March 29, 2024

TO: IllumiNative
FROM: Holly Cook Macarro
Principal, The Angle
RE: Native Visibility and Power Building Project | Political Research Report

INTRODUCTION

The *Native Visibility and Power Building Project* ("NVP") will build upon the research completed in IllumiNative's 2018 *Reclaiming Native Truth* ("RNT") report. RNT included research and insight into the invisibility of Native Americans in the judicial and political realms, in addition to broad research and analysis of the same topic throughout all aspects of American society. This report focuses on the political arena through interviews with high-level political appointees, Congressional staffers, heads of national Native organizations, and elected officials across the spectrum. The interviews focused on how the visibility of Native Americans has changed over the last decade and what effective tribal advocacy looks like from both sides of the table. The insights are primarily from a federal perspective, but several interviewed also have a resume that includes service as a state elected official.

In the 125 years leading up to 2018, eleven Native Americans were elected to the United States House of Representatives, and four were elected to the United States Senate. Of the four elected to the Senate, one had also served in the House of Representatives. Since 2018, though, a span of under six years as of this writing, *seven* Native Americans have been elected to the U.S. Congress, either the House or Senate.[1] Barriers to federal elected office fell across sectors, and suddenly, it is de rigueur that America is electing multiple Native Americans to the House and Senate. Barriers to state executive office suites are also falling, as evidenced by the continued political rise of Lt. Gov. Peggy Flanagan in Minnesota, now serving her second term in state executive office.

In the 2023-2024 election cycle, 83 Native Americans are running for local, state, or federal office. Of those, eight are running for federal seats, and sixty-two are running for state seats. Those tracking candidacies expect that number to continue to rise to 150-200+.[2] These numbers represent a high water mark of Native Americans running for office and a new landscape for the visibility of Native Americans in the political arena. The origins and down-the-line changes this increased representation in office has brought will be discussed in the full findings.

The findings below will discuss why 2018 represents a watershed year for Native Americans' political visibility and how that has sparked change at the state and federal levels and impacted the effectiveness of tribal advocacy.

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[1] Manning, Jennifer E. (2024, March 11). *Membership of the 118th Congress: A Profile.* (CRS Report No. R7470). https://crsreports.congress.gov/product/pdf/R/R47470

[2] Per *Advanced Native Political Leadership (www.advancenativepl.org),* Jordan Havrill, National Program Director.

SUMMARY OF FINDINGS

The *Reclaiming Native Truth* ("RNT") report revealed the depths of the invisibility of Native Americans in American society. The report finally put numbers behind what Indian Country had known, quantifying impacts to support our stories. Many forces of change were propelled towards the same timeframe – the election of the first Native American women to Congress in 2018, the changing of the Washington professional football team's name in 2020, the record number of Natives elected to state and federal office in the 2022 cycle, and the tolerance threshold for ignorance overall about Native America.

As we approach the end of the 118th Congress, it is clear that Native Americans' visibility in both state and federal government has increased. That increase is beyond mere numbers elected to office. For both Members of Congress and Administration officials, engagement with tribes has become a regular course of business. This was referenced as being due to policy changes and statutory requirements on consultation.

Of those interviewed who were Native American, all had a story of either profoundly ignorant questions or comments from colleagues or how their presence and voice influenced policy or legislation. There was universal agreement that having Native American colleagues had an important and significant impact, whether as an elected official in Congress or as a policy expert in the White House. A majority of those interviewed had personal stories illustrating the impact of having Native American colleagues.

There were universally strong statements underscoring the relevance of being Native American as an advocate or tribal representative. Why? Because of personal familiarity with tribal issues and the authentic voice that results from the experience of living in a tribal community. Being Native American matters as an advocate or representative.

The most impactful advocacy from tribal leaders requires the long-term building of relationships and direct engagement. In-person meetings or site visits are critical advocacy tools, whether to a reservation community or other relevant sites. It was also noted repeatedly that long-term relationships establish trust and facilitate ease of access.

METHODOLOGY

For the *Native Visibility and Power Building Project* (NVP), we identified a bipartisan cross-section of key policy voices and decision-makers on the federal level who have, or have had, experience with tribal engagement. We looked for those leaders who could provide a perspective on the changes in the visibility and representation of Native Americans throughout the federal political landscape.

