary from state to state.³ While states generally have no authority to regulate the conduct of Indian Tribes, legal issues do arise when state regulations regarding political contributions are intended to apply to Tribes. Until recently no tribe has challenged state regulations and all Tribes have voluntarily complied with the regulations. Notwithstanding the unique legal status of tribes, many states do require all contributors to political campaigns and/or political committees, to disclose such financial information. As of this writing, the Agua Caliente Band of Cahuilla Indians in Palm Springs California is challenging the authority of California to impose such disclosure requirements on the tribe.

Can Indians vote in all state and federal elections?

In 1924, by Act of Congress, Native Americans were granted citizenship. Before this juncture, members of federally recognized tribes had to be officially "naturalized" or declared "competent" by the Government in order to be given the rights of a United States citizen. Presently all Native Americans born within the territorial limits of the United States are by law citizens and have the privilege of voting in national elections. However, some states continued to prohibit Native Americans from voting in local elections well past 1924. New Mexico, for example, did not extend the vote to Native Americans until 1962, and Arizona not until 1964. Most Native people, of course, also are members and citizens of their respective tribes, and this confers a dual citizenship status which is unique in the U.S..⁴

What is the population of Native Americans as a percentage of all Americans in the United States?

In order to best understand and analyze the raw data on participation rates and amounts, a contextual framework must be built. As will become clear later in this report, even with the increases in indirect participation by Native Americans, a proportional relationship exists between their participation and their percentage of the overall population. Total U.S. population - **281,421,906**
American Indian (alone or in combination with other races) - **4,119,301 or 1.5%**⁵

Which states have significant Indian/Alaskan Native populations?

Between 0.6 and 1.1% of total state population:

California, Colorado, Texas, Iowa, Kansas, Minnesota, Michigan, Louisiana, Wisconsin, Maine, and Arkansas

Between 1.2 and 2.3% of total state population:

Washington, Oregon, Idaho, Nevada, Utah, West Virginia and Wyoming.

Between 4.9 and 9.5% of total state population:

Montana, North Dakota, South Dakota, New Mexico, Arizona, and Oklahoma.

Between 15.6 and 15.8% of total state population:

Alaska

In Hawaii, the population of those who are Native Hawaiian alone is 6.6% of the state's total, but those who are Native Hawaiian or Pacific Islander alone, or with one or more races, is 23.3% of the state's population.⁶

With this background it is now possible to analyze the relevant data and examine the role of Native Americans in the electoral process. Unusually low participation rates can now be viewed within the historical context. With such late legal permission to enter into the American political process, and so few means and incentive with which to participate thereafter, current levels of participation can be better understood. Added to the unique legal status of Indian tribes, one can see that an examination of the Native population in terms of their role in our participatory Democracy is like no other.

What role are Native Americans playing in our political process? How has the role changed? How does Native participation rates and trends relate to other participants in the process? It is these questions which must now be addressed utilizing current and relevant data.

Method:

Ideally, research projects such as this involve the review and analysis of data which is scientifically gathered, accurate and complete. In this case, such is not completely available. The U.S. Census data for Native populations are, at times, notoriously incomplete due to the unique situations (lack of permanent housing, disincentives to participation, etc) on many Reservations. Voter registration and turnout numbers do not include racial or other demographic information.

In order to investigate levels and trends of Native participation, a review of current voter participation and campaign finance data was conducted. Because state-by-state data are available only from each individual state, and the preparation, quality, accuracy and thoroughness of such data varies greatly from state to state, an effort was made to analyze similar data compiled in similar fashion.

In most cases, data by county is the easiest and most efficient way to examine electoral involvement. Both Census and statewide election data are available by county. In Indian Country however, that often doesn't work. While there are a few areas in the country where entire counties are occupied primarily by Native Americans, in most cases, an analysis must occur on the more micro voting precinct level to accurately chart Native voting.

The data presented here regarding federally regulated races are standardized. For those states with relatively significant Native populations where recent elections indicated a significant, if not decisive role played by Natives, readily ascertainable data are used as a sample for purposes of the analysis. The states of Washington, South Dakota, Arizona and New Mexico are used to specifically examine direct participation of Native Americans. With regard to indirect participation, a primarily national examination occurs.

Native Participation in the Electoral Process:

Direct – Exercising the franchise

Registration and turnout

“Any group, in order to get the recognition of their problems and their challenges, needs to make known their political presence. I don’t think we’ve really done that as well as we should in Indian Country in the past. This would be beneficial to my candidacy but, more importantly, it’s my hope that we can make sure that the Native American vote is respected by political leaders of both political parties all across the state in a way that really hasn’t been fully the case in the past”, said, U.S. Senator Tim Johnson⁷

As is the case throughout this report, when it comes to native voting, the **rule** will be set forth but must always be examined in the context of the **exceptions**. The axiom regarding both Native participation rates and their party loyalty certainly has a strong evidentiary basis, but to look no further would be to both misunderstand and potentially underestimate their impact.

As stated above, Native participation rates have been far lower than the national average and among the lowest of any ethnic group in America. For the reasons stated, large numbers of Natives of voting age have chosen not to participate. However, as much in Indian Country has changed in the last 10 years, so too have participation rates, and the impact of those changes have been profound.

Washington State and South Dakota; two Case Studies:

In 2000, Washington state voters were asked to either re-elect U.S. Senator Slade Gorton to a fourth term, or instead elect Maria Cantwell, a former one term Congresswoman and newly minted high tech millionaire. The race had generated a relatively high level of interest among tribal leaders in Washington and beyond, due to Gorton’s long history of opposition to tribal rights to govern non-Indians within their territory, federal recognition of additional tribes, tribal jurisdiction over natural resources, BIA funding for tribal governments and many other issues of great interest to Native Americans.

While both the Cantwell and Deborah Senn (Cantwell’s primary opponent) campaigns made overtures (read: fundraising) to tribal leaders, there was no substantial effort at registration or any planned GOTV (Get Out The Vote) effort within Indian Country. The campaigns relied mostly on the well known opposition to Gorton in Indian Country as the basis for seeking financial contributions. At the same time, the state Democratic Party, and the DNC pursued a similar tack and strove to rally the strong anti-Gorton feelings into cash for this, and other races. It is important to remember that even though tribes located within Washington state were not considered wealthy, in comparison to a handful of other recent players, the recent advent of gaming enterprises had succeeded in making them a desirable catch for political fundraisers.

In preparation for the election a small group of Tribal leaders in Washington state, having been involved to varying degrees in

various other political races in the past, began to meet and discuss how best to accomplish their desire to see Gorton retired, increase electoral participation in Indian Country, and play a more hands-on role in the expenditure of still scarce tribal dollars.

