

THE IMPACT OF OKLAHOMA INDIAN TRIBES ON THE POLITICAL AGENDA OF THE U. S. GOVERNMENT

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This study of the effect of Oklahoma Indian tribes on the political agenda of the U.S. government attempted to answer two research questions: whether the unique legal and political status of Indian tribes provides them with special access to, and influence on, the agenda-setting and policymaking of the national government and whether Oklahoma Indian tribes are able to advance a political agenda they define. The results of this study support the conclusions that the special status of the tribes does give them special access to, and influence on, national policies only after they are established by other political actors. Therefore, Indian tribes are not able to advance a political agenda they define. The national Indian policy agenda is set by other political actors.

According to E. E. Schattschneider (1960), defining the issues in any given society is the supreme instrument of power. The social and political significance of agenda-setting arises from its structuring of government policy choices. The ability of any group to influence the formal agenda of the national government depends on the group's resources; that is, number of members, status, wealth, effect on the economy and group cohesion (Kingdon, 1984). If a group has no position of strength in the political system, then it has little bargaining basis (Cobb and Elder, 1983). A minority group which many researchers describe as having historically failed to obtain government policies representing their interests are American Indian tribes. Because of deliberate cultural separateness, Indian agenda items tend to be largely confined to the group itself. As a result, such issues have great difficulty in gaining the attention of political elites. Many scholars believe that American Indian/federal relations are a study in the failure of democratic processes to protect the interests and well-being of American Indian tribes (Gross, 1989).

When one looks at a list of resources that can be used to place a group's issues on the federal government agenda—numbers in the group, status, wealth, effect of the group on the economy, and group cohesion—it would be reasonable to conclude that American Indian tribes lack the resources to place their items on the federal government's agenda or to

attain successful resolution of these items. Deloria and Lytle (1983) state that tribes are accorded low priority by the federal government when it comes to allocating resources. They contend that the federal government responds to more visible and vocal interest groups and to more populous racial minorities than it does to Indian tribes. The present status of Indian tribes is that of an identifiable racial minority. Indian issues are now social issues and are resolved as such; that is, small changes in federal Indian policies will continue to occupy tribal leaders and policymakers instead of the development of broad national policies (Deloria, 1985).

Gross, in a 1989 study of Indian tribes' impact on federal policies, contends that although it may be paradoxical, American Indian tribes, who have been viewed as historically oppressed, have transcended the limits of their oppression. Gross suggests that Indians are playing a prominent role in the development of pro-Indian policy on the national level. She further contends that even though Indian groups are accused of internecine conflict, are fragmented on goals and strategies, and unable to manage planning processes well, they are, nevertheless, very effective in influencing federal policies. Her contention is that most federal Indian legislation enacted after 1968 has incorporated the policy goals and preferences of Indian constituencies and groups. She states that Indian constituencies and groups are advancing their political agenda. Gross further states that the tribes' semi-sovereign status places them in the constitutional system of intergovernmental relations and that the continuing controversy over their sovereignty sets the agenda for the U. S. Congress.

The question that arises is whether the unique political and legal status of Indian tribes overcomes their historical oppression and lack of resources enough to allow them to significantly effect federal agenda-setting and policymaking. It seems clear that Indian tribes do have extra-constitutional rights, even if these rights are ill-defined and controversial. However, setting the agenda of the federal government and federal policymaking are decisions made within the constitutional framework. When tribes attempt to influence federal agenda-setting and policymaking are they acting as sovereign nations or as political interest groups? Does the very fact that the tribes attempt to solve sovereignty issues and federal trust questions by lobbying Congress, rather than negotiating as a sovereign nation with the United States, imply that Indian tribes are not, dealing "government-to-government" with the United States? Is it

contradictory and, ultimately, unsuccessful for the tribes to attempt to act inside the constitutional framework to answer extra-constitutional questions? Does the very fact that the tribes do attempt to act within the constitutional framework implicitly admit that Congress does have plenary authority over the tribes.

This study will attempt to answer two research questions:

1) Does the unique legal and political status of Oklahoma Indian tribes provide them special access and influence on political agenda-setting and policymaking at the federal level?

2) Are Oklahoma Indian tribes able to advance a political agenda they have defined?

