

NATIVE REPRESENTATION IN AMERICAN POLITICAL INSTITUTIONS

by

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(Under the Direction of Geoffrey Sheagley and Joseph Ornstein)

ABSTRACT

In recent years, there has been a concerted effort by Native advocates to increase the number of Native elected officials and appointees, with the expectation that these individuals may serve as proxies for tribal interests in American political institutions. Native people—American Indians, Alaska Natives, Native Hawaiians, and Indigenous peoples across U.S. territories - have consistently faced policies of termination and disenfranchisement by state and federal governments, effectively lowering their representation and power within the political process. In these projects, I examine how Native representation matters in terms of (1) elected officials; (2) appointees; and (3), advocacy efforts. Over three empirical chapters, I focus on the unique goals of politicians who identify as Native American or Indigenous, the conditions of their success, and the public response to these policymakers in supporting policies that impact tribal sovereignty. My findings indicate that Native officials, both elected and appointed, do in fact spend a great deal of political capital on representing the interests of Tribal Nations, a phenomenon that holds despite political party. Moreover, I find that the general public can be swayed to support policies that are championed by Native leaders when presented by a non-partisan, Native American messenger. These findings add important insights to the nascent subfield of Native American politics, and to the extant literature on representation, legislative behavior, bureaucracy, and public opinion.

INDEX WORDS: Native American politics, sovereignty, representation, policy, American politics, Indigenous, Congress, public opinion, rulemaking, institutions, bureaucracy

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INTRODUCTION

“A story matrix connects all of us.

There are rules, processes, and circles of responsibility in this world. And the story begins exactly where it is supposed to begin. We cannot skip any part.”

— *Joy Harjo (Muscogee), U.S. Poet Laureate*

In recent years, there has been a concerted effort by Native advocates to increase the number of Native elected officials and appointees, with the expectation that these individuals may serve as proxies for tribal interests in American political institutions. Native people – American Indians, Alaska Natives, Native Hawaiians, and Indigenous peoples across U.S. territories - have consistently faced policies of termination and disenfranchisement by state and federal governments, effectively lowering their representation and power within the political process. Given the growing trend of Native-identified individuals running for office and accepting political appointments, there are now interesting opportunities to observe the substantive impact of increased descriptive representation for Indigenous people in American politics. In these projects, I examine how Native representation matters in terms of (1) elected officials; (2) appointees; and (3), advocacy efforts.

Over three empirical chapters, I seek to advance our understanding of the unique goals of politicians who identify as Native American or Indigenous, the conditions of their success, and the public response to these policymakers in supporting policies that impact tribal sovereignty. This dissertation seeks to answer:

- How do Native policymakers use their influence to address (or not address) policy concerns of tribes and Native interests?

- What unique contributions do these policymakers make to ‘Indigenizing’ the space of policymaking?
- What are the substantive effects of increased descriptive representation for Native communities in these political institutions?
- If Native representation continues to grow, how might we expect the public to respond to a commensurate increase in policy priorities of Native concern entering the mainstream political zeitgeist? For example, if we expect to see Native policymakers take up issues of Native concern more often, do we also see an associated backlash or increase in tension between non-Native constituencies and these policy choices?

I approach these questions by centering the voices and actions of Native-identified politicians in federal positions. I use a wide range of publicly available data to not only identify these politicians and their Indigenous identities (e.g., tribal affiliation), but also their actions in support of Native sovereignty. My final chapter tests how the representation of Native voices might influence public opinion on issues of tribal sovereignty.

In my first chapter, *Let the Proxies Hit the Floor: Indigenous Use of Floor Speeches in Congress*, I create an original dataset that includes all known members of Congress (N=27) who have identified as American Indian, Alaska Native, or Native Hawaiian. I then analyze their bill sponsorship behavior to investigate whether Indigenous members are more likely than non-native colleagues to file bills of Native concern. This analysis is the first to explore the policy priorities of Native legislators in Congress. In general, I find that throughout history, Native legislators have been more likely to expend political capital on Native issue bills as compared to their non-Native predecessors who served the same districts prior. I also explore the small number of cases where this is not true, exploring the impact of multiple identities, the importance of policy era, and other factors that impact how members of Congress must spend their time.

In my second chapter, *More Than a Feeling: The Substantive Effects of a Native Secretary of the Interior on Tribal Consultations*, I explore the policy implementation effects of having Secretary Deb Haaland (Laguna Pueblo), the first Native American cabinet member to oversee the Department of the Interior. Through her media presence, voting record and formal statements, Secretary Haaland has made clear her support for increased government-to-government consultation between tribes by federal agencies. While tribal consultation has been mandated in agency rulemaking processes since 2000, implementation across departments has varied. In this project, I analyze all proposed rules between 2011 and 2022 within the eleven bureaus of the Department of Interior, as well as whether each of those proposed rules had a tribal consultation. Controlling for the presence of full-time Tribal Liaison Officers (TLOs), the volume of rules per year, agency budgets, and Native to non-Native staff ratios, I find that the presence of a Native Secretary has a significant impact on how responsive agencies are to the renewed call for Tribal Consultation at DOI. In particular, I find that Tribal Consultation was more likely under Haaland at Fish and Wildlife Services (FWS) and the National Park Service (NPS). These findings hold even when comparing solely between Haaland's tenure under Biden and efforts under the Obama administration, demonstrating that Haaland's presence was an important factor beyond party in driving the implementation of Tribal Consultation practices. These findings validate calls by Native Nations and Native-led advocacy organizations for increased in-group representation in the American political system.

In my closing chapter, *Whose Team Are You On? Evaluating Public Response to Native Policy Priorities*, I consider the public response to increased focus on policies of Native concern. Though the first two chapters may illustrate avenues in which Native communities have advanced policy goals, increased salience of these issues in the public discourse may also generate backlash from non-Native constituency groups. American Indian tribes have fought for decades against the use of Native imagery as sports mascots. In recent years, national sports franchises have changed their

team names and iconography in response to these demands. However, some professional sports teams continue to use Native imagery, names and mascots. Using two survey experiments, I look at how non-Natives respond to requests from tribal leaders, white allies, and partisan officials to support tribal policy priorities. In the first survey, I test source cues on requests for changes to the Atlanta Braves franchise using a Georgia-based sample right after their win in the 2021 World Series. In the second survey, I use a national sample to examine responses to requests for change in Native team names, mascots and imagery for sports teams in national franchises. The results indicate that the racial identity of the messenger shapes support for these policies among respondents, and effects are conditioned by partisan and racial identity, with requests from a Native leader having the strongest likelihood of shifting support among white constituents. The findings from this project are helpful to tribal advocates in considering how to message policy priorities to different constituency groups or may instead highlight that it may be best to avoid public discourse on Native policy goals in order to reduce public scrutiny.

Throughout these projects, I find specific conditions under which Native policymakers spend their political capital on issues of Indigenous concern given competing priorities and mixed constituency groups. I also consider the challenges a federal agency may face in implementing their trust responsibility to tribes, despite the presence of a motivated Native leader or willing staff. Finally, I consider the durability of these policy wins by examining non-Native responses to increased representation for Indigenous communities and related policy success. Through exploring the myriad variables that impact legislative and policy implementation success, it is my goal to understand the conditions under which Native communities gain meaningful representation in the American political system.

CHAPTER 1

LET THE PROXIES HIT THE FLOOR: NATIVE BILL SPONSORSHIP IN CONGRESS¹

¹ Blasingame, E.N. To be submitted to a peer-reviewed journal.

Abstract

In recent years, there has been a concerted effort by Native advocates to increase the number of Native elected officials and appointees, with the expectation that these individuals may serve as proxies for tribal interests in American political institutions. Native people—American Indians, Alaska Natives, Native Hawaiians, and Indigenous peoples across U.S. territories—have consistently faced policies of termination and disenfranchisement by state and federal governments, effectively lowering their representation and power within the political process. Of the thousands of members who have served in Congress since the American founding, only 27 have identified as Native. Congress, given its plenary power over tribal affairs, is one of the most important venues where Tribal Nations may hold U.S. institutions accountable for policies that have the power to shape tribal sovereignty. Using a novel dataset, I analyze the bill sponsorship activity of Native members of Congress to assess whether they are more likely than non-Native colleagues to prioritize issues of Native concern. Controlling for district, decade, party, tenure and membership in Indian Affairs committees, I find that Native members of Congress were more likely to be the primary sponsors of Native Issue legislation than their non-Native predecessors within the same district. This is the first study to examine the agenda-setting behavior of Native-identifying members of Congress using bill sponsorship and adds further discussion to the descriptive representation literature in American politics.

Of the 12,000+² members who have served in Congress since the American founding in 1789, only 27 have identified as American Indian, Alaska Native, or Native Hawaiian.³ Yet, Congress is one of the most important venues where Tribal Nations may hold U.S. institutions accountable for policies of land, water and resource dispossession, jurisdictional overstepping, and other critical policies that have the power to undermine tribal sovereignty. This paper explores the agenda-setting activity of these Native legislators on issues of Native concern as compared to the non-Native policymaker who held the same seat prior, examining their bill sponsorship preferences while controlling for in-district constituency effects.