In late 1999 the leaders created the First American Education Project (FAEP), an Indian owned and run, non-partisan, non-profit corporation, designed to educate policymakers, the media and the public about issues of importance to Native Americans. It was also created to increase the voice of Indian Country in the electoral process. As some had put it, FAEP was created to assure that politicians understood there would be a political price to pay (i.e., organized opposition) for such strident hostility towards Native Americans and their tribes, and, eventually, to assist the efforts of those candidates who have a particularly strong record of support on native issues.

As a result of FAEP's efforts, begun with the commitment of tribes in Washington and the Pacific Northwest, then with interested tribes throughout the U.S., a movement occurred on Reservations across Washington state. Never before had there been a successful enterprise whose mission was to coordinate tribal resources for a shared political goal.

While FAEP worked closely with all tribes in Washington state, the tribes primary focus in that election, by and through FAEP, was an independent expenditure which involved polling, message development and media. The impact within Indian Country was a surge in both interest, and confidence never seen before. The sense that individual Native votes could make a difference was profound. This was bolstered by

the polls showing a very close race throughout the campaign.

The actual legwork needed to register and deliver voters was done at each Reservation by leaders within each community. What made it possible was the momentum created by a professional and successful FAEP, dynamic tribal leaders constantly encouraging their members to get involved and make a difference, a viable opponent in Cantwell, and the media attention on the money and energy generated by tribes.

A combination of forces lined up in Washington that year; a well known Indian fighter, a strong and well-financed opponent to Gorton, who met with tribal leaders and "spoke their language," an Indian organization with significant political and public affairs expertise, a presidential election which typically boosts interest, and a gold mine of an issue in Gorton's efforts on behalf of a mining company, all combined to bring approximately 10,000 new Indian voters into the process. The numerical results of the work in 2000 are summarized in Table 1.

The closeness of the Cantwell-Gorton race allows, for virtually any group who was involved, to claim that they were the difference. The fact remains, however, that if the other constituency groups did exactly what they did to influence the election but the FAEP never was created and Tribal leaders didn't focus such energy on their Reservations, clearly Gorton would have won. Adding the impact of the TV spots on the general electorate⁹ 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. The impact becomes even more important when one

Table 1 • Washington State General Election 2000⁸

Voter turnout among Native Americans	69.9% of registered voters
Turnout statewide	75%
New, on- reservation Native American voters in	4,640 (estimated)
New Indian voters statewide in	9,280 (estimated)
Increase of registered voters statewide over 1996	8.4%
Increase of registered Indian voters statewide over 1996	17%
Margin of victory for Cantwell	2,229

⁸ Data based on analysis of 17 precincts across state where Native Americans comprise at least 80% of voters. Estimate of new voters is based on 5 tribe sample and includes those who did not vote in 1996. New off-reservation voters estimate based on Census numbers showing 53% of Native Americans in state live off reservation

remembers that the U.S. Senate was made up of 50 Democrats and 50 Republicans after the election.

The result in Washington state in 2000 was not lost on Capitol Hill. Whether it was Party strategists, Members of Congress, lobbyists, the media or the political commentariat, the message was that Native Americans are now important players who should be feared and/or courted, especially in states with a substantial Native population where a race could be close.

South Dakota, 2002, The Race for U.S Senate

With a U.S. Senate divided by one vote (after Jim Jeffords defection from the Republican Party) it was clear to everyone who follows politics that 2002 was going to be an important mid-term election. Very quickly the race in South Dakota became one to watch with incumbent first term Sen. Tim Johnson running against U.S. Rep. John Thune. The backdrop of the race of course was the fact that it was not only Majority Leader (and potential Presidential candidate) Tom Daschle's home state, but a state where George W.

Bush won handily just two years earlier.

As a rural state with one of the largest Native populations in the U.S., it quickly became clear to the Democratic Coordinated Campaign (DCC) that with an expected total turnout of about 350,000 voters, and polls showing Thune ahead by a small margin, every vote was going to really count.

Unlike Washington state two years earlier, the incumbent here had an established record of support for Native Americans on a wide variety of issues, including small business development, housing, self-determination, health care, trust reform, clean water, domestic violence, and sexual assault prevention. In addition to sitting on the Indian Affairs Committee, Johnson had made many trips to Indian Country and conveyed to tribal leaders, and general members alike, a sincere commitment and a higher than normal (among non-Indian politicians) level of understanding.

On the other hand, Rep. Thune was not generally regarded as sympathetic to tribal interests and

made few appearances in Indian Country. Another candidate on the ballot, Gov. Janklow, running for South Dakota's sole congressional seat, was viewed as hostile to Native Americans, and his presence on the ballot likely only helped to strengthen Native turnout.

From an early point in the race, in the fall of 2001, critical strategic steps were taken by the DCC to build a network in Indian Country to educate tribal members about the race, to register voters and then to get out the vote. Again, unlike the experience in Washington, while there was an Indian organization, United Sioux Tribes, in place to act as the catalyst and coordinator, it was the DCC which used its size, resources and experience to build the on-the-ground operation on the Reservations. Not since the Robert Kennedy presidential campaign in 1968, which still occupies almost folklore status in Indian Country, has the Native population in South Dakota participated in statewide elections in such a meaningful and noteworthy way.

In Shannon County, home of the Oglala Sioux Pine Ridge Indian Reservation, a dramatic effort was undertaken to increase voter participation. With campaign staff permanently assigned there to assist local tribal leaders in mobilizing voters, word quickly spread that Shannon County would be a battleground.

It should be noted that it is Shannon County which ranks as the very poorest in the entire United States. It is also one of the only places in the United States where the votes in one county are counted by a neighboring county's auditor's office (Fall River County).

Also important to note for contextual purposes: in 2002 the State of

South Dakota agreed to a massive settlement in a voting rights case that attempted to remedy serious deficiencies in its voting laws which likely caused the disenfranchisement of many Native voters.

The historic settlement removes some of the discriminatory barriers Native Americans have faced at the ballot box and ensures that their voting rights will be better protected in the future," said Bryan Sells, a staff attorney with the ACLU's Voting Rights Project and lead counsel in the lawsuit that led to the settlement. If approved by the court, the agreement will settle a sweeping lawsuit, *Elaine Quick Bear Quiver et al. v. Joyce Hazeltine et al.*, filed in August, 2002, on behalf of two Lakota elders and two tribal officials residing in Todd and Shannon counties. The lawsuit seeks to enforce Section 5 of the Voting Rights Act of 1965, which requires certain states or parts of states, counties and municipalities to get federal approval or preclearance of their new voting laws or practices before they can be implemented.¹⁰

If that wasn't charging the atmosphere enough, a complaint was filed with the state and federal authorities against field organizers at Pine Ridge for alleged election law violations in the registration of voters. It turned out that the complaint was initiated by Republican operatives, and after an investigation, was found to be without merit.