Members of Congress, executive branch political appointees, current and former Congressional staff, and members of the political media have been interviewed confidentially. While this is an overall smaller pool of potential interviewees, these views can be digested as representative of patterns/points in the larger group.

Background of Interviewees:

- Administration – Executive Level Appointees
- Members of Congress
- White House Staff – Domestic Policy Council
- DOI – Political Appointees, AS-IA office
- Senate Committee on Indian Affairs – Staff Directors
- Senate Committee on Indian Affairs – General Counsels
- House of Representatives – Legislative Counsels
- Leaders of national Native organizations
- Local elected official – School Board
- elected official – State Legislatures
- Statewide elected official – Executive offices
- State Party Chairs
- Political Affairs, Author / Journalist
- Assistant U.S. Attorney, Natural Resources; Indian Country Crimes Section

That said, there is another group that could be interviewed whose education levels regarding Native Americans and tribal governments would likely prove informative as well: the nearly 2/3 of the Members of Congress who do not have tribes in their districts but, as Members of Congress, vote on every piece of tribally-related legislation.

FULL FINDINGS

True to the adage that tribal issues are non-partisan, the findings did not reflect any partisan breakdowns on the visibility of Native Americans in the federal and Congressional bureaucracy and tribal advocacy. As noted above, individuals who could offer a knowledgeable and experienced perspective on the changes in visibility and effectiveness of tribal advocacy were sought. All interviewees considered themselves to have a very high education level about tribal governments, describing themselves comparatively in higher education to seniors in college, Ph.D.-level, or J.D.-level. Below is additional information on the backgrounds of those interviewed, presented in summary.

- Seven were elected officials.
- Of those six, four had served in other elected positions.
- Eleven had served as a political appointee on the federal level.
- Eight had served as a federally registered lobbyist.

I. ENGAGEMENT WITH TRIBAL LEADERS AND ADVOCATES

For Members of Congress in leadership or on a critical committee of jurisdiction, the awareness and engagement with Tribal leaders ebbed and flowed with the Congressional schedule.

For those political appointees working at the highest levels of service in the White House, Department of Interior, and other agencies, their engagement was consistent and, in some cases,

constant. The seats at the White House in the Office of Public Engagement and Office of Intergovernmental Affairs engage daily with Tribal Leaders. The seat at the White House Domestic Policy Council ("DPC") handling tribal issues is less so. The DPC had lower levels of engagement with tribal leaders but a high level of engagement with their policy and other colleagues in the White House. The White House Tribal Nations Conference ("TNC") was consistently referred to as a key driver of actions and policies within Administrations. The TNC elevates issues and initiatives to the cabinet-level and creates a pressure system to deliver on campaign or policy commitments.

For those who served as staff in a Congressional office or committee, engagement was daily—a necessary part of the job to learn tribal legislative priorities, positions on broader legislation, and tribal-specific priorities. For those serving in state governments or senior executive service positions within the Administration, they noted the statutory requirements on consultation that require their engagement with tribal leaders.

The interactions with tribal advocates were more consistent. This made sense, given that the role of advocates, or lobbyists, is to plan and organize meetings and then do the follow-up work that results from the actual client meeting with the Member or other decision-maker. It is significant to note that the Members of Congress and Congressional staffers referenced the importance of "trusted" advocates they turned to regularly for advice, intelligence, and tribal-related news. More senior Members and staff also said that as they developed relationships over their careers, they could turn directly to tribal leaders for advice, intel, and news.

II. THE VISIBILITY OF NATIVE AMERICANS IN STATE & FEDERAL GOVERNMENT HAS SEEN MONUMENTAL CHANGE.

The interviewees' careers in the political arena spanned decades, offering a long-term perspective on changes in visibility and in the advocacy industry. The respondents each referenced the same point: the shift in the political visibility of Native Americans has one clear base – electing Native Americans to office. As one noted of a 2002 race for the U.S. Senate:

> *"We think of South Dakota as that moment, when those votes came in, right at the end, people were like, that's why Senator Johnson won. And you could see this momentum in engagement in Native communities around GOTV. And then we were doing more voter registration and making sure there was a plan so people would turnout, and then a decade ago we really got to the point where we're like, we actually should be the people who are running for the seats and serving in these roles."* – Organizer and elected official.