It is a particularly exciting time to be examining the substantive impact of Native lawmakers as more self-identified Native candidates are running for office in American politics than ever before. In the 2024 election alone, there were 11 Native Congressional candidates (4 incumbents). In recent years, there has been a concerted effort by Native advocates to increase the number of Native elected officials and appointees, with the expectation that these individuals may serve as proxies for tribal interests in American political institutions. Across all elected positions in the U.S. system, there has been an 83% increase between 2018 and 2024 in the number of Native candidates (Advance Native Political Leadership 2024). Previous studies have highlighted how descriptive representatives, specifically ethnic minorities, prioritize the concerns of their in-group by sponsoring legislation (Bratton and Haynie 1999, Sweet-Cushman 2020), stopping harmful legislation (Schroedel and Aslanian 2017; Carlson 2022), and responding to in-group constituent concerns (Broockman 2013). Given the growing trend of Native-identified individuals serving in U.S. political institutions, there

² Based on Lewis, Jeffrey B., Keith Poole, Howard Rosenthal, Adam Boche, Aaron Rudkin, and Luke Sonnet (2024). Voteview: Congressional Roll-Call Votes Database. <https://voteview.com/>

³ I use *Native* and *Indigenous* in this paper to refer to individuals and communities who are Native American, Alaska Native or Native Hawaiian.

are interesting opportunities to observe the substantive impact of increased descriptive representation for Native people in American politics.

In this paper, I analyze the bill sponsorship activity of Native members of Congress using an original dataset that includes the sponsored legislation for members of Congress who have identified as American Indian, Alaska Native or Native Hawaiian, as well as the sponsored legislation for the member who served in the same seat (district) prior. I then compare bill sponsorship activity to determine whether Native members are more likely than non-native colleagues to spend political capital on issues of Native concern. I find that Native legislators in these district pairings are, overall, are more likely to serve as primary sponsors for Native issue bills as compared to non-Native members, controlling for important factors such as party, membership on Indian Affairs committees, decade, and tenure. The findings from this paper have important implications for how we might conceptualize the unique position Native policymakers play in Congress, in addition to the broader literature on the substantive impacts of descriptive lawmakers.

Native Enfranchisement and American Politics

Given previous research on the political behavior of Native people and Tribal Nations, I posit there are three common explanations for why historically, so few Native people have run for and been elected to Congressional office. The first recognizes the severe impact of state and federal policies that prevent Native people from voting. Second, as a matter of personal identity, many Native people hold their Tribal Nation as their primary sovereign and refrain from participating in the U.S. political system. And third, a drastically reduced population size has disadvantaged Native people compared to larger ethnic minorities over time.

Native people have consistently faced policies of termination and disenfranchisement by state and federal governments, effectively lowering their representation and power within American

political institutions. As territories were going through the process of becoming states, several included legal constructs that specifically diminished the voting rights of Native people in their constitutions. Though the *Indian Citizenship Act of 1924*, also known as the *Snyder Act*, granted voting rights for all Native people throughout the United States, many states refused to honor this tenet of the Act citing their state constitutional provisions. It wouldn't be until 1948 that a landmark decision by the Arizona State Supreme Court would strike down such provisions, with other states following suit (*Harrison v. Laveen*). Unfortunately, states would continue to advance policies that effectively disenfranchised Native people from the electoral process – both voting and running for office. In many cases, these state-focused debates come down to the issue of taxation. Phelps (1991) describes the tension between the tax-exempt status that many tribes and members may hold given federal recognition status, and the ability of legislators to levy taxes and pass rules that tribes may not be subject to. In the eyes of the state, there remains a question as to the legitimacy of process where a body of people, exempt from certain rules of law, are then part of the political process that enacts those laws for others. These issues persist, especially in states with larger masses of reservation land where tribal lands are deprioritized in terms of polling precincts. In a recent study of Native voting (2012 to 2022), “average turnout among individuals who live on tribal lands was 11 percentage points lower than that of their off-tribal-land counterparts.” (Jones and Grange 2024, 2)

And for those who seek higher office, challenges for Native candidates are pronounced. As Preuhs (2006) found, legislators with racialized identities are often excluded from political leadership opportunities. This has certainly been the case for Native voters and potential candidates. Schroedel and Aslanian (2017) chronicled the experiences of Native state lawmakers in South Dakota – a state notorious for creating statutory barriers for tribal members to vote. These legislators, who were interviewed in 2014, experienced direct instances of racism based on their Native identities, both inside the statehouse and when out in the community. After the *Voting Rights Act of 1965*, it would

take decades for many of the statutory restrictions to be challenged in the courts and overturned. In 1961, South Dakota would send their first and only Native Representative to the House, Lakota citizen Rep. Ben Reifel (R). He would serve as the only Native member of Congress throughout the 1960s. It would not be until 2001 that more than one Native American member of Congress served at the same time—Sen. Ben Nighthorse Campbell (R-CO) and Rep. Brad Carson (D-OK). Rep. Tom Cole (R-OK) would join them shortly after in 2003. These Native legislators must balance the interests of tribal communities and the priorities of the state they represent, which is difficult when jurisdictional challenges arise between the sovereign entities.

Many Native people have also held that the sovereignty of their Native Nation is primary, either rejecting involvement in U.S. politics completely, or engaging only in government-to-government processes such as those that take place in the courts, diplomatic engagement, or in formal consultation processes (Deloria Jr. and Lytle 1998; Herrick 2020; Huyser et al., 2017; Sanchez et al., 2020). Native Nations continue to exist, with their own constitutions and government programs that are aimed at serving their distinct constituency—tribal members. The existence of Native people, on and off the reservation, represent not just a racialized minority in the American diaspora, but a people united by their belief that they are *citizens* of Tribal Nations, which retain their sovereign authority to self-govern. Tribes assert this autonomy in varied ways, implementing many policies that interact with U.S. policies at all levels of federalism. For example, when the State of Oklahoma opted not to participate in the Department of Agriculture’s summer EBT program in early 2024, the Cherokee Nation of Oklahoma stepped in to provide summer grocery funding for children of families on free or reduced lunches (Hoskin 2024). The program served all families living on the Cherokee reservation lands, including non-Native families. In some very rare cases, tribes go so far as to refuse federal funding based on their fear that agency resources come with too many anti-sovereign ‘strings’. Famously, the Onondaga, Tonawanda and Tuscarora Nations have refused

federal funding, stating that it conflicts with the intent of the 1794 Treaty of Canandaigua between the United States and the six nations of the Iroquois Confederacy—essentially granting the tribal confederacy unconditional use of their lands (Weiner 2015).

Prior studies have demonstrated that Native people also express high levels of mistrust for U.S. political institutions given the long history of government-sanctioned violence and removal. A survey of 1,500 Native people in South Dakota and Nevada indicated that participation was much higher in tribal elections (than non-tribal) and that respondents' distrust heavily influenced their decision to engage in U.S. elections (Schroedel et al 2020). In Nebraska during the 2000 elections, it was reported that while over 75 percent of on-reservation members voted in tribal elections, only around 30% voted in the county, state and federal contests – despite it being a presidential election year (Stubben 2006). In many cases, Native people may consider their needs better met by their own Tribal Nations than by U.S. policies, thereby reducing their interest in voting or running for office (Wang 2012). Duffy (1997), who interviewed tribal leaders in Nebraska, Iowa and Wisconsin, developed a framework for 'Native American patriotism' that includes seven archetypes—of which five view the U.S. as irrelevant or antagonistic to tribal sovereignty. These layered identities demonstrate how complex Native views of 'patriotism' are in response to their unique position as dual citizens. Current voting trends seem to indicate that we are seeing an increase in the number of Native Americans who meet Duffy's definition for 'measured separatists', whose primary allegiance is still to their Tribal Nation, but who are also willing to express conditional support for U.S. government activities.

Native Americans and Alaska Natives represent a population that has gone from roughly twenty-million pre-colonization (Treuer 2019), down to less than one million in 1890 (Passel 1996), and back up to around 9.7 million as of the 2020 Census. From first contact to the 1960s, tribes

experienced U.S. policies focused on the eradication, displacement, and assimilation of Native people. In recent decades, we have seen a concerted effort by tribes and members to reclaim language, culture and identity in a way that was not possible during the onslaught of U.S. encroachment. Today, it is estimated that the Native American and Alaska Native population accounts for a little less than 3% of the U.S. population but is expected to continue its growth trajectory (Washington Post 2023).