Within this environment, Indian voters were registered and turned out in record numbers. As can be seen in Table 2, in Shannon County where the U.S. Census found in 2000 that the VAP was 6,819, 6,935 were registered and 3154 voted with a 45% turnout.¹¹ In that county alone, there were roughly 2,000 new voters in a race where Johnson won by 528

Table 2

	Precinct	Registered Voters	Turnout	Percentage
2002	Kyle	1189	570	47.9%
	Oglala	1054	443	42.1%
	Pine Ridge #1	922	407	44.1%
2000	Kyle	976	351	35.9%
	Oglala	794	210	26.4%
	Pine Ridge #1	793	321	40.5%
1994	Kyle	594	198	33.3%
	Oglala	446	168	37.7%
	Pine Ridge #1	458	152	33.9%

There are 10 precincts total in Shannon County, home of the Oglala Sioux Indian Reservation. The three precincts here are the three largest, and according to the Fall River County Auditors office, is an accurate sample of the entire County. Statewide turnout in 2002 was 71.5%.¹²

¹² *In Shannon County in 2000, 6020 were registered and 2047 voted in the general election with a 34% turnout. In the 1994 general election, turnout was 3588 with 1254 registered voters for a 34.9% turnout rate.*

votes statewide. It is also interesting to note that there was no significant difference in spending between the candidates. Each spent about \$6 million.

There are 10 precincts total in Shannon County, home of the Oglala Sioux Indian Reservation. The three precincts here are the three largest, and according to the Fall River County Auditors office, provides an accurate sample of the entire County. Statewide turnout in 2002 was 71.5%.¹²

The results in South Dakota in 2002 mark the second time in recent history where Native voters made the difference in a U.S. Senate race.

According to local Atty. James Leach, the Democrats ran an extensive voter registration and get-out-the-vote effort on all the state s Reservations, including Pine Ridge; the Republicans had none. In addition, Republican allegations of pre-election voter fraud by Native Americans angered Native Americans statewide. Given all this, it's not surprising that voter turnout on the reservations increased significantly (though it still was significantly lower than in the rest of South Dakota), and that Johnson's margin on Pine Ridge increased from 85% in 1996 to 91.6% this year. Thune ceded Pine Ridge to Johnson; the result was unsurprising.¹³

Other States in 2002

New Mexico

A brief review of other states with significant Native populations reveals that participation rates, as determined by registration, and/or turnout, are driven by the unique circumstances surrounding each election. The combination of events most likely to lead to the highest participation rates are: candidates or ballot measures of particular interest to Native voters, coordinators/organizers from the specific Native community with the expertise and energy to drive involvement, and the perception that Native participation can make a difference (usually determined by polls and media coverage).

In New Mexico, for example, turnout numbers in 2002 in McKinley County (Table 3) which is, according to the Census, 75% Native, were dramatically higher than in 2000, a presidential election year. With the popular Bill Richardson on the ballot running for Governor, and an organized effort on the Reservation, turnout increased by 59% in the U.S. Senate race from the 2000 U.S. Senate election, even while the total number of registered voters went down.

Arizona

Two counties in Arizona have majority Indian populations. Because Navajo County is close to 50% Native populated, neighboring Apache County, which is 77% Native is used here as a sample to ascertain Native voting trends. In 2002, 46% of eligible voters turned out, which was third lowest in the state, but not dramatically lower than the 56% turnout statewide. In 2000, a presidential election year, there was a 50% turnout in Apache County, the lowest in the state, with the statewide turnout at 71.7%. In 1998, when Sen. John McCain,

Table 3 • McKinley County New Mexico Voter Registration & Turnout¹⁴

2002 Total Registered Voters – 30,486

	Total votes cast	Turnout (as a percentage of registered voters)
U.S. Senate	13,452	44%
U.S. Rep. Dist. 3	10,158	33%
Governor	13,527	44%

2000 Total Registered Voters – 31,119

	Total votes cast	Turnout (as a percentage of registered voters)
President	8,560	27.5%
U.S. Senate	7,988	25.7%
U.S. Rep. Dist. 3	8,270	26.5%

¹⁴ New Mexico Secretary of State, <http://www.sos.state.nm.us/Election/Results.html>

was on the ballot, there was a 44% turnout in Apache County with a 45% turnout statewide.¹⁵ It should be noted that the Native population in Apache County are primarily Navajo tribal members; a significant portion of who are Mormon. In addition, the Navajo tribe has no gaming operations and has historically voted against all gaming related statewide measures.

The numbers in Apache County are interesting when viewed in the context of whom, and what were on the ballots during the elections examined here. In 2002 three statewide Propositions relating to gaming were on the ballot. Two Propositions were sponsored by tribes and one by horse track owners intended to expand gaming off reservations by allowing slots at race tracks. Of the two Indian backed Propositions,

Proposition 202, a compromise negotiated with the Governor by 17 tribes through the Arizona Indian Gaming Association, was the closest to continuing the compact agreement with the state government that died in the legislature last year. The other, Proposition 200, was sponsored by the Colorado River Indian Tribe and was intended to benefit more remotely located tribes. It was only Prop 202 that passed last year and did so in Apache County by an almost two to one margin, while passing statewide by 2%. The Arizona Indian Gaming Association reports that registration in many Native precincts grew to 90% this year due to the presence of the gaming propositions and the gubernatorial race.

While beyond the scope of this report, the involvement of Indian Country in Initiative, Proposition and Referenda campaigns warrants research and analysis. Noteworthy examples have occurred recently in California, Arizona and Idaho, where voters have endorsed Indian backed ballot measures allowing for expanded economic opportunities for tribes through on-Reservation gaming. These successes mirror the public opinion results gathered by the First American Education Project, and others, where large majorities of the public support increased opportunities for Native Americans to achieve economic independence, an option viewed as impossible for so many generations.

Local Elections

In local elections, where tribal voters can comprise a larger percentage of total voters, there are greater opportunities to influence the outcome. In Washington state's Whatcom County, the Lummi Nation and the Nooksack Indian Tribe rallied both their voters and their resources to help defeat an anti-Indian County Commissioner in 2001. The 18% increase in turnout,

among Lummi voters alone, proved to be a critical component in the Commissioners defeat.