RESEARCH DESIGN

A political agenda is defined as a list of issues viewed at a specific point in time and ranked in a hierarchy of importance by political elites. The formal agenda of the national government is defined as the set of agenda items explicitly up for active and serious consideration by government decision makers. The tribal agenda are those ranked political agenda items identified by study respondents. Tribal agenda items on the formal agenda of the U.S. Congress and the federal courts were identified through secondary sources, tribal-related cases on the federal court dockets, and tribal-related legislation considered by the 99th and 100th Congresses.

Agenda-setting actors, other than the Assistant Secretary of Interior for Indian Affairs and the case study group of tribal leaders, were identified using a "snowball" technique in which each person interviewed identified other actors to be included in the study. Ultimately, 51 political elites who were perceived to have an influence on tribal agendas were identified and, of these, 50 were included in the study (see Appendix 1).

An open-ended interview instrument, modeled on the instrument used in Kingdon's study, was used to interview study respondents. The same instrument was used whether the interviews were done in writing, by telephone, or in-person. The responses of these 50 government and non-government actors in the Indian policy sub-system were used to identify and rank tribal agenda items and to identify and rank the perceived

influence of various actors on the political agenda of American Indian tribes. All study interviews were conducted from December, 1989, to August, 1990.

FINDINGS

Study respondents were asked to identify the most important issues facing Indian tribes today and asked to rank the issues they mentioned. Table 1 compares the agenda item ranking by subgroup of respondents and by all respondents.

AGENDA ITEM ONE: TRIBAL ECONOMIC DEVELOPMENT

Congressional respondents identified a number of impediments they saw to tribal economic development: hostility of non-Indians, a critical lack of understanding by non-Indians of the legal status of the tribes, and the lack of adequate tribal resources and capital necessary for economic development. They emphasized that there is a direct correlation between the lack of tribal economic development and other tribal problems (such as alcoholism, drug abuse, and broken families).

Tribal leaders pointed out that the tribes cannot be sovereign nations until they are self-sufficient. They stressed that the Bureau of Indian Affairs (BIA) is of little assistance in tribal economic development because it does not have the qualified people needed to provide the necessary technical assistance (for example, specialists in raising capital and marketing).

Representatives of state interest groups thought widespread tribal economic development would not occur until the non-Indian business community saw more stability and credibility in tribal government. They said the private sector must be assured that no matter who the tribal leader may be or how many leadership changes occur, contracts will not be arbitrarily terminated or constantly renegotiated.

TABLE 1
Ranking of Indian Agenda Items by Individual Subgroups, Open-ended Question

<i>Rank</i>	<i>Congressmen & Congressional Staff (n=14)</i>	<i>Relevant Congressmen (n=5)</i>	<i>Tribal Leaders (n=14)</i>	<i>State Groups (n=7)</i>	<i>Indian Groups (n=6)</i>	<i>Executive Branch (n=4)</i>	<i>All Respondents (n=5)</i>
1	economic development health	economic development	economic development	sovereignty	sovereignty	economic development federal relations	economic development health
2		federal relations	federal relations	economic development	economic development education health		health sovereignty
3	education	sovereignty education health	health	federal relations education health		sovereignty education	
4	sovereignty federal		education sovereignty				federal relations
5					federal relations	health	education

NOTE: Issues are ranked in order of importance, with the issue ranked number one as the most important. There were some ties.

AGENDA ITEM TWO: INDIAN HEALTH

Congressional respondents stated that the quality of human capital in the tribes is of paramount importance; therefore, improved Indian health is essential to political and economic development. They thought Indian health problems are directly related to Indian feelings of powerlessness and to the highly unstable society in which many Indians live. Tribal respondents believed that the federal government's inadequate funding of Indian health programs directly contradicts federal efforts to improve the tribes economically.

AGENDA ITEM THREE: TRIBAL SOVEREIGNTY

The tribal leaders thought that all tribal agenda items are subsets of the issue of tribal sovereignty. They mentioned that the arena where the issue of tribal sovereignty is being fought may be moving from Washington, D.C., to state capitals. However, the tribal leaders thought that the issue of tribal sovereignty would have to be in the final analysis resolved by Congress. It is Congress, they said, which has the ultimate power to either destroy or preserve tribal sovereignty. Congressional respondents pointed out that the tribes are forced to constantly defend their sovereignty (for example, the power to tax and tribal law enforcement) instead of putting their energies into solving critical tribal problems such as health, education or tribal economic development.