This increase in population coupled with recent shifts in Native voting behavior have caused the dominant parties to prioritize outreach to Native voters and candidates in recent election cycles. In 2020, Maricopa County, which includes Phoenix, Arizona, flipped blue. Many politicians credit Native organizers and voters for helping Biden to win the Presidential election in 2020 (Fonseca and Kastanis 2020). With 91,000 Native voters in Wisconsin and thin margins from the 2020 election, it was no surprise that the Republican National Convention hosted a Federal Indian Policy Roundtable in Milwaukee for the 2024 cycle (Denetchaw 2024). The Forest County Potawatomi served on the host committee for the 2024 RNC, which was held at one of their gaming properties in Milwaukee (Gonzalez 2024). Forest County Potawatomi Chairman, James Crawford, gave the opening remarks for the second day of the convention—noting their presence on Potawatomi ancestral lands. This act demonstrates the party’s understanding of tribal power in elections (particularly in terms of campaign finance) as well as their willingness to view tribal sovereignty as a minority issue that does not meet the same backlash criteria for other racially conscious policies. And, throughout time, policies of tribal concern have not always mapped cleanly on conservative vs. liberal scales.

In fact, the data on Native partisanship has been mixed. Using National Annenberg Election Study (NAES) data from 2004 and 2008⁴, Koch (2017) finds evidence to substantiate that Native Americans are more likely than any other ethnic group to decline affiliation with the dominant political parties in the U.S. and are less likely to be registered voters. A survey by Herrick and Mendez (2018) of Native Americans found that partisan identity was associated with important background characteristics unique to Native experience. Native respondents who spoke their Native language and had more American Indian grandparents were more likely to identify as Republicans, while Native respondents who grew up on reservation were more likely to identify as Democrats. These surveys help us to understand that policy evaluations by Native Americans do not necessarily map left or right ideologically, but are predominantly focused on the core issue of tribal sovereignty and the right to self-govern, an issue that has been, and may continue to be championed or undermined by either party.

While the diversity of tribal governments, languages, cultures and beliefs may suggest a less crystallized Native identity, prior work on group consciousness indicates that the shared history of political violence and discrimination has fostered a sense of linked-fate or commonality across Native communities. In their conjoint experiment, Jones-Kerwin and Peterson (2024) found that (absent party affiliations) Native respondents were significantly more likely to prefer a Native (co-ethnic) candidate, a characteristic valued more highly than any other featured in the candidate profiles (e.g., gender, age, education). This provides some evidence for the theory that Native candidates may be seen by their communities as proxies for tribal interests. Combined with the understanding that Native policies are often not so easily defined as conservative or liberal, it follows

⁴ NAES for these years did not have a question that sought to validate the strength of Native identity, name tribal affiliation(s), or locate respondents on or off reservation, making it difficult to draw claims about the composition of the respondent group who self-identified as American Indian.

that legislators who self-identify as Native, regardless of party, will prioritize policies of tribal concern in their agenda-setting.

Congress as a Venue for Native Issues

Congress has sole constitutional authority to pass policies that impact how tribal nations exercise their sovereignty in the United States.⁵ Moreover, the federal government has a well-established *trust responsibility* to tribes that necessitates a sustained attention and dedication of resources to addressing concerns raised by tribal nations. This trust responsibility is based on the Supreme Court decision in *Cherokee Nation v. Georgia* (1831) in which Chief Justice John Marshall described the debt owed by the U.S. to tribes for taking their land, referring to tribes as “domestic dependent nations...like that of a ward to a guardian.” (30) Despite this established responsibility of the U.S. to tribes, the policy landscape surrounding U.S. acknowledgement of tribal sovereignty is plagued by ‘inconsistency, indeterminacy and variability’ (Wilkins & Lomawaima, 2001). As such, having representation in Congress may help facilitate increased policy wins for tribes. Moreover, Native legislators play an important role in setting the agenda for such policies, regardless of legislative success (Blasingame 2023; Blasingame, Hansen and Witmer 2024).

Several empirical studies have solidified our understanding of the significant role Congress plays in determining outcomes for tribes and Native people. Turner (2005) and Connor (2014) examined the roll-call behavior of members of Congress on issues of Native concern between 1947 and 2000. These studies highlight that region, partisanship and the presence of tribes in-district all play a role in predicting support for policies of Native concern, with different effects in the Senate and House.

⁵ This right is established in Article 1, Section 8, Clause 3 of the U.S. Constitution (*aka the Commerce Clause*). Devolution of certain Indian affairs from the federal government to the states have occurred in different circumstances throughout U.S. history. Public Law 280 (1953), the Maine Indian Claims Settlement Act (1980), and the passage of the Indian Gaming Rights Act in 1989 are examples.

Importantly, Turner’s work suggests that there was a substantial increase in the coverage of these issues in the 1970s in mainstream media, leaning on members of Congress to support pro-Native policies. This is likely in response to the American Indian Movement of the 1960s and 70s, and the ushering in of the *Self-Determination Era* in Federal-Tribal policy. Each Congress is associated with a different policy era in terms of how the U.S. sought to handle ‘Indian Affairs’, and so we should expect to see general differences in the prioritization of *Native Issue* legislation by all legislators across sessions (see Appendix A for a table of *U.S. Indian Affairs Policy Eras*).

Carlson’s exploration of tribal lobbying disclosures tells us that “six times as many American Indian organized interests reported lobbying in 2012 as in 1978,” (2019, 38) meaning tribes have continued to increase investment in Congressional affairs over time—treating Congress as an important venue for achieving tribal policy goals. Tribes lobby Congress on matters ranging from water and land claims, trust administration, tribal recognition, natural resources, environmental concerns, religious freedom, adoption, labor, healthcare, and financial services, among other policy areas (Open Secrets 2024). Prior work has shown that tribes engage in similar ways to other organized interests in their attempts to set the agenda for lawmakers on issues of Native concern (Boehmke and Witmer 2012). In a comprehensive study on legislation on Native affairs from 1975 to 2013, Carlson (2015) demonstrates that Congress enacted Indian legislation more often than all other types of legislation for every Congressional session in the dataset. These findings support the notion that tribes are strategic advocates and, to some degree, successful in their efforts to achieve their policy goals in Congress as a venue.

The majority of legislation impacting tribes and Native people is assigned to the Senate Indian Affairs and House Natural Resources Committee, specifically the Subcommittee on Indian and

Insular Affairs,⁶ in addition to a number of ‘select’ committees that have focused on issues of Native concern throughout Congressional history (Wilkins and Stark 2018). These committees are of particular importance as tribes seek out its members to advance their policy priorities, in addition to their in-district representation. Boehmke and Witmer (2012) find that on the Senate side⁷, tribes gave significantly more to those who served on the Committee on Indian Affairs. That being said, tribes engage Congress on a number of policy priorities that do not necessarily get assigned to Indian Affairs. The analysis in this project demonstrates that many of the bills of Native concern sponsored by the legislators in this dataset are assigned to a variety of committees. I still control for membership in Indian Affairs Committees, however, because these legislators are *expected* to sponsor and review legislation of Native concern.

The Native Caucus in Congress

With the recent election of several Indigenous members to Congress, there are opportunities to draw broader observations about how these members work to support, or even potentially undermine, the policy goals of tribes and Indigenous communities. The first Native American women elected to Congress won their seats recently — Rep. Deb Haaland (D-NM), who is Laguna Pueblo, and Rep. Sharice Davids (D-KS) who is Ho-Chunk, took office in 2019. Haaland then became the first Native American to serve as a Cabinet secretary when she was sworn in as secretary of the Interior Department in 2021. In a stunning victory during the special election in Alaska in 2022, Rep. Mary Peltola (D-AK) became the first Alaska Native (Yup’ik) to hold a congressional seat. Peltola’s win added one more voice to the historically small caucus of Native legislators in Congress, though she lost her re-election bid in 2024. Today, the Congressional Native American

⁶ This committee sometimes changes name depending on the controlling party. Under Democratic control in the 117th Congress, it was called the House Subcommittee for Indigenous Peoples of the United States.

⁷ Their study does not include members of the House.

Caucus includes three Republicans (all from Oklahoma) and one Democrat representing Kansas.

The highest number of Native members to serve at the same time was six in 2021. *Figure 1.1* shows how many Native legislators served in total, House and Senate, per year from the founding to 2024.