This last year in South Dakota, Charlie Cummings took the oath of office and wiped out 113 years of political tradition. There was no hand on the Bible for Cummings. Instead, Lakota tribal elder Alice Young tied an eagle feather into Cummings' hair to mark his becoming Bennett County sheriff. A second eagle feather was tied into Gerald "Jed" Bettelyoun's ponytail as he became a county commissioner. In the audience was Young's daughter, Sandy Flye, who six months ago became the first Native American to sit on the county school board. It is the first time that so many Native Americans have held office simultaneously in Bennett County. The county is surrounded on three sides by Indian Reservations and more than half its 3,554 residents are Indians. However since 1889, the year that South Dakota became a state and the Pine Ridge and Rosebud reservations were created, Bennett County - which sits between them - has been known as a "white" county.¹⁶

Party preferences

Any analysis of Native voting patterns must begin with the understanding that, as such, they don't actually exist. This is to say that it would not only be inaccurate, but overly simplistic and dangerously myopic, to draw conclusions about voting patterns of Indians as a group when there exists such variations from tribe to tribe, state to state, and circumstance to circumstance.

There also always exists a great danger in categorizing any ethnic group as a voting bloc. While certain ethnic or racial minorities in the U.S. are often thought of, especially in the mainstream press, as voting en

masse for one particular political party, such assertions must be critically analyzed for accuracy so as to avoid the marginalization which so easily can occur in politics with minority populations.

Evidence gathered nationally from the same registration and turnout data used to analyze those issues, show that Native voters as a group have voted in higher percentages for Democrats than Republicans. But, again, like every other area studied in this report, the exceptions are just as important to recognize and understand. In addition, established voting patterns are sometimes contradicted by campaign financing patterns, as is discussed later in the report.

In South Dakota's Shannon County, with its 95% Native American population, Democrat U.S. Sen. Tim Johnson won 90.4% of the vote in 2002 compared to Republican U.S. Rep. John Thune's 7%. Statewide, Johnson won that race by 0.25%. In 2000, while Al Gore lost the state by more than 23% to George Bush, in Shannon County Gore won 85% of the vote. The county has registered a similar pattern of overwhelming support for Democrats as far back as the South Dakota Secretary of State records go.¹⁷

In Arizona's Apache County, voters typically vote heavily Democratic. In 1996, the Democrat Bill Clinton earned 63% of the county's vote to Republican Bob Dole's 24%. In 1998, however, Republican John McCain, a longtime supporter of Native American rights won 50.8% while Democrat Ed Ranger got only 40%. In 2000, 66% of the vote went for the Democrat Al Gore and only 30% for Republican George W. Bush. That same year in the race for Congress, 56.4% voted for Larry Nelson the Democrat against 43% for the Republican winner, JD Hayworth, a member of the Native American Caucus in the U.S. House of Representa-

tives. Finally, in the 2002 Congressional race, 72% of the vote went for Democrat George Cordova while only 25% went for the eventual winner, Republican Rick Renzi.¹⁸

New Mexico also is an example of a state where the majority of Native voters generally will vote for the Democrat. In McKinley County in 2002, Bill Richardson the Democrat running for Governor scored 75% of the votes cast in that race. It should be noted that while Richardson is popular in Indian Country with a record of supporting Native issues in Congress and as U.S. Secretary of Energy, his margin of victory was not terribly unusual. In 2000, U.S. Sen. Jeff Bingaman won his reelection with 74% and Al Gore won 65% of the vote.

When all other things are not equal, as was the case in the 2002 U.S. Senate election, where Pete Domenici, with a long record of support for, and within, Indian Country, was on the ballot, he earned 58% of the vote in this otherwise heavily Democratic county. Again, in those cases where a Republican happens to be the candidate with the record of support for issues of concern to Native voters, he/she will likely win their support. It has been the case, however, that those candidates are typically Democrats.

Just a reflex or exactly the way the system is supposed to work?

Cecelia Fire Thunder, a Lakota field representative working with the Democratic Party on Reservations and in Indian communities across South Dakota in 2002 says she supports the Democrats because, like many Lakota, she's used to seeing someone from their Party "at her front door." When Senator Johnson visited the recent Oglala Lakota Nation Pow Wow, for example, he brought the South Dakota Democratic gubernatorial and congressio-

nal candidates with him. Republican Congressman John Thune sent posters and members of his campaign staff. "I feel very strongly that the Democratic Party has been most responsive to the Indian needs in Indian Country," Fire Thunder said. "You can look at Senator Johnson's record and Senator Daschle's record in the last five years and see their response to the needs of Indian people in the State of South Dakota."¹⁹

Data from around Indian Country show that, all other things being equal (i.e., no predominant issues of specific concern to Native voters, and no candidate on the ballot with a record of either support for, or hostility towards Native Americans) Native voters have voted in greater numbers for Democrats than Republicans. But, in those cases where a candidate has established a record of accomplishment on behalf of Native Americans, his or her political party will be of only marginal significance.

To assume that an ethnic, racial or culturally unique group will instinctively vote as a bloc is to diminish their role and minimize the process. What the oversimplification also does, however, is to assume that there are no significant difference in either candidates or political parties philosophies, or, to they extent differences do exist, those differences are unimportant to voters.

Much as been written of late about the apparent erosion of significant differences between the Republican and Democratic parties. During the last presidential campaign, Green Party candidate Ralph Nader often ridiculed the major party candidates as "Tweedeldum and Tweedeldee," and the two parties as one "Republicrat" party.

Whether Nader's view has merit or

not, the political parties do have significant differences on specific issues which are both historically and currently of interest to many Native voters. Again, state and regional circumstances are important to take into account.

At the 2000 Washington State Republican Party convention a resolution was passed calling for the abolition of Tribal governments and for the federal government to "immediately take whatever steps necessary to terminate all such non-republican forms of government on Indian reservations."

In reaction, even Republican Tribal leaders were taken aback. "It's absolutely the reverse of what Republican principles stand for to protect all rights and to uphold the integrity and honor of this nation and all of the commitments it makes," said Ron Allen, chairman of the Jamestown S'Klallam Tribe.²⁰ While some state Republican leaders quickly distanced themselves from the action, and the Party eventually retreated, the move sent a powerful message to Native voters, in Washington and beyond.

Throughout the Pacific Northwest, there have been many instances where Native communities and their local neighbors have battled over dwindling resources. Whether it is water rights on and near the Lummi Reservation, shellfish harvesting by coastal tribes, mining on and near the Colville Tribal lands, or salmon habitat protection along the Columbia River, some of the battles have left scars and created important legacies.

One such legacy has been the creation of the United Property Owners, ostensibly created to protect property rights but whose mission has become more focused on opposition to Indian tribes across the country. The group counts as its members many local Republican activists and office

holders.²¹ This also, has not been lost on Native leaders and voters.