AGENDA ITEM FOUR: TRIBAL/FEDERAL RELATIONS

The majority of study respondents, regardless of their affiliation, were critical of the U. S. Bureau of Indian Affairs. They believed that in the 1980s there had been little connection between tribal priorities and the federal Indian programs actually funded. They contended that the federal government developed these programs with little input from the tribes. Many study respondents, especially congressmen and executive branch officials, called for major reform of the BIA. They suggested the BIA be made an independent board or commission with the primary function of overseeing the government's trust responsibilities to the tribes. They saw the primary role of this reformed BIA as advisory and as a protector

of federal trust responsibilities, while letting the tribes administer all federal Indian programs.

AGENDA ITEM FIVE: INDIAN EDUCATION

Congressional and executive branch respondents thought that the lack of education of many tribal members makes it difficult for the tribes to be self-governing and economically self-sufficient. They spoke of the lack of community support for education in many tribes and a lack of incentive among many Indians to get an education. As one congressman said, generations of despair do not motivate Indians to become educated. Tribal leaders agreed stating that education and economic development are one and the same issue.

All responses to the open-ended interview questions were examined to identify the respondents' perceptions as to which actors had the most influence in placing tribal agenda items on the formal agenda of the national government. Explicit references to actors who influenced the agenda were counted (see Table 2).

THE INFLUENCE OF THE FEDERAL COURTS

The federal courts were perceived to be the single most important influence on the tribal agenda by all study respondents. Congressional respondents ranked the courts the most influential actor more than any other subgroup of respondents. They stated that the courts are the historical protector of Indian rights and the Supreme Court has helped shape the federal laws defining Indian rights and sovereignty. However, they also emphasized that the U. S. Constitution gives Congress plenary authority over all Indian tribes. They stated that the courts' influence is most often the result of the failure or refusal of the executive and legislative branches to act.

With the exception of executive branch respondents, the tribal leaders ranked the federal courts lower than any other group of study respondents. They stated that most federal court decisions are specific to one tribe and have little general applicability to all Indians. They further said that Indian tribes do not "win" cases because they are usually defendants,

TABLE 2

Ranking of Influences on the Indian Agenda by Subgroups and All Respondents

<i>Rank</i>	<i>Congressmen & Congressional Staff (n=14)</i>	<i>Relevant Congressmen (n=5)</i>	<i>Tribal Leaders (n=14)</i>	<i>State Interest Groups (n=7)</i>	<i>Indian Interest Groups (n=6)</i>	<i>Executive Branch (n=4)</i>	<i>Combined Subgroup Ranking (n=50)</i>
1	federal courts	federal courts	interest groups	relevant congressmembers federal courts	relevant congressmembers executive branch	relevant congressmembers	federal courts
2	tribal leaders	congress	congress			executive branch	relevant congressmembers
3	congress		relevant congressmembers	congress	courts	political appointees	congress
4	relevant congressmembers	relevant congressmembers		tribal leaders	congress tribal leaders	congress federal courts	tribal leaders
5	interest groups	interest groups tribal leaders	tribal leaders	interest groups			interest groups

not plaintiffs. Tribal leaders said that the tribes are more likely to react to cases brought against them than to use the courts to pursue a tribal agenda item.

Although the Indian interest groups thought the courts played a primary role in tribal agenda setting, they thought the final arbiter of Indian issues is the U. S. Congress. Even when the tribes do win in court (for example, court cases involving Indian gaming) Congress often will pass legislation to check the court's actions (for example, by setting up a National Indian Gaming Commission). The state interest groups agreed with Indian interest groups that court decisions tend to get Congress' attention and force Congress to take action. The state respondents said that Congress refuses to deal with controversial Indian policies, unless forced, because it is political suicide to be "anti-Indian."

According to the *Ninth Decennial Digest, Part II, 1984-88*, 496 tribal-related cases came before the federal courts. The Native American Rights Fund (NARF) identified only 79 of those cases as significant, that is, having widespread applicability to all Indian tribes (16% of the cases). This seems to confirm the perceptions of study respondents that most of these court cases are tribal specific and do not have widespread applicability to all tribes.