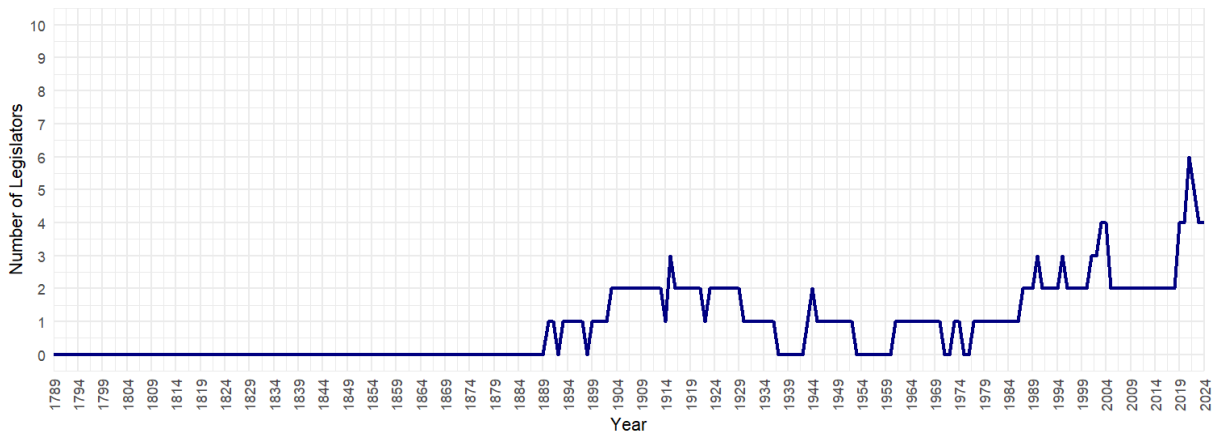


Figure 1.1 - Number of Native Legislators in Congress, Per Year (1789-2024)

Nine Native legislators have served tenures in Congress lasting more than ten years, solidifying their respective legacies as lawmakers. The longest serving at 36 years, was Daniel K. Akaka (D-HI), who was Native Hawaiian. Akaka served in the House (1977-1990) and Senate (1990–2013). Akaka spent many sessions sponsoring a Hawaiian Recognition bill, known as the “Akaka Bill”, which would grant Native Hawaiians a form of federal recognition, though ultimately, he was unable to reach agreement between the U.S. government, the State of Hawaii, and the Hawaii Sovereignty Movement on the provisions (Lindsey 2002). The second longest serving member was Charles Curtis (R-KS) of the Kaw Nation, who would go on to serve as Herbert Hoover’s Vice President. Curtis also served in both the House (1893-1906) and Senate (1907-1912; 1915-1929). During his time in the House, Curtis put forward multiple bills to authorize railroad companies’ right of way for building lines through several Indian reservations and western territories. Curtis was pro-assimilation based on his off-reservation upbringing (Yang, Wilde & Merchant 2023). Rep. Tom

Cole (R-OK), member of the Chickasaw Nation, is serving his 21st year in the House. Cole has become a powerful leader of the GOP caucus and has been Chairman of both power committees – Rules and Appropriations. Delegate Jonah Kūhiō Kalanianaʻole, a member of the Hawaiian Home Rule Party, Cherokee citizen Sen. Robert Latham Owen (D-OK) and Rep. Charles D. Carter (D-OK) of the Chickasaw Nation, each served twenty-year terms in the House.

Several Native members (n=9) served three years or less in Congress. Rep. John Mercer Langston (R-VA), who was Pamunkey and also African American, served in the House between 1890 and 1891. He had to pursue a legal challenge based on voter intimidation to win his rightful seat in the House but lost his reelection bid to newly re-organized white Democrats in his home state of Virginia (Cheek & Cheek 1991). Rep. Will Rogers Jr. (D-CA, Cherokee) served from 1943-1944, at which time he vacated his seat to serve in WWII. Rep. Mary Peltola (D-AK) made history in 2022 after winning the special election to replace Rep. Don Young in Alaska's at-large House seat. She became the first Alaska Native to serve in Congressional history but lost her bid for re-election in 2024. Each of these 27 Native members have had unique experiences in Congress based on their cultural upbringing, socioeconomic status, gender, and certainly tribal identity.

The Goals of Native Lawmakers

In Congress, sponsorship may be seen as a strong signal of policy support for legislators (Campbell 1982; Krehbiel 1995; Wawro 2000). At both state and federal levels, prior work indicates that representatives from marginalized groups sponsor more bills related to their descriptive identity (e.g., race, gender) (Bratton and Haynie 1999; Rouse 2013, Wallace 2014). Non-minority legislators also sponsor such legislation, but there is evidence to suggest that minority legislators do so more often (Hansen and Treul 2015; Saraceno, Hansen, and Truel 2021). Though prior work has explored how legislators from marginalized groups spend their political capital (Minta 2009; Butler and

Broockman 2011; Broockman 2013), no studies have yet examined this question for Indigenous members of Congress.

While in office, legislators pursue varied policy goals across issue areas, all of which have the capacity to impact Native Americans who are dual citizens of their tribe and of the United States (Cheyfitz 2006). However, supporting certain policies highlights a dedication to enhancing tribal resources or self-determination. As such, this paper is focused on analyzing the political capital expended by Native legislators serving in Congress on issues of Indigenous concern more broadly. I expect that the goals of Native policymakers are likely filtered through two lenses: one related to the general constituency they serve within their district, and the other an interest to serve Native constituents and Tribal Nations of the state or territory in which they reside, regardless of district. Prior work at the state level has indicated that there are substantive differences in representation from Native legislators (Blasingame 2023; Johnson & Witmer 2020; Prindeville & Gomez 1999). When a bill is passed or a court decision handed down, these tend to set precedent for all Tribal Nations in their dealings with American political institutions (Wilkins & Lomawaima 2001). As such, these members acknowledge that their fate is often linked to the wellbeing of other tribes or Indigenous communities within the United States.

Hypothesis

I expect that Native legislators introduce more bills related to Native issues, signaling a stronger dedication to addressing tribal concerns based on their descriptive identity, compared to their in-district predecessor.

Data

For this project, I collected data pertaining to members of Congress who self-identify as Native American, Alaska Native or Native Hawaiian, as well as their in-district predecessors. I used

lists compiled by Stubben (2006), the Congressional Research Service (2013), Wilkins & Stark (2018), and Carlson (2022) who had conducted prior work to identify Native members. In order to validate that the legislators on the list self-identified as Native, I worked with a research assistant to review multiple data sources including legislator websites and social media accounts, official biographies, press releases, and news media and interviews (*see Appendix A for validation details*).⁸

Table 1.1: List of Native Members of Congress (Chronological) (N=27)				
<i>Name</i>	<i>Identity</i>	<i>State</i>	<i>Service</i>	<i>Party</i>
Hiram Rhodes Revels	Lumbee	MS	Senate (1869-1871)	Republican
Richard H. Cain	Cherokee	SC	House (1873-1879)	Republican
John Mercer Langston	Pamunkey	VA	House (1890-1891)	Republican
Charles Curtis	Kaw	KS	House (1893-1906); Senate (1907-1912; 1915-1929)	Republican
Robert William Wilcox	Native Hawaiian	HI	House Delegate (1900-1903)	Home Rule
Jonah Kūhiō Kalanianaʻole	Native Hawaiian	HI	House Delegate (1902-1922)	Home Rule
Robert Latham Owen	Cherokee	OK	Senate (1907-1925)	Democrat
Charles D. Carter	Chickasaw	OK	House (1907-1927)	Democrat
William Paul Jarrett	Native Hawaiian	HI	House Delegate (1923-1927)	Democrat
William Wirth Hastings	Cherokee	OK	House (1923-1935)	Democrat
Victor S.K. Houston	Native Hawaiian	HI	House Delegate (1927-1933)	Republican

⁸ Special thank you to Asia Parker, PhD Candidate (UGA) for her diligent efforts on this important aspect of the data collection process.

Samuel W. King	Native Hawaiian	HI	House Delegate (1935-1943)	Republican
Will Rogers Jr.	Cherokee	CA	House (1943-1944)	Democrat
William G. Stigler	Choctaw	OK	House (1944-1952)	Democrat
Ben Reifel	Lakota	SD	House (1961-1971)	Republican
Clem McSpadden	Cherokee	OK	House (1973-1975)	Democrat
Daniel K. Akaka	Native Hawaiian	HI	House (1977-1990); Senate (1990–2013)	Democrat
Ben Nighthorse Campbell	Northern Cheyenne	CO	House (1986-1992); Senate (1992-2004)	Democrat (1986-1995) Republican (1995-2004)
Brad Carson	Cherokee	OK	House (2001-2005)	Democrat
Tom Cole	Chickasaw	OK	House (2003-)	Republican
Markwayne Mullin	Cherokee	OK	House (2013-2022); Senate (2023-)	Republican
Sharice Davids	Ho-Chunk	KS	House (2019-)	Democrat
Deb Haaland	Laguna Pueblo	NM	House (2019-2021)	Democrat
Yvette Harrell	Cherokee	NM	House (2021-2023)	Republican
Kaiali‘i (Kai) Kahele	Native Hawaiian	HI	House (2021-2023)	Democrat
Mary Peltola	Yup'ik (Alaska Native)	AK	House (2022-2024)	Democrat
Josh Brecheen	Choctaw	OK	House (2023-)	Republican

This resulted in a list of 27 legislators who self-identified as Native American (n=19), Alaska Native (n=1) or Native Hawaiian (n=7) (*Table 1.1*). Of these legislators, 16 served on committees related to Indian Affairs, 13 were Republican, 14 Democrat, and two were members of Hawaii's

Home Rule Party.⁹¹⁰ I then identified the legislators who served in the same district prior for each Native member. The legislator dataset includes tribal affiliation, chamber, district, years of service, committee assignments, and party (*see Table 1.2 below for list of predecessors*). These legislators represent 11 different tribes, with 8 from the Cherokee Nation, 2 Choctaw and 2 Chickasaw.