The increase in the number of Native Americans running for office[3] has, unsurprisingly, led to the rise in the number of Native American elected officials representing at the local, state, and federal levels.

[3] Mark Trahant, Editor-at-Large for Indian Country Today has maintained a database tracking and recording Native Americans who run for office. I can request access if reviewers would like to see the numbers.

Also repeatedly cited is the increased number of federal political appointees in the Administration. There is an overall increase, but that increase reflects appointments to positions outside of the traditional "Native American" slots. This is evidenced by the Native Americans serving in the Cabinet, as Treasurer of the United States, the General Counsel at the United States Department of Agriculture, as Solicitor General at the United States Department of the Interior, and so on. There were several references to the prevalence of Native women filling these roles in recent years.

The election of Deb Haaland and Sharice Davids to Congress was repeatedly cited as a watershed moment. While they were not the first Native Americans, they were the first Native American *women,* and their voices, work, and profiles changed the discourse on Native American issues in the halls of Congress and the President's Cabinet.

The increased visibility has also facilitated other noted changes. Consultation—some statutorily required—and collaboration with tribes on both the state and federal levels is commonplace. At the state level, they are intentional about acknowledging and recognizing Indigenous peoples in their states.

The culture of Congress has also changed. One Member of Congress interviewed noted that tribal leaders were not welcomed in offices as much as they are now, crediting two Members in particular with setting the tone for the current atmosphere: the late Congressman Dale Kildee (D-MI), founder of the House Native American Caucus, and Congressman Tom Cole (R-OK), a member of the Chickasaw Nation and currently the most senior Native American in Congress.

> *"It's more of a given that tribes are not another special interest group; they have a governmental and political status that needs to be respected, like state or local governments."* – Member of Congress.

While the increased representation breaks down the perception that tribes are a monolith, one elected official notes the following:

> *"For the foreseeable future, I would say that we're in this interesting place where now non-Native people would really like it if Native electeds spoke on behalf of all Native people and all tribes because it would be easier to do that engagement.* – Native American holding elected office.

III. Impacts of having Native American colleagues and Native Americans as advocates

The increased number of elected officials and political appointees has changed the dynamics of the political landscape. The impacts of having Native American colleagues for Members of Congress, members of the President's Cabinet, and political appointees—across the spectrum, the value of voices from the tribal community cannot be overstated. It was cited as the most critical element of change and goes to the heart of what we are looking at here: Native Americans are not invisible.

Tribes are not forgotten when one has a Native American colleague at the table. The knowledge brought to the table has swayed votes, with one Member of Congress citing a specific example of their Caucus being advised to vote one way by a non-Native Congressman on a federal recognition bill and having then-Cong. Deb Haaland (D-NM) and Cong. Sharice Davids (D-KS) step in to educate their fellow Members on that issue. It changed the vote.

Tribal colleagues also raise awareness of the issues and the complicated historical foundation behind the modern-day issues tribes raise. A former chair of the Senate Committee on Indian Affairs) is quoted as humorously saying, "Why does everything have to go back to the beginning of time?" And it does on many tribal legislative issues.

Native Americans in elected office, as political appointees, and as key staff have the opportunity to sit down with their colleagues on a level that is otherwise simply not available to tribal leaders. We are in unprecedented territory with the example of Secretary Haaland's ability to reach across on the Cabinet level to her fellow Secretary's to guide and educate on tribal and other issues.

Congresswoman Mary Peltola's (D-AK) work on educating her colleagues to understand the difference in issues with the tribes of Alaska was cited, alongside the value of former Congressman Kai Kahele's (D-HI) voice in educating about how the Native Hawaiian population was treated when Hawaii became a state.

> *"When decision-makers gather, if they know that there is a person with a tribal perspective in the room, the tone is very different. They don't talk about Indians as a problem; they start talking about Indians as part of the solution or as a collaborative partner."* – former Administration official.

Demystifying Indians, Indian Country, and Indian affairs was also noted as an impact of having Native American colleagues. It provides the opportunity to illustrate similarities: tribes want good schools, clean drinking water, and a healthy environment to raise our families. By having tribal members representing in these elected or appointed positions, colleagues realize that the goals are similar.