It would be wildly inaccurate and misleading to imply that all Republicans are anti-Indian. It would be equally incorrect to allege that all Democrats support policies which are favorable to tribes. At the same time, many of the founders and leaders of anti-Indian groups are Republicans. This reality must be considered when analyzing Native voting patterns in terms of party identity.

Whether the two established national political parties articulate and advocate clear policies on behalf of, or in opposition to Native interests, there are, of course, other factors to take into account. Voters of all types consider many factors when drawing conclusions about which candidate or party to support. From media accounts, to candidate pronouncements, to congressional (or state legislative) or executive branch actions, to conversations they have with friends and neighbors, the public has established opinions on many issues and perceptions about where each party stands.

In the course of surveying public opinion around the U.S. in 2002, the polling firm of Evans McDonough, Inc., found that while three-fourths of respondents believe that "working to protect the rights of Native Americans on Indian Reservations should be an important priority for our elected officials." That opinion was consistent across all regions of the U.S., but was held by 80% of Democrats and only 68% of Republicans. Twice as many Republicans than Democrats say they would be uncomfortable going to an Indian Reservation because local and state governments have no jurisdiction there.²²

Voting by Native Americans is as varied and diverse as any population

in the U.S. Registration and turnout numbers vary from extremely low to above the national average. These variations are affected by traditional and non-traditional factors. An off-year election will typically show native turnout numbers from 5-20% lower than that during presidential elections. Like other voters, Natives are more likely to vote when the election offers clear choices, inspiring candidates, clearly pro-Indian or anti-Indian candidates, or specific issues of concern either within a candidate election or in the form of a ballot measure.

Even in those states where Native populations are the largest, they still comprise, as a percentage of total voters, a small group. For Native voters to play a critical role, as a group, in either a federal office election, or other statewide election, the electorate must be almost perfectly evenly divided, and the Native voters must register and actually turnout. This situation has occurred twice in the last two election cycles in Washington state in 2000 and in South Dakota in 2002, leading to the current reality that two of the forty eight Democratic U.S. Senators are there because of Native participation.

Indirect Participation-Campaign Financing

Those changes in Native participation in the electoral process which have probably earned the greatest attention from the media, political players, and observers have been the extent to which some tribes now contribute, financially to political candidates and political committees.

As the data show, some tribes now contribute significantly more dollars to the political process than ever before. As the data further show, however, this amount is a very small

portion of the total dollars injected into the political process by a wide array of those who participate financially in the electoral process.

It is a little spoken of fact that the first Americans were the last to receive the right to vote in the United States. Without a delegation in Congress and without the right to vote, Tribes had no voice with which to resist Federal policies of Allotment and forced Assimilation, which took millions of acres of existing Reservation lands, took Indian children from their parents, and forbade them from speaking their native language, and from practicing their own religion. (U.S. Rep. Heyworth, U.S. Rep. Kildee)²³

Any attempt to understand the role tribes now play in the electoral process, with regard to campaign financing, must include, for proper

context, an understanding of both the legal and historic status of tribes in the U.S. today, and of our current campaign finance structure.

As was stated above, Indian tribes occupy a unique legal status: not of a corporation, municipal government, association, cooperative or any other familiar legal entity, but rather distinct communities that represent the interests of Indian people.

Not until as late as the 1960's (New Mexico and Arizona) did all tribal members, who were already U.S. citizens, gain the right to directly participate by voting in the elections of those who passed laws and policies directly impacting their lives including the possible abrogation of Indian treaties altogether.

Other than voting, the American electoral system has counted upon fi-

Table 4 • Election Overview, 2002 Cycle²⁴

U.S. House

Party	No. of Candidates	Average Raised	Average Spent	Total Raised	Total Spent
All	1291	\$489,567	\$457,546	\$632,030,969	\$590,691,498
Dems	594	\$522,043	\$488,140	\$310,093,325	\$289,955,303
Repubs	634	\$504,831	\$471,390	\$320,063,041	\$298,861,382

U.S. Senate

Party	No. of Candidates	Average Raised	Average Spent	Total Raised	Total Spent
All	144	\$2,239,515	\$2,173,822	\$322,490,181	\$313,030,364
Dems	59	\$2,744,326	\$2,637,388	\$161,915,235	\$155,605,871
Repubs	67	\$2,387,809	\$2,340,942	\$159,983,207	\$156,843,122

All figures are based on FEC reports filed by all candidates through October 24, 2002. They cover financial activity that took place between Jan. 1, 2001 and October 16, 2002. Based on data released by the FEC on Thursday, January 16, 2003. Totals include primary candidates

²⁴ <http://www.opensecrets.org>

nancial contributors as critical participants. With the average costs of (federal office) political campaigns rising more than 125% since 1990 (See Table 4), the role money plays can in no way be understated. Whether one believes that money is needed to buy access to Members, or merely that a candidate is unlikely to win without sufficient contributions, money has truly become the mothers milk of politics. It occupies constitutionally protected status as speech.

Federal elections

It is interesting to note that contributions from tribes are included in the *Misc. Business* sector, the *Gaming/Casino* industry, and the *Indian Gaming* category in the Center for Responsive Politics (CRP) database. This database is the most accurate and well respected source for all research on campaign financing. (See: www.opensecrets.org). When analyzing the relevant campaign finance data, it is critical to keep an eye on the forest so as not to be blinded by the trees. The total number of federally-recognized Indian Tribes in the U.S. is 562. The number of those tribes which engage in gaming (Class II or III) is 201, while the total number of tribal government gaming operations (several tribes have more than one facility) is 321. These governmental gaming enterprises operate in 29 states. The total revenue generated

by tribal governmental gaming in 2001 was \$12.7 billion, which represented less than 10% of the total gaming industry nationwide. Many tribes operate gaming facilities primarily to generate employment.²⁵

As can be seen here, in Table 5, there are a small number of tribes which do in fact now contribute to political campaigns more consistently and in far greater numbers than just ten years ago when no significant contributions occurred. The 20 individual tribes, who were the largest contributors in 2000, together contributed \$2.9 million in hard (regulated and goes directly to candidates) and soft (largely unregulated and goes to political parties/committees) money contributions. That same year, other governments and government agencies (fed., state, and local) contributed \$14 million to federal candidates and political committees. Those designated as non profits, foundations and philanthropists gave more than \$7.2 million.

A story written recently by two award winning journalists for a national newsweekly reported that Native American tribes spent almost nothing on federal elections in 1990, yet have contributed \$8.6 million since 1993. This information, listed under the heading "Political Clout", is apparently intended to inform the readers of the dramatic increase in the use of gaming revenues to influence Congress, the alleged

Table 5

Total amount raised by U.S. House and U.S. Senate candidates (2000):	\$882,807,570
Total amount raised as "soft money" in 2000:	\$495,100,000
Total amount spent by tribes (2000):	\$2,954,422
Tribal contributions as a percentage of totals:	0.21%
Native Americans as a percentage of U.S. population:	0.9-1.5%

influence that the money has actually bought, and by implication, the uniqueness of such an increase in political spending.