Unfortunately, I was not able to include several legislators in the comparative analysis due to data variability. For example, Sen. Hiram Rhodes Revels (R-MS), who was Lumbee and also celebrated as the first African American Senator, was elected after his seat had been empty for almost 9 years during the Civil War, as confederate representatives from Mississippi boycotted the federal government. Many of the Native Hawaiians to serve as early delegates prior to statehood could also not be included because the first few representatives from the territory identified as Native Hawaiian – meaning they had no non-Native predecessor for comparison. Robert William Wilcox was the first ever Delegate from the territory of Hawaii from 1900-1903. Jonah Kūhiō Kalanianaʻole, a descendent of the Hawaiian throne, served from 1902 to 1922. Henry Alexander Baldwin only served for one year (March 1922-March 1923) and did not introduce legislation during his session, meaning there is no legislation to compare for Delegates William P. Jarrett (1923-1927) or Victor S. K. Houston (1927-1933). In the case of Rep. Josh Brecheen (R-OK), his immediate predecessor was Rep. Markwayne Mullin (R-OK) before he went to the Senate. Brecheen is therefore not included in this analysis.

⁹ Ben Nighthorse Campbell switched parties from Democrat to Republican in 1995, spending equal amounts of time in Congress as a member of each party. He is therefore counted twice here.

¹⁰ Home Rule Party refers to the Native-led Independent Home Rule Party created in response to the annexation of Hawaii into the United States as a means to represent local interests of the Hawaiian people as primary (see Williams Jr. 2015)

There were also legislators who served in both chambers, and even both parties during their time in Congress. Charles Curtis (R-KS), a member of the Kaw Nation, served in the House from 1893-1906. He was redistricted once during his time in the House, meaning he represented both the 4th district (1893–1899) and 1st district (1899–1907). He served in the Senate from 1907 until 1913 when he lost his re-election bid. He ran again and won in 1915 and remained in the Senate until 1929 when he became the first Native person, and first person of color, to ever be elected as Vice President of the United States. All of this translates to Curtis having four different predecessors in the dataset. Ben Nighthorse Campbell (R-CO), Northern Cheyenne, a particularly prolific Native legislator, served in both the House and the Senate. In 1995, two years after taking his Senate seat, Campbell switched parties from Democrat to Republican – remaining in the Republican party until his retirement in 2004. Daniel Akaka (D-HI) and Markwayne Mullin (R-OK) also served in both chambers. This resulted in a final set of 50 legislators – 20 Native and 25 Non-Native predecessors for a total of 25 dyads (*see Table 1.2 below*).

Table 1.2 – Sponsored Bills by In-District Pairings for Native/Non-Native Members				
House				
<i>District</i>	<i>Native Member (Successor)</i>	<i>Bills Sponsored</i>	<i>Non-Native Member (Predecessor)</i>	<i>Bills Sponsored</i>
VA-4	John Mercer Langston (R)	7	William Embre Gaines (R)	22
OK-2-B	William G. Stigler (D)	99	John Conover Nichols (D)	106
HI-TER-A	Samuel King (R)	33	Lincoln Joy McCandless (D)	15
HI-2-A	Daniel Akaka (D)	90	Patsy Mink (D)	296
CA-16	Will Rogers Jr. (D)	12	Leland M. Ford (R)	65
CO-3	Ben Nighthorse Campbell (D, R)	42	Michael Strang (R)	11
SD-1	Ben Reifel (R)	72	George Stanley McGovern (D)	131
OK-2-D	Brad Carson (D)	24	Tom Coburn (R)	25
OK-2-E	Markwayne Mullin (R)	85	Dan Boren (D)	71
AK-1	Mary Peltola (D)	36	Don Young (R)	1119
OK-4-B	Tom Cole (R)	188	JC Watts Jr. (R)	55
KS-3	Sharice Davids (D)	38	Kevin Yoder (R)	25
NM-1	Deb Haaland (D)	52	Michelle Lujan Grisham (D)	79
HI-2-B	Kaiali'i (Kai) Kahele (D)	17	Tulsi Gabbard (D)	115
NM-2	Yvette Herrell (R)	25	Xochitl Torres Small (D)	21
KS-1	Charles Curtis (R)	204	John G. Otis (Populist)	24
KS-4	Charles Curtis (R)	66	Case Broderick (R)	119

OK-2-A	William Wirth Hastings (D)	413	Dick Thompson Morgan (R)	108
OK-2-C	Clem McSpadden (D)	35	Ed Edmondson (D)	407
OK-4-A	Charles D. Carter (D)	289	Bird Segle McGuire (R)	164
Senate				
KS-SEN-A	Charles Curtis (R)	199	Alfred Washburn Benson (R)	1
KS-SEN-B	Charles Curtis (R)	481	Joseph L. Bristow (R)	89
HI-SEN	Daniel Akaka (D)	514	Spark Matsunaga (D)	389
CO-SEN	Ben Nighthorse Campbell (R)	333	Tim Wirth (D)	72
OK-SEN-B	Markwayne Mullin (R)	21	Jim Inhofe (R)	485

Using the Congressional Record, I compiled all sponsored legislation for each of the legislators in the dataset. This process resulted in a dataset of $N=7,389^{11}$ bills from 25 dyads. With the help of a team of research assistants¹², we reviewed each piece of sponsored legislation and determined if the content pertained to a *Native Issue* or not (1, 0) – the dependent variable. In most cases, the bill summary or text would clearly include one or more of the following terms: *tribe(s)*, *tribal*, *Native American(s)*, *Indian(s)*, or *Indian land(s)*. Omnibus legislation that happens to include language pertaining to Native populations or tribes, but was not primarily concerned with *Native Issues*, were coded as 0. *Figure 1.2* below displays the number of *Native issue* bills filed per decade by Native and Non-Native legislators. In the 1920s and 1940s, all Native issue bills were filed by Native legislators.

¹¹ The original dataset included 12,012 bills, but 4,623 were pension bills filed between 1900 and 1930 unrelated to Native concerns. In this time period, Congress was inundated with requests for federal pension bills to address the changing social welfare and labor landscape, brought on by demands to meet retirement needs for public employees. Only names for those receiving pensions are used in the bill text, meaning coders did not have a way to verify Native identity for these individuals for the *Native Issue* variable (with very few exceptions). For additional history on the demands on Congress to issue this specific type of legislation, see Conover (2013).

¹² Many thanks to Stella Babb, Madina Bekisheva, Asia Parker, Lauren Vanden Heuvel, and Cope Simpson for their many hours of work helping me to code this dataset.

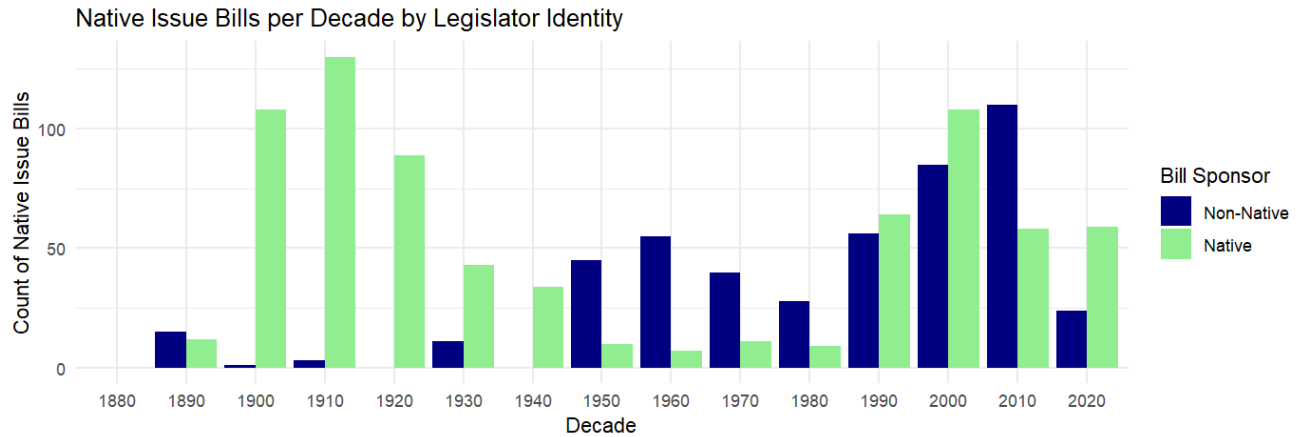


Figure 1.2 – Count of Native Issue Bills x Native Identity (and Decade)

In testing the effect of the independent variable – *Native Legislator* (0, 1), I include controls for *party*, *tenure* and *Indian Affairs Committee* membership in either the House or Senate committees focused on Indian Affairs. *Tenure* (measured as years in seat at time bill is introduced) may partially explain bill sponsorship behavior, given that senior legislators may have had more time and greater resources for introducing in-group legislation, in addition to bills produced to meet direct constituency and party demands (see Schiller 1995; Rocca and Gordon 2009). Party is factored whereas the results indicate effects of identifying as *Republican* (as compared to *Democrat*). *Indian Affairs Committee* is coded as 0,1 for membership in one of the Indian Affairs Committees during the year of bill sponsorship (several legislators did not serve on these Committees for the full duration of their term). Fixed effects are included for *district(dyad)* and *decade*. Recall that there are 25 district-level dyads, each with one Native legislator and their non-Native predecessor.