Looking at the subject matter of these 496 cases seems to further confirm the perception that there is little direct relation between the agenda items identified by tribal leaders as most important and the subject of cases brought before the federal courts (see Table 3).

THE INFLUENCE OF THE U.S. CONGRESS

Congress as a whole, and relevant congressmembers specifically, were ranked the second most important influences on the tribal agenda by study respondents. Many congressional respondents emphasized that the U. S. Constitution gives Congress plenary authority over Indian tribes and that the federal courts have historically upheld Congress' plenary authority. Many respondents believe that Congress and the federal courts equally influence policymaking in this area.

According to lists provided by the Assistant Secretary of the Interior for Indian Affairs and the Friends Committee on National Legislation, in the 99th and 100th Congresses (1984-88) 302 tribal-related bills were introduced (68 passed). The Friends Committee on National Legislation

TABLE 3

**Comparison of Tribal Agenda with
Federal Court Cases and Bills Passed by Congress**

Ranked Tribal Agenda Items	Subject of Federal Court Cases (Ranked by % of cases in category)	Subject Matter of Bills Passed by 99th and 100th Congresses (Ranked by % of bills in category)
1. Tribal economic development	Land, water, and fishing claims (52%)	Land, water, and fishing claims (45%)
2. Tribal/federal relations	Tribal governance issues (23%)	Indian education (13%)
3. Indian health	State/tribal disputes (10%)	Tribal governance (10%)
4. Indian education	Indian civil rights (8%)	Economic develop ment (7%)
5. Tribal sovereignty	Other (7%)	Indian health (7%)

and the Native American Rights Fund consider that the large majority of these 302 bills were of importance to one specific tribe and had no broad policy implications for all Indian tribes. These two groups identified only 2% of these bills as having widespread application. A comparison of the agenda items identified as most important by tribal leaders and the bills passed by Congress shows little similarity.

THE INFLUENCE OF THE TRIBAL LEADERS

Tribal leaders were identified as the fourth most important influence on the tribal agenda. State interest groups thought that tribal leaders more often react to tribal agenda items placed on the decision agenda of the federal government by other actors rather than placing items on the government's agenda themselves. Executive branch respondents said the federal government must define the tribal agenda because the tribes speak with 300 different voices. Congressional study respondents spoke of tribal factionalism as an impediment to tribal leaders influencing the

federal agenda. Although they saw the trend toward inter-tribal and regional tribal councils as a positive development, they said the councils continue to be largely ineffectual because of tribal factionalism. Congressional respondents also stated that Congress is more likely to listen to tribal leaders in formulating policy once the decision to develop such a policy has been made by others. That is, tribal leaders have more influence on policymaking than agenda-setting.

The tribal leaders, themselves, said they most often react to a tribal agenda set by Congress. The tribal leaders also spoke of the continuing problem of factionalism. They said an Indian is not just an "Indian" but rather a Chickasaw or Kiowa, and this encourages factionalism. They also said that the current trend is to form temporary coalitions to work on specific issues already on the government agenda but then to disband once the issues are resolved. Finally, the tribal leaders emphasized that the tribes are not organized politically. If a tribe cannot deliver the vote, it has little power with either the legislative or executive branches of government.

THE INFLUENCE OF POLITICAL INTEREST GROUPS

Interest groups were ranked the fifth most important influence on the tribal agenda. Executive branch respondents thought the influence of tribal leaders was diminished on the national level because interest groups who supposedly represent tribal interests rarely encourage input or participation by tribal leaders. An interest group consistently identified as an example of such an interest group was the National Congress of American Indians (NCAI).

THE INFLUENCE OF THE EXECUTIVE BRANCH

The Executive branch was ranked as the actor with the least influence on the tribal agenda, with the president ranked the lowest of all executive branch actors. Both tribal leaders and Indian interest groups emphasized that the role of the federal government in tribal affairs has changed over the last twenty years. They thought that the government's role was gradually becoming regulatory rather than service oriented. They felt

that the Bureau of Indian Affairs was fighting this trend because BIA staff perceive that their jobs are tied to the BIA's provision of social service programs to the tribes.