As to the first issue, that the rise in tribal political giving is due to revenues from Indian gaming, it is without a doubt true that but for those revenues tribes would still be in their historic position outside the halls of power. As has been stated, it is an unfortunate but very real fact of life in the United States that many worthy causes and groups are denied access based merely on their inability to afford the ticket price of Democracy.

Whether the expenditures have actually yielded value, is a worthy subject for analysis but beyond the scope of this report. If in fact money is buying influence and impacting public policy and taxpayer funds, as has been suggested, it would seem an indictment of Congress, the campaign finance system and the entire cadre of participants, at least as much as Indian tribes who are merely the most recent players.

The prevalence and importance of money in the political process is surely a disturbing fact of contemporary political life and should be cause for concern to all who cherish the ideals upon which this country was founded. Unfortunately, when a system is broken, there is a tendency to focus attention on what amounts to a relatively insignificant, and in this case very reluctant, participant. Without denying that all who contribute are ultimately responsible, perspective is critical.

When analyzing the rise of political giving since 1990 for others who have particular interests before Congress, it becomes clear that not only are the aggregate amounts given by tribes especially small, but they have even increased at a slower

pace. The computers and internet industry spent \$6.7 million between 1990 and 1993, but then another \$77.7 through 2002 a more than 10 fold increase. The agribusiness industry spent \$56.5 million between 1990 and 1993 and then another \$231.6 million through 2002 an increase of almost 400%. The finance, insurance and real estate industries spent a mere \$167.6 million from 1990 to 1993 and then another \$912.3 million since then.

Tribal Spending on Lobbyists

Any examination of the role played by any particular group in the electoral process must include reference to the huge sums of money spent on lobbyists in an effort to influence law making. While it could be argued that these expenditures are not directly related to the electoral process, they are inextricably intertwined with those contributions.

The role(s) played by lobbyists on behalf of their clients, creates a nexus with the clients political activities and, it could be argued (and usually is by the lobbyists) that one without the other is (at least) far less effective. Lobbyists are viewed as the conduit for clients to access Members of Congress. While political contributions may pave a path to a Member, it is usually the lobbyist who walks the path and goes through the door, to advocate on behalf of the client. When tribes are the client, this becomes especially important as most tribal leaders spend little time in Washington, D.C. and must rely heavily on their lobbyists.

There is another even more practical reason expenditures on lobbyists should be considered: it is very often the lobbyists themselves who guide,

if not actually direct, the political expenditures of their clients.

As is the case with political contributions made by tribes, their expenditures on lobbyists have risen dramatically in recent years. Again, like the increase in political contributions, the rise here is from essentially nothing 10 years ago to \$10.4 million spent in total, by individual tribes, on lobbyists in 2000. This figure is 0.70% of the \$1.5 billion spent on lobbying by all industries. The total spent by other governments and government agencies was \$38.8 million. The total spent by miscellaneous business (which does not include most of the biggest spenders in D.C.; like agribusiness, health, finance, communications, etc), of which gaming (including gaming tribes) and casinos are a subgroup, was \$224 million.²⁶

Table 6 shows that not only have tribal contributions increased over the past 10 years, but the portion of all tribal giving which has gone to the political parties (soft money) is a substantial portion of the total. In addition, the table shows the substantial change in patterns of giving with Republicans receiving the majority of tribal contributions in 2002.

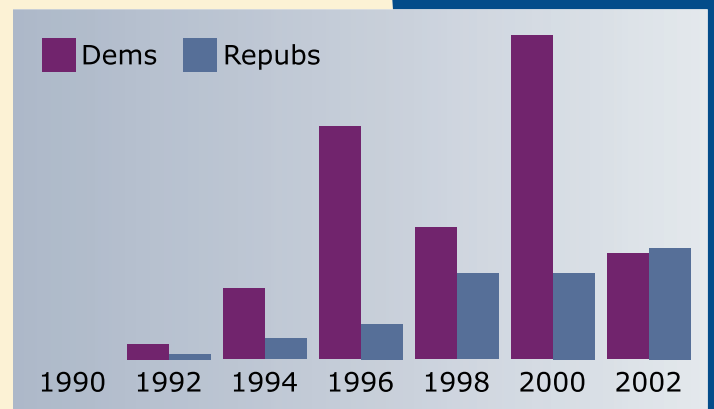
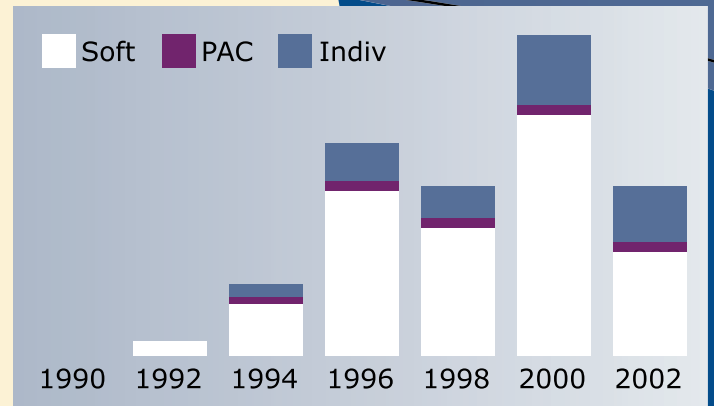


Table 6 • Indian Contributions: Long-Term Contribution Trends²⁷

Election Cycle	Total Contributions	Contributions from Individuals	Contributions from PACs	Soft Money Contributions	Donations to Dems	Donations to Repubs	% to Dems	% to Repubs
2002*	\$1,569,281	\$501,165	\$81,850	\$986,266	\$762,665	\$806,616	49%	51%
2000	\$2,954,422	\$670,409	\$61,565	\$2,222,448	\$2,313,815	\$634,358	78%	21%
1998	\$1,574,944	\$319,816	\$90,128	\$1,165,000	\$942,264	\$632,680	60%	40%
1996	\$1,960,041	\$336,896	\$97,549	\$1,525,596	\$1,681,065	\$278,726	86%	14%
1994	\$644,450	\$133,050	\$15,400	\$496,000	\$519,500	\$124,950	81%	19%
1992	\$129,571	\$15,400	\$0	\$114,171	\$112,700	\$16,871	87%	13%
1990	\$1,750	\$1,750	\$0	N/A	\$1,750	\$0	100%	0%
Total	\$8,834,459	\$1,978,486	\$346,492	\$6,509,481	\$6,333,759	\$2,494,201	72%	28%

*So far

²⁷ METHODOLOGY: The numbers on this page are based on contributions of \$200 or more from PACs and individuals to federal candidates and from individual and soft money donors to political parties, as reported to the Federal Election Commission. While election cycles are shown in charts as 1996, 1998, 2000 etc. they actually represent two-year periods. For example, the 2002 election cycle runs from January 1, 2001 to December 31, 2002. Data for the current election cycle were released by the Federal Election Commission on Monday, December 02, 2002. NOTE Soft money contributions were not publicly disclosed until the 1991-92 election cycle. Center for Responsive Politics.