From one interviewee who is a member of a state legislature, having Native American colleagues has meant they are taken more seriously, and they now have multiple voices from the ranks, increasing their efficacy, power, and overall effectiveness.

> *"Sharice has been able to represent her community well, even though it's not primarily a Native community. And that's not just the burden but also the responsibility and honor that every Native elected has of representing not only their community or their constituency but also all Native people because we haven't been in these spaces enough."* – State elected official.

In addition to the increase in Native American candidates, interviewees shared insights into additional changes in tribal visibility and advocacy. In the last decade, tribes have not sat idly by as the political arena evolved, upping the sophistication of their in-house and contracted governmental affairs operations and exercising their clout on every level. Tribes are doing a better

job at collecting the data to back up their stories, and many tribes have professional communicators on staff who handle press and general communications issues. At the state level, several interviewees pointed to the political clout and profiles of tribes in California, Arizona, Washington, and Alabama – states where the voices of tribes have driven policy debates and run ballot initiatives successfully.

Across the board, respondents also noted the number of Native American professionals who have joined the law firm and advocacy ranks after serving in the Administration or in positions on Capitol Hill.

This pipeline of professionals, built over the last 25 years, is the foundation of the tribal advocacy corps in Washington, D.C. Many of the senior voices in the group noted the critical importance of supporting those pipelines of service by continuing to invest in and support Native professionals.

As we've noted, tribal issues are largely nonpartisan, except for the split over the National Labor Relations Board's jurisdiction over commercial gaming enterprises and the organizing parameters of labor unions. On the topic of nonpartisanship, three interviewees noted the prevalence of Native Americans who were Democrats over Republicans. This has resulted in a deeper "bench" and provides the network of Democratic advocates the opportunity to steer Native professionals towards jobs and down career paths.

The advent of tribal gaming and its associated revenues has long been credited as the main reason behind the rise of tribal political power and advocacy. Interestingly, it was an afterthought for all but one of those interviewed for this report, either not mentioned at all or far down the list of reasons for how and why tribal visibility and advocacy have changed. Given far more credit is the increase in Native American candidates and officeholders. An insightful point was made that tribes have a political platform because of their political contributions, and, importantly, the ability of tribes to contribute as governments has led to a deeper understanding of the political classification of tribal governments and tribal citizens.

IV. EFFECTIVE TRIBAL ADVOCACY

The sophistication of tribal advocacy has also responded to this new landscape. Another decade of challenges has added to the experience of tribal leaders in intergovernmental relations. The pipeline of service that has produced a cadre of Native American professionals has also provided tribal governments with the opportunity to have either their own tribal members or other Native American voices represent their interests in Washington, D.C., and state capitols.

There was a time in the history of American Indian politics that required pounding on doors and delivering ultimatums to elected officials. Those were necessary tactics in a different time. Today, those interviewed report that tribal leaders almost universally show up with or have been prepared by a team of legal and advocacy professionals. They are strategic and direct in their requests for assistance, taking advantage of the increased levels of knowledge on the Hill and throughout Administrations. They expect those who work for them to have the team prepared and to do the necessary follow-up.

> "*They are over the nice meetings and pictures—don't waste their time. They want outcomes. They're not coming out here for fun."—former Congressional staffer, longtime attorney, and federally registered lobbyist.*

Tribal leaders are the most impactful voices with elected officials. The most powerful tribal leader voices are those who have consistently shown up and developed relationships with elected officials. Three Members of Congress pointed to two-decade-long relationships they have had with tribal leaders in their states or Districts.

As one interviewee noted:

> *"You can tell when a Member of Congress has worked with tribal governments over years and decades - they know the value that tribal governments bring to these communities, as well as the investments and the local economic development and education they get. People are taking us much more seriously. – Congressional Staffer and political appointee.*

Tribes are also advocating in corners not previously seen. Once only frequenting the fourth-floor hallway at the Department of Interior that houses the Assistant Secretary—Indian Affairs and their team, tribes are now regulars at the Bureau of Land Management, the Department of Commerce, the U.S. Fish & Wildlife Service, and other agencies.