The majority of study respondents contended that President Reagan was "anti-Indian." They saw his ultimate goal as terminating tribes by eliminating federal Indian programs and drastically reducing funding for the programs that were left. Other respondents thought that the President had no "Indian agenda." State interest group respondents described President Reagan's attitude toward Indians as "studied indifference." The majority of respondents thought President Reagan's adverse actions impacting Indian tribes were budget driven rather than as a result of a presidential agenda. Indian tribes experienced budget cuts during his administration ten times greater than non-Indian groups (Josephy, 1982).

Congressional respondents said that if a president is to have influence in this area of policy he must put Indian policy on his presidential agenda early in his administration. They stated that President Nixon was the last president to place Indian policy on the presidential agenda and to take any significant actions in this field. Respondents did not believe that President Bush's role in Indian policymaking would be significantly different than that of President Reagan's. From 1984 to 1990 no Republican party platform nor presidential State of the Union Addresses mentioned Indian tribes or Indian agenda items.

ANALYSIS AND CONCLUSIONS

This study looked at two research questions, the first being whether the unique legal and political status of Indian tribes provides them special access and input into agenda-setting and policymaking at the federal level. The Gross study (1989) concluded that President Reagan's policy during his administration stipulated a relationship with the tribes similar to the sovereignty of states and local government. Gross contended that the tribes' "semi-sovereign" status placed them in the constitutional system of intergovernmental relations. This study does not support Gross' findings. No participant in this study thought that the federal government treated Indian tribes as a "third unit of government." Many participants spoke of President Reagan's rhetoric concerning self-

determination but thought his hidden agenda was to abolish the federal government's trust responsibilities toward the tribes. The Gross study, contrary to study conclusions, seems to support this contention. Gross stated that Reagans' rhetoric speaks of "self sufficiency" but not self-determination (political independence). She further stated that Reagan's actions did not support extending tribal jurisdiction or for legally and politically redefining the status of tribes. These statements contradict Gross' study conclusions that the tribes' sovereign status places them in the system of intergovernmental relations and that defining tribes as constitutional sovereigns has caught on. The only reference to treating tribes as third units of government in this study was in the context of state/tribal relations. State interest groups, state officials, and tribal leaders who participated in this study thought that progress had been made in dealing "government-to-government" on the state level, but saw no significant progress in this regard on the national level.

Study participants stated that the tribes most often react to an agenda set by others and rarely participate pro-actively in agenda-setting. Congressmembers and their staff members spoke of listening to, and being influenced by, tribal leaders when developing and implementing policies but not in deciding which issues were to be placed on the decision agenda of the federal government.

However, the unique legal and political status of Indian tribes has provided them a policy subsystem available to no other minority political group in the United States. The unique status of American Indian tribes has resulted in this .5% of the population accounting annually for over \$1 billion of the federal budget. American Indians have had created for their exclusive benefit a separate federal bureaucracy, the United States Bureau of Indian Affairs, as well as specific Indian programs in at least six other major federal departments. There are at least three U.S. congressional committees that either deal with Indian policies exclusively or expend a significant amount of time on Indian policies. This information leads naturally to the second research question raised in this study: are Indian tribes able to advance a political agenda they define? The Gross study concludes that the tribes' "semi-sovereign status" causes conflict over jurisdiction that "sets the agenda of Congress"; the tribes ". . . advance a political agenda defined by the Indians themselves"; and that in the 1960s and 1970s Indian tribes created and realized a political agenda (Gross, 1989, 93-108). This study's findings do not agree with

the findings of the Gross' study.

The unique status of American Indian tribes has resulted in the formation of a closed policy subsystem. A closed policy subsystem is often composed of a federal agency, relevant congressmembers, congressional committees, and organized interest groups. These subsystem participants tend to share what is and what is not a problem and how to define the problem (Nimmo and Sanders, 1981). Cobb and Elder (1983) state that these subsystems tend to make only incremental changes in existing policies because they do not want to disrupt existing accommodations among subsystem members.