State elections

At the state level, a simple and general picture of tribal involvement is far more difficult to draw. While it is true that tribal contributions are higher than 10 years ago, the data in Table 7 again show great disparities as between states. At the same time, and similar to the costs of political campaigns at the federal level, the cost of running for office in a state legislature, in most states, has risen far more than political contributions from Indian Tribes.

A sample survey of states across the U.S. shows that in all states but California, tribes (and those who work for tribes) participated financially, as a percentage of all those who did the same, in an amount far lower than their population (as a percentage of total population) in each state.

A review of the 14 state sample survey (Table 8) shows that tribes gave a total of 1.5% of all contributions to all candidates and committees in all the states combined. Contributions varied greatly in size ranging from \$110,000 to \$200³⁰. Unlike all other sectors of contributors, there are virtually no contributions made by tribes for elections in states other than where they are located. This of course makes sense when one realizes that states have only limited jurisdiction, at best, over tribal activities located within their boundaries. It is certainly possible (i.e., natural resource management), yet rare indeed, that tribal activities can be impacted by actions of another state.

In state capitols, as is the case in Washington, D.C., professional lobbyists play an increasingly powerful and very expensive role in both politics and policymaking. A state by state analysis of tribal expenditures on lob-

Table 7 • Total and Average Amounts Raised state legislative races, 2000 General Election²⁸

State Year	Total Contributions	House Average	Senate Average
Alaska	\$4,377,699	\$38,708	\$85,343
California	\$118,157,963	\$309,524	\$720,950
Oregon	\$15,495,028	\$93,464	\$201,084
New Mexico	\$5,284,547	\$22,581	\$39,354
Oklahoma	\$8,798,596	\$36,641	\$68,162
Washington	\$16,425,989	\$55,586	\$77,723
South Dakota	\$1,771,413	\$9,075	\$10,858
Minnesota	\$12,082,451	\$22,957	\$37,528
Connecticut	\$6,714,879	\$14,659	\$42,461
Wisconsin	\$10,188,887	\$39,860	\$123,176
Maine	\$2,496,730	\$4,204	\$18,446
Mississippi '99	\$3,726,666	\$12,698	\$23,850
Montana	\$1,321,440	\$4,935	\$7,321
Arizona	\$4,890,688	\$32,102	\$30,046

²⁸ *The Institute on Money in State Politics Project*, http://www.followthemoney.org/press/Resource_Guide.pdf

Table 8 • Contributions to all state candidates and political committees, 2000 General Election²⁹

State	Tribes/Tribal Governments	Total (in millions)	Tribes as a percentage of total
Alaska	\$95,462	\$5.1	1.8
California	\$4.1 m	\$192.6	2.1
Oregon	\$108,730	\$22.2	0.49
New Mexico	\$191,966	\$5.8	3.32
Oklahoma	\$149,175	\$9.2	1.62
Washington	\$136,845	\$28.8	0.47
South Dakota	\$5,000	\$1.8	0.01
Minnesota	\$72,800	\$12.6	0.57
Connecticut	\$10,950	\$6.9	0.15
Wisconsin	\$500	\$13.4	0.004
Maine	\$0	\$2.5	0
Mississippi '99	\$92,500	\$19.4	0.48
Montana	\$5,500	\$9.4	0.06
Arizona	\$3,228	\$6.8	0.05

²⁹ Includes contributions from individuals employed by tribes/tribal governments, see endnote 23

byists does not appear here due to the constraints involved in reviewing data kept by states which vary greatly and often are not available in electronic format. A brief review indicates, however, that tribes are spending increasing sums on state lobbyists though the amounts are still very small as compared to both all other sectors, and to their own political contributions at the state level.

When reviewing the data in order to analyze the financial role Native Americans are playing in the political process one must keep in mind that while tribal governments, tribal business enterprises (often, but not always casinos), tribal employees, and coordinated tribal associations are all included together, each tribe, is a separate government and community. Though their interests sometimes intersect, great differences often occur. As an

example, tribes in the Southwest are often involved in complex water issues, while tribes in the Northwest are involved in countless issues regarding the protection of salmon, and tribes in the Northeast are concerned with recognition and trust lands.

When combined with the data regarding voter registration and turnout, the campaign finance data tell a more complete story about the role being played by Native Americans in the electoral process. Generalizations run the risk of oversimplification and inaccuracy. If one were to look only at voting patterns for example, one might think that native voters are heavily Democratic. But to do so would miss the fact that native participation in the process, as manifested by financial contributions, went for the first time in 2002, more to Republicans than to Democrats.

Conclusion:

Despite the paucity of their numbers, Native Americans are engaging in the electoral process with far greater frequency, and are having far greater impact than ever before. This trend should be applauded, and encouraged, by all who value our Participatory Democracy.

Unique even among minority populations in the U.S., Native Americans have been shut out of our political system. First by law, then by practice, Native Americans have been unable to participate in the selection of those who have great influence over their life, their liberty, and most certainly, their pursuit of happiness.

Similar to other population groups in the U.S., (most of the) the legal barriers have been removed, yet the first Americans' voice in our political system is still a whisper. In a system both polluted and distorted by powerful interests with seemingly unlimited financial resources, some Native Americans may have finally "earned a seat at the table". The table, however, is still overwhelmingly occupied by constituencies with far too much sway, and with policy makers too eager to listen to the well-heeled.

Many Native American tribes in the U.S. predate the original European settlers by more than 10,000 years. During that time, each tribe had developed its own extensive and unique cultural, sociological and geopolitical identity. Despite the understandable tendency to generalize and oversimplify, Native Americans are not homogeneous, and often have interests which are in direct conflict with each other. As such, when viewed in the context of participation in the political process, the same disparity of interests which often occurs between the states of New York and Oklahoma also occurs as between the Onondaga Nation and the Chickasaw Nation.

When viewed in this light, the emerging role of Native Americans in the electoral process becomes more clear and informative. The key findings of this research must always be considered in the context of each other and within the system as a whole.