Results

I begin by comparing the total bills sponsored by Native legislators and their non-Native counterparts on issues of Native concern. In aggregate, non-Native legislators filed *Native issue* bills 12% of the time, compared to 21% for Native legislators. A chi-squared test of independence shows

that Native legislators are significantly more likely to sponsor *Native issue* bills than non-Native legislators, $\chi^2(1) = 100.5$, $p < .001$. In the Senate, the breakdown was 14% of all bills for Native legislators, compared to 4% for predecessors. In the House, 26% of bills filed by Native legislators were *Native Issue* bills, with 15% of all bills for non-Native predecessors. In both chambers, Native legislators were significantly more likely to sponsor Native issue bills than non-Native legislators. The chi-squared tests here revealed significant associations in the House, $\chi^2(1) = 86.28$, $p < .001$, and in the Senate, $\chi^2(1) = 67.39$, $p < .001$. *Figure 1.3* shows the percentage of *Native issue* bills versus non-Native issue bills filed in the Senate and the House, by legislator identity.

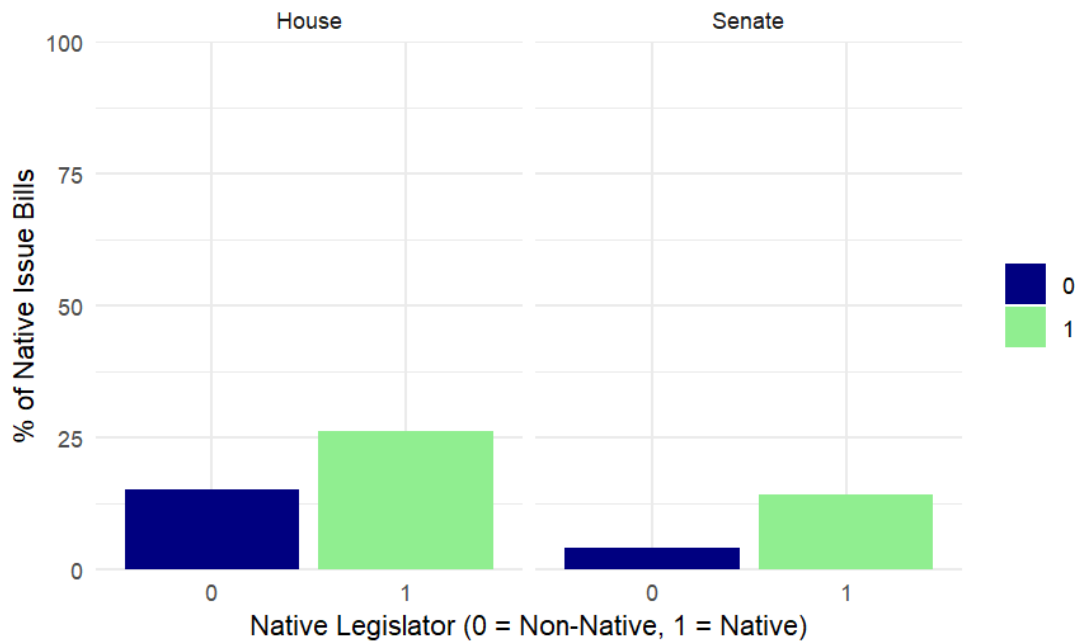


Figure 1.3 – Percentage of Native Issue Bills x Native Identity (and Chamber)

In most district-dyads (19 of 25), Native legislators sponsored more *Native Issue* legislation as a percentage of all bills sponsored than their non-Native counterparts (*see Figure 1.4 below*). In one district-dyad, (NM-2), the non-Native members of the dyad not only sponsored more legislation of Native concern, but the Native member had zero bills coded as *Native Issue* legislation. In two cases,

VA-4 and CA-16, neither legislator in the district sponsored this type of legislation. Non-Native legislators filed more Native Issue bills in two cases (OK-2-E, SD-1).

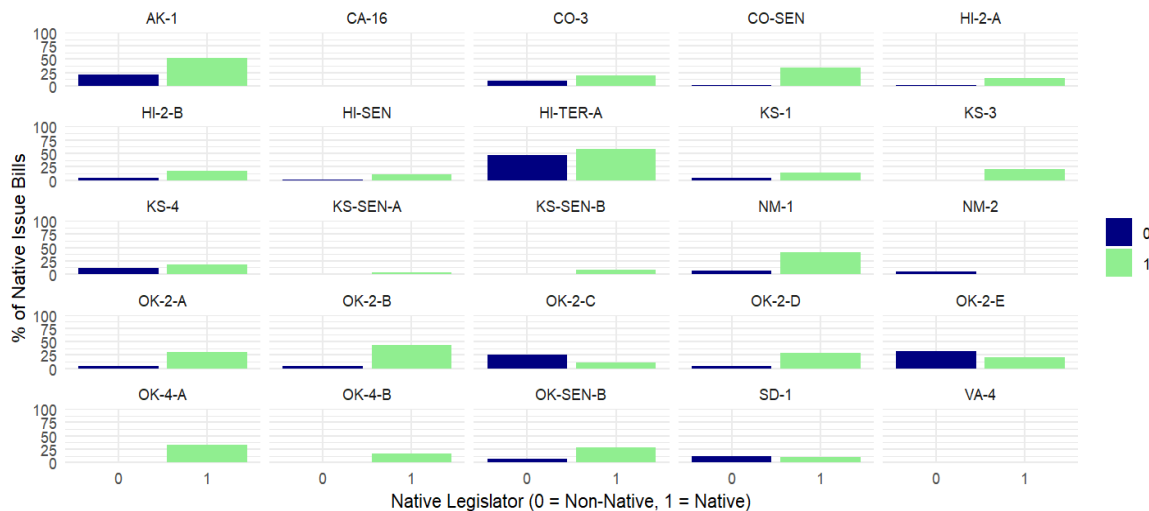


Figure 1.4 – Percentage of Native Issue Bills x Native identity and District

Next, I estimate the likelihood that a Native legislator introduces more bills related to issues of Native concern (at the bill level), as compared to their Non-Native predecessor. Because three individuals in the dataset are still serving in Congress¹³, I caution that the model is not causally specified. Additionally, the data I use here violate some assumptions regarding independence of the data, particularly as the same individual may appear in more than one pairing. Dyads containing the same individual are likely to covary, potentially biasing estimates and inflating standard errors (Kouniga 2023). As such, I use a logistic regression with fixed effects for *district (dyad)* and *decade* accounting for potential clustering in the data and variability in political climate and changes in Congressional legislative priorities over time. The chamber, House or Senate, is captured in this district variable.

¹³ Rep. Tom Cole (R-OK), Rep. Sharice Davids (D-KS), and Sen. Markwayne Mullin (D-OK)

To interpret the coefficients of the logistic regression in terms of substantive effects, I computed the marginal effects for our variables of interest. Marginal effects indicate the change in the predicted probability of a sponsor filing a *Native Issue* bill for a one-unit increase in the predictor variable, holding other variables constant. A simulated power analysis indicates that the model is adequately powered (1). Logistic regression output is available in *Appendix A*.

The results suggest that when a member of Congress *in these districts* identifies as *Native*, the probability of that legislator sponsoring a *Native Issue bill*, as compared to a non-Native issue bill, increases by 14 percentage points ($p < 0.001$). Identifying as a *Republican*, regardless of Native identity, is associated with a 6 percentage point *decrease* in the probability of filing *Native issue* legislation. As expected, members of *Indian Affairs Committees* have an increased probability of filing *Native issue* legislation (9 percentage points). No statistically significant relationship was found between *tenure* and the likelihood of sponsoring Native-issue legislation in this model. Marginal effects are plotted in *Figure 1.5* below.

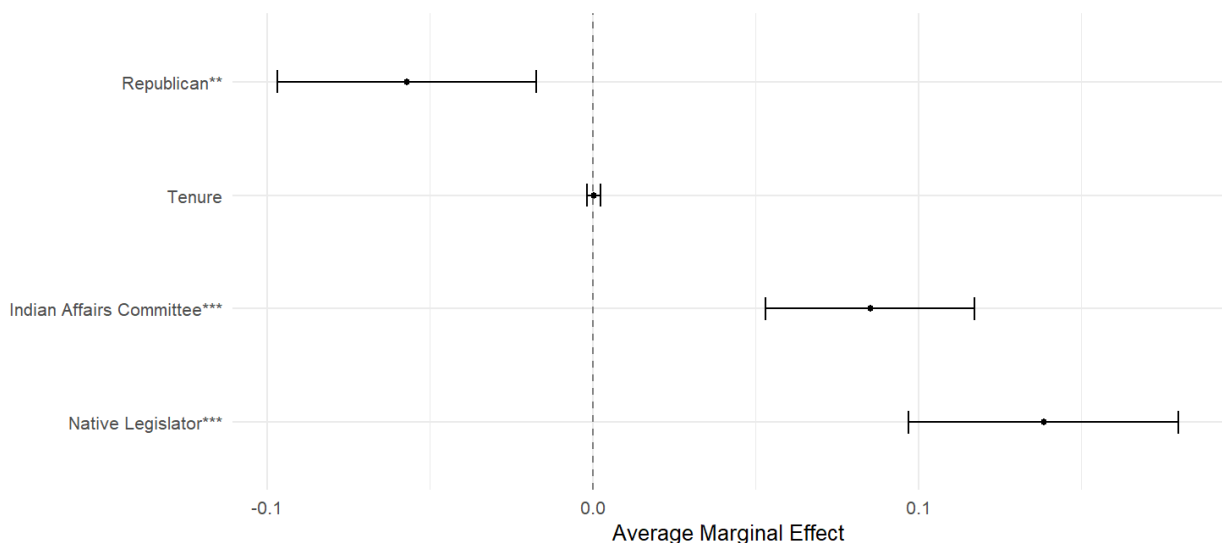


Figure 1.5 – Marginal Effects of Key Predictors on Legislators Filing Native Issue Legislation (*fixed effects by district-dyad and decade*)