Low resource, low status groups such as Indian tribes often have agenda items that are endemic, that is, the government shares the responsibility for the current state of affairs. Eyestone (1978) has found that endemic issues are often best handled by closed policy subsystems. He states that these endemic agenda items often are "social issues," that is, conditions identified by groups within a population as a deviation from a social standard. In most endemic issue areas, groups continuously seek adjustments to existent policies but do not attempt to change the political agenda.

Orfield (1975) has also found that the U. S. Congress is often resistant to redressing social and economic imbalances because such issues tend to alienate segments of the congressmember's constituencies and other members of Congress. Therefore, congressmembers find it is easier to make small changes in existing programs and policies or to increase federal aid, actions which they hope may pass unnoticed. Deloria (1985) states that the present status of Indian tribes is that of an identifiable racial minority, that Indian issues are now social issues and that they are resolved as such.

This study and the Gross study came to very different conclusions concerning the influence of Indian tribes on federal tribal agenda-setting and policymaking. Both the Gross study and this study find Indian organizations and leaders play a significant role in *policymaking* but the data in neither study show that these actors are significant influences on the federal government's agenda.

Another point that needs to be made is that Gross may have studied a time period (1970s) that was a deviation from the normal course in the Indian policy field. Data collected in this study does not support Gross' generalizations drawn from Indian policymaking in the 1970s. Indian

in intergovernmental relations. Indian tribes have not transcended their "traditional survival ethic" and have not developed significant political clout (interest group activity, delivering the vote, election of tribal candidates). Nor have the tribes adopted political agendas which reflect universal goals rather than those specific to one tribe.

Even though Indian tribes may not have the influence Gross contributes to them, it is clear that the influence of the tribes has grown. The participants in this study do not think that Indian politics reverted back to the decade of the 1960s. There have been significant changes in this policy arena. This area of federal policy no longer seems to be dominated by the Bureau of Indian Affairs. The quality of tribal leadership, according to study participants, continues to improve. The tribes continue to work toward self-sufficiency through economic development and by obtaining more tribal control over federal Indian programs. The tribes also continue, in the 1980s and 1990s, to challenge state and local governments in matters of jurisdiction, and many tribes say they now deal more often government-to-government with the states on issues critical to Indian tribes.

APPENDIX 1
Study Respondents

14 Eastern Oklahoma elected tribal leaders representing the Chickasaw, Osage, Quapaw, Eastern Shawnee, Seneca-Cayuga, Wyandotte, Miami, Choctaw, Creek, Ottawa, Modoc, Peoria, Seminole and Cherokee (in-person interviews).

Assistant Secretary of Indian Affairs, U. S. Department of Interior (in-person interview).

Assistant to the Secretary of Indian Affairs, U. S. Department of Interior (telephone interview).

Special Assistant to the President, Intergovernmental Affairs (telephone interview).

Tribal Operations Officer, Muskogee Area Office, U.S. Bureau of Indian Affairs (telephone interview).

6 U. S. Senators, two of whom were "relevant congressmembers" (congressmembers serving on congressional committees directly responsible for federal Indian policymaking) (Responded to written questionnaires).

4 U. S. Representatives, two of whom were relevant congressmembers (two telephone interviews and two responded to written questionnaires).

Chief Counsel, Senate Select Committee on Indian Affairs (in-person interview).

Staff member, Interior Subcommittee of the House Appropriations Committee (in-person interview).

Staff member, Indian Affairs Subcommittee, House Interior and Insular Affairs Committee (in-person interview).

6 congressional staff members handling Indian legislative matters for their senator or representative (in-person interviews).

Representatives of 4 Indian political interest groups:

Association of American Indian Affairs

Americans for Indian Opportunity

Council of Energy Resource Tribes

Native American Rights Fund

(telephone interviews)

- Representatives of 3 groups who lobby Congress for Indian interests:
Bureau of Catholic Indian Missions
Friends Committee on National Legislation
Native American Ministries (Presbyterian)
(one-in-person interview and two telephone interviews)
- Representatives of 6 groups representing state interests in the area of Indian policymaking:
Western Governors Association
Conference of Western Attorney's General, Council of State Governments
Governor's Staff, Office of the Governor of Oklahoma
Executive Director, Oklahoma Indian Affairs Commission
National Association of Counties
National Conference of State Legislatures
(telephone interviews)

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