The casino dynamic in Washington, D.C., is still palpable. Access to elected officials is not uniform or democratized. The opportunities for tribes with resources to engage are plentiful, while tribes without resources to fund significant political contributions still struggle. The pay-to-play system is the reality; a handful of tribes are significant and highly visible players on the fundraising circuit. Do they carry the message for all of Indian Country? At times, they do, and on universal tribal issues like the tribal provisions in the Violence Against Women Act or advance appropriations for tribal programs, the support is universal. Several of those interviewed noted the pan-advocacy undertaken by those tribes with increased access and the uniqueness of that characteristic to the tribal community.

While Indian Country's ties to the Democratic Party run deep and remain prevalent, the concerted effort of the most sophisticated advocates to work both sides of the aisle was noted. Tribes have clearly become accustomed to the reliable swing of the pendulum in terms of the power shifts in Congress and are investing time and financial resources into candidates, members, and party efforts on both sides of the aisle. No engagement with third-party candidates or parties was noted. Tribal leaders represent their communities, and the building of relationships is for the benefit of their citizens, not in support of particular party platforms or candidacies or one's personal politics. These positions do not go unnoticed and contribute to the degree of respect this new level of visibility and advocacy brings to tribal leaders and governments.

For most, the most impactful advocacy is meeting directly with tribal leaders. Well-prepared leaders who speak from their hearts stand out from scripted leaders who haven't prepared themselves to discuss an issue. Every elected official noted that visiting tribal communities or relevant sites in person when possible is the most helpful way to understand issues and carry

advocacy forward. Well-crafted narratives around an issue or initiative make everyone's jobs easier, along with having data to support requests.

The influx of those coming out of the pipeline is critically important as tribes now have experienced leaders who can effectively navigate the different agencies.

> "*After decades of being ignored, pushed to the side, and put at the bottom of the stack, there is a savviness about showing up and asking for what you want, not for what you think you can get. I think people are having different types of conversations now. There was a hesitation about what tribes could ask for. Now there's a lot more confidence."*— former White House official.

V. VOICES OF ADVOCATES | INCREASING THE EFFECTIVENESS OF ADVOCACY

The response to the question of whether it matters if a tribal advocate or lobbyist is Native American was universal: Yes. Tribal members are better at telling their own stories and carry an authentic voice because of their lived experiences. There were caveats: advocacy experience, subject knowledge, knowledge of Congressional legislative processes, knowledge of Administration processes, and political acumen must all be in place to assess simply being Native American as above all else for an advocate representative.

The lived experience behind the voices of Native American advocates was seen as an important factor. Tribal leaders view having Native advocates at their side as one sign they're succeeding at their job by supporting community members and Native professionals. Having a Native American advocate representing tribes on tribal issues also matters to Members of Congress and to Native Americans holding elected office or political appointments, bringing authenticity and authority to the subject at hand.

The Native Americans in the interview pool all responded similarly to the question of how tribal advocacy could be made more effective. All noted the need for the National Congress of American Indians ("NCAI") and/or other national advocacy organizations to lead in coordinating advocacy resources, particularly for larger pan-Indian legislative vehicles. NCAI has traditionally played this role, but its leadership role amongst the other national tribal organizations and as the organizing lead on issues for tribal representatives and advocates in Washington, D.C, began to decline in the last decade and is at its lowest point that anyone can recall. The leading voice of NCAI is a key absence, as noted repeatedly.

It was also noted that while there are some high-profile disagreements, there is generally alignment on issues amongst tribes. That alignment, with focus, has the potential to move the dial on land issues, conservation, sacred site protection, and languages but it is not happening.

> "*Tribes should keep hammering on the things they need and want. Don't take for granted that if you told someone once that it's going to get done. You have to keep going back. It's been 500 years, and this is where we are. How many times did Billy Frank go out there and advocate? He never stopped."* – High-level political appointee.

Also noted was the need to continue to build relationships, find allies, and be in places tribes traditionally aren't seen in. Continuing to invest in both political parties is universally seen as necessary and smart. Attending political events and literally having a seat at the table as the political pendulum swings provides tribal leaders opportunities to educate decision-makers who are not experienced or sophisticated about tribal sovereignty and what the federal government's relationship is with tribal governments. These kinds of hard conversations have helped bring people around to support the policies and investments that tribes are asking for.