†Estimated effect and 95% confidence intervals on the probability that a legislator will file legislation of Native concern. ††* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$

A. Do we observe differences by chamber?

To examine differences by chamber, I estimate separate models for the House and Senate given the distinct party and rules effects that impact bill sponsorship and voting behavior (Truel 2008; Volden & Wiseman 2018). This allows us to see chamber effects that were absorbed by the dyad-level fixed-effects included in Model 1. Fixed-effects logistic regression automatically excluded dyads with no variation in the outcome (i.e., those where *Native Issue* was always 0 or always 1). Of the 106 excluded bill-level observations in the House, 87 were from non-Native legislators and 19 were from Native legislators. This included bills from two district-dyads (CA-16 and VA-4). The House model therefore has 4,699 bill-level observations. The Senate model had a complete set of bill level observations ($n=2,584$). Models 2 (House) and 3 (Senate) reveal that bills sponsored by a Native legislator have a higher likelihood of being a *Native issue* bill (House: $\beta = 1.191$, $p < .001$; Senate: $\beta = 1.331$, $p < .001$). However, the average marginal effects are smaller and not statistically distinguishable from zero at the 95% level (CIs include zero), indicating the change in predicted probability is modest and estimated with some uncertainty. This is likely because the model for the House dropped two dyads, as well as the fact that the Senate model only had 5 district-dyads in total, severely limiting any variation we might see in the chamber-specific models. A simulated power analysis indicates the Senate model is vastly underpowered (0.137), confirming this concern. The House model, however, is adequately powered (1). This suggests that any effect of Native identity on House bills is likely small or inconsistent across dyads, rather than obscured by sample size limitations. Given that in all five of the Senate dyads, Native legislators file *more Native Issue*

legislation than their non-Native predecessors, it follows that these observations partially drive the significant outcomes from the pooled model containing dyads across chambers (Model 1).

C. Do we see differences for Native partisans?

There are an equal number of Democrats and Republicans in the dataset who identify as Native. In terms of bill share, Native Democrats filed 1,687 bills in the dataset (out of 3353), or roughly 50% of bills filed by Democrats. Native Republicans filed 2,160 bills (out of 4012), or around 54% of all Republican-filed bills in the dataset. To evaluate if Native Republicans (Democrats) are more likely to file *Native issue* legislation than their non-Native co-partisans, I run two separate models for Native Democrats and Republicans. The models were appropriately powered and included controls for *tenure* and *Indian Affairs Committee*. Among Democrats, being Native is associated with a very significant 14.5 percentage point increase in the probability of sponsoring a *Native issue* bill, holding other variables constant ($p < 0.001$). For Republican legislators, being Native is associated with a 2.6 percentage point increase in the probability of sponsoring a *Native issue* bill, a result that is statistically significant ($p < 0.05$). While the effect is small compared to Democrats, it indicates that Native identity still plays a role in shaping sponsorship behavior for members of both parties.

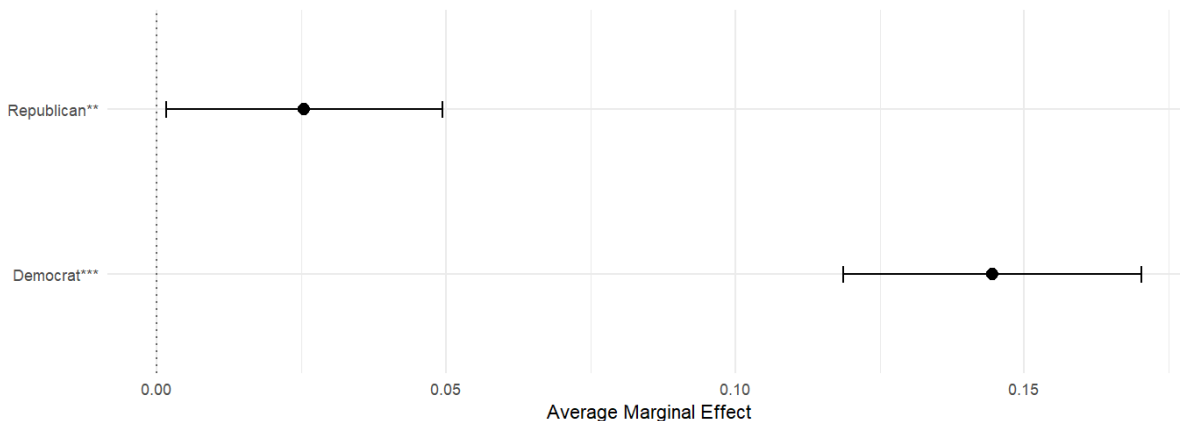


Figure 1.6 – Marginal Effect of Native Identity on Filing Native Issue Legislation (by Party)

†Estimated effect and 95% confidence intervals on the probability that a legislator will file legislation of Native concern. ††* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$

I also estimate a model to examine if there are partisan effects between Native Democrats and Native Republicans on the likelihood of bill sponsorship. Among Native legislators, being a Republican is associated with a 4.4 percentage point *decrease* in the probability of sponsoring a *Native issue* bill, compared to being a Native Democrat. This effect is statistically significant ($p = 0.001$), suggesting that even among Native-identifying legislators, partisan affiliation meaningfully impacts engagement on Native policy issues. The model is appropriately powered.

Discussion

These results indicate support for my hypothesis that members of Congress who self-identify as Native American, Native Hawaiian or Alaska Native have a higher likelihood of filing legislation that concerns Native American issues, controlling for other key predictors, and across in-district groups and policy eras (decades). These findings build on prior research demonstrating that descriptive representation—when legislators share an identity with ethnic minority groups—can translate into substantive representation through meaningful legislative engagement on group-

relevant issues. Given the long history of Native disenfranchisement and exclusion from the U.S. political system, the fact that these legislators not only secured seats in Congress but also actively advanced legislation on behalf of Native Nations is both remarkable and deeply consequential. The findings indicate that when Native people serve in Congress, Native issues are more likely to be addressed. This reinforces long-standing claims by Native communities and political advocates that representation—especially by those who share in the legal and cultural identity of Native Nations—is not optional, but essential for achieving justice and visibility in federal policymaking.

There is also evidence that Democratic legislators are more likely than Republicans to introduce Native issue bills—a pattern that holds among Native-identifying legislators as well. However, given that the dataset spans the full timeline of Congressional history, including periods of significant party realignment, caution is warranted when interpreting these partisan effects. Further analysis is needed to fully disentangle the relationship between party affiliation and *Native issue* sponsorship over time. It is also noteworthy that in the models that compare likelihood of *Native issue* bill sponsorship between Native and non-Native co-partisans, both Native Republican and Democratic members are more likely than their non-Native co-partisans to spend political capital on bills that impact Native communities. This suggests that while there are party constraints for all members, Native members of Congress still push to serve Native constituencies regardless of partisan pressures.

The models also indicated that members of Indian Affairs committees were more likely to file Native Issue legislation. Out of the 19 Native legislators who served in the House and were included in the analysis, nine served on Indian Affairs committees during at least part of their tenure. Of the 25 non-Native predecessors, only five served on such committees. In the Senate, three out of four Native Senators served on the Indian Affairs Committee, but none of their predecessors did.

Interestingly, only one current Native member of the 118th Congress is serving on an Indian Affairs Committee, though all of them have filed *Native Issue* legislation. Sen. Markwayne Mullin (R-OK) was recently nominated to the Senate Committee on Indian Affairs.

Given the significant positive effect between Native identity and likelihood of Native bill sponsorship, what might explain the variance we find in our five outlier cases where Native legislators did not file more *Native Issue* bills than their non-Native predecessor in district? Rep. John Mercer Langston (R-VA) was African American and a Pamunkey descendent on his mother's side.¹⁴ Langston recruited Black soldiers to the Union during the Civil War, served as the Bureau of Freedmen, Refugees, and Abandoned Lands in 1868, and became the Dean of Howard University's School of Law, all prior to his tenure in Congress. He served from 1890-1891, but lost his reelection bid after Virginia instituted Jim Crow era voter disenfranchisement laws (Cheek & Cheek 1991). During Langston's short tenure in Congress, his focus was on the advancement of Black Americans. Of the seven bills he primarily sponsored, one was "to provide for the establishment of a national industrial university for the education of colored persons, residents of the United States," (H.R. 13262), while the rest were mostly relief bills from matters not settled related to the Civil War. His biographers and service record indicate that his primary identity as an African American abolitionist and educator were strong influences on his policy priorities (Cheek & Cheek 1991). Langston's predecessor, Rep. William Embre Gaines (R-VA) served a similarly short term, from 1887-1889. All of Gaines' legislation was related to filing claims and relief for constituents in the aftermath of the Civil War. Given the post-war period, and the fact that Langston did not express a strong connection to his Pamunkey identity, at least publicly, it follows that neither legislator would have prioritized filing bills of Native concern.