- Direct participation in the electoral process by Native Americans has increased. That is good news for those voters, and for Democracy. "Nobody will ever deprive the American people of the right to vote except the American people themselves—and the only way they could do this is by not voting", said Franklin Roosevelt. The very real changes in the legal, cultural and economic environments within which many Native live as contributed to the increased participation.
- Within those Native communities which have seen increases in registration and turnout, many positive impacts have occurred. From tribal elders, to Native youth, glimmers of hope and a sense that their voice can be heard will hopefully lead to even higher rates of participation.
- In Washington in 2000 and in South Dakota in 2002, Native voters showed the power of their voices. Two of the 48 current Democratic United States Senators owe their election to Native Americans. Added to the numerous local elections with which Native voters have played a critical role and one can see that a meaningful impact is not only possible but readily ascertainable. Given the current political make up in many states and the U.S. as a whole, many more close elections are likely. Within that context, the role of Native Americans in the electoral process becomes that much more important.

- While the numbers are encouraging, they must be seen in the broader context of voting overall within Indian Country. Participation rates are still significantly below many state and national averages, which have been decreasing over the last three decades. Dramatic distinctions persist between Native communities where turnout rates range from percentages in the 20's to the 70's. While sometimes these disparities mirror those in the general population from one region of the country to another, they also appear within individual states.
- As a result of the economic growth experienced by some tribes in various regions of the country, opportunities for financial participation in the electoral process are now possible where they were not at all in 1990. About 20 tribes now contribute to political campaigns in amounts far greater than just four election cycles ago. These contributors receive much of the media coverage regarding Native participation, but remain just three percent of all federally recognized tribes in the U.S.
- Described by some as political "adolescents", because of their recent involvement, Indian tribes are now utilizing giving patterns similar to those of more "mature" political players. For the first time, tribes, as a group, gave more to Republicans at the federal level than to Democrats in 2002. This apparent disparity between voting and contribution trends within Indian Country is not terribly dissimilar to many other groups with a presence in Washington, D.C.
- The contributions made by tribes, at the federal and state levels, are still significantly lower than almost all other (institutional) givers. With the incredible expansion of the role money plays in the political process generally, the increases (both rate and as totals) made by tribes are actually lower than most all other participants. The oft ignored, but most important difference between tribes as givers and all others is that for the very first time, tribes have the opportunity.
- Far more research and analysis is warranted. Recent media attention paid to the role being played by Native Americans in the electoral process shows that, still, its far easier to rely upon outdated notions than to examine current data.

Acknowledgements

The author would like to thank the following people/ organizations for their collaboration, assistance and guidance:

- The National Institute on Money in State Politics
- The Center for Responsive Politics
- Alan Parker, The Evergreen State College
- Paul Shone, Political Consultant
- Ellie Wicks, South Dakota
- Cheryl Simrell King, The Evergreen State College
- Eric Eberhard, Esq., Dorsey Whitney
- John Guffey, University Of New Mexico, Gallup
- David LaSarte-Meeks, Arizona Indian Gaming Association

Endnotes:

¹ U.S. Census Bureau 2000. American Indian and Alaska Native (single race) population is 2,475,956

² Data from County Auditors office in Shannon and Okanogan Counties

³ For a good source on all states campaign finance laws in one place see <http://www.followthemoney.org/database/about/statedir.phtml> from The National Institute on Money in State Politics

⁴ From Native American Rights Fund "Answers to frequently Asked Questions". <http://www.narf.org/pubs/faqs.html>

⁵ U.S. Census Bureau 2000. American Indian and Alaska Native (single race) population is 2,475,956

⁶ U.S. Census Bureau 2000

⁷ News From Indian Country 9/30/2002 V.XVI; N.18 Author, Kent, Jim

⁸ Data based on analysis of 17 precincts across state where Native Americans comprise at least 80% of voters.

Estimate of new voters is based on 5 tribe sample and includes those who did not vote in 1996. New off-reservation voters estimate based on Census numbers showing 53% of Native Americans in state live off reservation

⁹ 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.

¹⁰ 11/7/02 ACLU Press release, South Dakota Settles Largest-Ever Voting Rights Lawsuit Brought by ACLU on Behalf of Native Americans

¹¹ When asked how can the number of registered voters exceed the VAP, the Fall River County Auditors responded, "the census is always wrong when counting in Indian Country".

¹² In Shannon County in 2000, 6020 were registered and 2047 voted in the general election with a 34% turnout. In the 1994 general election, turnout was 3588 with 1254 registered voters for a 34.9% turnout rate.

¹³ James D. Leach practices law in Rapid City, South Dakota. He was the lead attorney for the South Dakota Democratic Party for the 2002 elections.

¹⁴ New Mexico Secretary of State, <http://www.sos.state.nm.us/Election/Results.html>

¹⁵ Arizona Secretary of State, <http://www.sosaz.com/election/>

¹⁶ Gwen Florio, Denver Post, January 8, 2003

¹⁷ <http://www.state.sd.us/sos/Elections%20home%20page.htm#Past%20Election%20Information>

¹⁸ <http://www.sos.state.az.us/election/2002/info/ElectionInformation.htm>

¹⁹ See note 6 above

²⁰ <http://www.spokane.net/news-story.asp?date=070>

²¹ <http://www.unitedpropertyowners.org/>

²² National poll conducted by the Evans/McDonough Company on native issues from February 14-20, 2002 (N=1000, MoE = 3.1 points

²³ February 13, 2002 "Dear Colleague" letter to the U.S. House of Representatives, KNOW THE FACTS ON CAMPAIGN FINANCE REFORM VOTE NO ON ANTI-TRIBAL AMENDMENT, Rep. J.D. Hayworth, Rep. Dale E. Kildee.

²⁴ <http://www.opensecrets.org/>

²⁵ <http://indiangaming.org/library/index.html>

²⁶ <http://www.opensecrets.org/lobbyists/index.asp>

²⁷ METHODOLOGY: The numbers on this page are based on contributions of \$200 or more from PACs and individuals to federal candidates and from individual and soft money donors to political parties, as reported to the Federal Election Commission. While election cycles are shown in charts as 1996, 1998, 2000 etc. they actually represent two-year periods. For example, the 2002 election cycle runs from January 1, 2001 to December 31, 2002. Data for the current election cycle were released by the Federal Election Commission on Monday, December 02, 2002. NOTE Soft money contributions were not publicly disclosed until the 1991-92 election cycle. Center for Responsive Politics.

²⁸ The Institute on Money in State Politics Project, http://www.followthemoney.org/press/Resource_Guide.pdf

²⁹ Includes contributions from individuals employed by tribes/tribal governments, see endnote 23

³⁰ <http://www.followthemoney.org/database/stateview.phtml?s=CA&y=2000&l=3&sub=X3400&b=2>