The biggest challenge is when tribes disagree—and they're going to. It is helpful when tribes get together and iron out their differences behind closed doors before bringing them to elected officials.

CURRENT ISSUES

This question was intended to set the table for the visibility and advocacy questions, as well as provide us with a sense of the issues being brought by tribal leaders to the Congress and Administration. The issues are tied together in some cases: for example, all of the elected officials listed environmental issues as a top concern being brought them. The topic encompasses climate change, natural resource protection, access to clean water, and tribal water rights. Fighting the impacts of the opioid epidemic is another top issue and encompasses law enforcement funding, tribal jurisdiction, and the disproportionate impacts of the criminal justice system on Native Americans. Appropriations and funding levels for tribal programs across the board is a fight that tribal leaders bring on an annual basis to the Hill. For all of the air that tribal gaming issues usually take up in the media, it was mentioned as *one* of the top issues, not the top issue. Tribal gaming matters encompass land into trust matters and economic development. Language preservation and sacred site protection were others mentioned by the interviewees.

TRIBAL NEWS SOURCES | CONTEMPORARY MEDIA NARRATIVES

The places where these very high-level officials get their tribal news were surprising in several aspects. It is all online, and not one interviewee was reading a hard copy of any news outlet. Indian Country Today remains the go-to news source, including their newscast. Native News Online was mentioned several times. Friends are a reliable source of news via shared clips, colleagues are another. Tribal websites are a stronghold for hyper-local tribal news.

Two-thirds of those interviewed mentioned the websites of national tribal organizations, specifically the National Indian Health Board ("NIHB"). There is one source for tribal legal news: Turtle Talk[4]. Only one interviewee mentioned Twitter | X. Only two of the interviewees mentioned previously enormously popular news aggregator sites like Pechanga.net and Indianz.com. Instagram and TikTok were mentioned by four of the interviewees, all under fifty years old.

The responses indicate a lack of a centralized tribal news source in the media. Indian Country Today was a go-to site, but not comprehensive enough to be a sole source. Those interviewed

[4] Turtle Talk is the blog for the Indigenous Law and Policy Center at Michigan State University College of Law. https://turtletalk.blog/

relied heavily on shared news links and sources from friends and colleagues. The number of very "unofficial" channels from serious people was surprising.

A veteran member of the Native media noted the familiar conflicting master narratives of deep poverty and great wealth amongst tribes. The mainstream media is still drawn to the outdated perceptions of Native Americans, and the big narratives are no longer accurate. This is for a different deep dive, but the previous may be a reason there is still not a single Native American on television news or significant Native voices at major outlets like the New York Times or the Washington Post.

CONCLUSION

In conclusion, the increase in Native Americans elected to office is the most important factor underlying the increase in visibility across all sectors of federal and state government structures. This increase in visibility is also fueled by the outflow of Native American professionals from a pipeline of federal government and Congressional service. These professionals now populate an Administration with the highest number of Native American political appointments in history. In totality, the previous two factors have also changed the face and effectiveness of tribal advocacy as well, bringing authentic Native American voices to the forefront of a corps of advocates in Washington, D.C. that has not existed before. While these are unprecedented times in terms of visibility and representation, there is more to be done in breaking down the barriers to elected office and the ballot that have long existed.

Finally, in discussing the questions for this report with one member of Congress, they made this comment:

> *"Without culture, without language, without song, you start losing what makes you unique as a nation."* – Member of Congress.

The comment illustrates a deep understanding of Indian Country and is a testament to the impacts of increased visibility and effective tribal advocacy.

APPENDIX

Key Interview Questions:

- What is your engagement with Tribal Leaders?
- Do you think the visibility of Native Americans in state & federal government has changed over the last decade?
- What do you see is the impact of having Native American colleagues for other Members of Congress/ Cabinet members / political appointees in the Administration / or in the White House?
- What, in your experience, has changed over the last decade in terms of visibility and representation?
- How are Tribes and/or Tribal Leadership showing up as advocates?
- What have you seen is most impactful in terms of Advocacy?
- Is being Native American as an advocate or representative/lobbyist helpful?
- How can the Effectiveness of Tribal Advocacy be increased?
- What issues do you hear about most from Tribes?
- Where do you get your Tribal news?