¹⁴ See Langston's Congressional Bio here: <https://bioguide.congress.gov/search/bio/L000074>

As mentioned, Rep. Will Rogers Jr. (D-CA) served from 1943-1944, at which time he vacated his seat to serve in WWII. All of Rogers' bills, save one law enforcement bill, were related to war claims and relief. His predecessor, Leland M. Ford was also preoccupied with WWII, specifically pushing forward domestic policies to incarcerate close to 120,000 Japanese Americans in response to the bombing of Pearl Harbor (Grodzins 1949). These lawmakers also served during the 'Indian Self-Rule Era', which was ushered in by the *Indian Reorganization Act (IRA) of 1934*. By this point, Congress had conferred greater authority to the Department of the Interior, Bureau of Indian Affairs, which was administratively 'handling' the business of Indian Affairs on behalf of the federal government (Cohen & Wilkins 2007).

Rep. Ben Reifel (R-SD), who was Sičhánŋu Lakota, served in the House from 1961 to 1971 and went on to become the Commissioner of Indian Affairs under President Gerald Ford. When he ran for office in 1961, Reifel had already served over a decade at the Bureau of Indian Affairs (Flynn 2018). Reifel was born on the Rosebud Indian Reservation, had a strong connection to his culture, and spoke both English and Lakota (Ecoffey 2017; Flynn 2018). In the model, Reifel filed less Native Issue bills than his predecessor, George Stanley McGovern (D-SD), but only by 1%. In total, around 10% of Reifel's bills were related to *Native Issues*. Reifel was the only Native person serving in Congress during his 10-year tenure. During this time, Reifel filed bills to put land into trust for tribes, pay owed court judgments won by tribes, and increase funds for Indian education efforts. However, Reifel was seen as both an ally and destructive force in Indian Country. Reifel believed in integrating Indian schools with public schools and eradicating reservations, which he saw as partially responsible for maintaining mass poverty for Native residents (Flynn 2018). Reifel served right after the 'Termination Era', and tribes were still reeling from the actions by the federal government to terminate their trust responsibility to certain tribes with greater economic outputs (Wilkins & Stark 2018). And even though he served during the start of the 'Indian Self-Determination Era', as a

former BIA employee, he was an unlikely ally for the American Indian Movement (AIM), founded in the later years of Reifel's term.

Rep. Yvette Herrell (R-NM) was the first Native women elected to Congress (NM-2) in U.S. history. But, from her campaign materials¹⁵ and statements to the press—it did not seem that Herrell was interested in publicizing her Cherokee identity during her time in Congress. She was also the only Native person in Congress to vote no on the *Violence Against Women Reauthorization Act* of 2021 (Rickert 2021). Herrell served one term before losing her re-election bid in 2022, filing only 25 bills (none of which were *Native Issue* bills). She cosponsored over 300 bills, but only co-sponsored two pieces of legislation related to Indian Affairs: the *Waccamaw Indian Acknowledgement Act* (H.R. 1942) and a House Resolution supporting a National Day of Awareness for Missing and Murdered Native Women and Girls (H.Res. 369). Only 5% of the filings from her predecessor, Rep. Xochitl Torres Small (D-NM), were related to Native Issues. Torres Small similarly only served for one term.

In the case of Oklahoma's Second District, Rep. Markwayne Mullin's predecessor, Rep. Dan Boren, may not be Native, but he has held two positions with the Chickasaw Nation: President of Corporate Development and Secretary of Commerce and has been lauded as a leader of economic development in Indian Country (Chickasaw Times 2022). While in Congress, Boren sponsored H.R. 5862, a resource protection bill for the Quapaw Tribe of Oklahoma, and H.R. 4154, the *SAVE Native Women Act* to address jurisdictional conflicts around prosecuting non-Native offenders of violence against Native women. He also served as the ranking member of the House Natural Resources Committee's Subcommittee on Indian Affairs. Around one-third (32%) of Boren's bills in the House were *Native Issue* legislation, compared to 21% for Rep. Mullin.

¹⁵ See <https://www.yvetteherrell.com/>

Rep. Mullin (now Senator Mullin) on the other hand, has a complicated track record when it comes to Native interests. Despite clear calls from Indian Country for support, Mullin voted along party lines and against the 2013 *Violence Against Women Act Re-Authorization*. That particular reauthorization was the first to add protections for Native women, given that rates of domestic violence and abuse were 10 times higher for Native women than the national average at the time (Gershon & Brown 2017). Mullin never issued a response to media calls explaining his vote (Bogado 2013), though Mullin would later vote yes to the 2021 reauthorization.

Members of Mullin's tribe, the Cherokee Nation, have suggested Mullin may only lean into his Native identity when convenient (Barnes 2013). Mullin himself noted that when he was first elected, he didn't realize that being Cherokee was "anything special" (Brewer 2019). Upon his election to the House, he received guidance from both Rep. Tom Cole (R-OK, Chickasaw), still in office, and former Cheyenne Senator Nighthorse Campbell (R-CO). According to Mullin, Nighthorse Campbell told him, "I'm just calling to tell you you're going to pick up about 2 or 3 million new constituents whether you know it or not. Because when they figure out that you're there, you're going to start getting Indians from all across the country." (Brewer 2019)

There is evidence, however, that Mullin has started to accept his role as a proxy for tribal interests more seriously. In 2019, he co-sponsored Rep. Deb Haaland's (D-NM) *Not Invisible Act* (2019) to address the epidemic of missing and murdered Indigenous people throughout the United States. Mullin also signed on to Rep. Sharice Davids' (D-KS) *Truth and Healing Commission on Indian Boarding School Policies Act* in 2021. Of course, the models presented here only account for primary sponsorship. With Mullin now on the Senate Committee on Indian Affairs (SCIA), he has a strong opportunity to further shape his legacy on issues of Native concern. In response to his appointment, Mullin stated, "I look forward to strengthening tribal sovereignty, pursuing self-determination

policies, and fostering economic growth in Indian Country.” (Rowley 2023) To date, 29% of Mullin’s Senate bills have been *Native Issue* legislation, compared to 8% for his long-serving predecessor in the Senate, Sen. Jim Inhofe (R-OK).

These examples illustrate how party, strength of identity, and historical era all play an important role in determining where Native members of Congress spend their political capital compared to their in-district predecessors. For Rep. John Mercer Langston and Rep. Yvette Herrell, their Native identities were likely not as strong as other racial/ethnic or partisan identities. In the case of Rep. Ben Reifel, serving as a pro-assimilation and conservative leader and as the only Native person during his entire time in Congress likely influenced his low output on *Native Issue* legislation. Interestingly, Senator Mullin’s evolution may demonstrate the effects of having longer tenure in Congress when serving with other Native members. His prioritization of tribal concerns has grown over time, and in-party mentors like Rep. Tom Cole and Sen. Ben Nighthorse Campbell, along with co-sponsors like Rep. Deb Haaland and Rep. Sharice Davids, have likely been influential in this sea change. Moreover, Sen. Nighthorse Campbell’s prediction was probably correct—with constituency calls, casework requests, and tribal lobbying all informing Sen. Mullin that being Cherokee in Congress is indeed ‘something special’.

There are limitations to this study, most notably the small sample of Native legislators who have served in Congress—particularly in the Senate. Analyzing legislator behavior at the bill level allows us to observe some key differences in bill sponsorship behavior, but with only five Native senators having ever served, there is insufficient data to draw inferences about chamber-specific behavior. The analysis is based on a relatively small number of Native/non-Native district-dyads ($n = 25$), which restricts the generalizability of the findings. While the dyadic structure offers valuable within-district comparisons, it also means the analysis may reflect the unique characteristics of these

specific districts or individuals, rather than broader patterns across Congress. This study also focuses on bill sponsorship, which captures a visible and meaningful form of legislative behavior. However, sponsorship is only one dimension of representation. Legislators may engage in Native advocacy through other mechanisms—such as voting, providing constituency services, or making public statements—which are not captured here. As such, the findings likely understate the full range of advocacy these legislators conducted.

Conclusion

This project provides a unique opportunity to tease out the effects of descriptive versus substantive representation for legislators who identify as Native. To date, there has been scant work examining what might set Native lawmakers apart when it comes to agenda-setting through the legislative process. The ‘trust responsibility’ that exists between tribes and the federal government necessitates that Congress prioritize Indian affairs to some degree, and especially for members with tribes in-district. Likewise, tribes must engage with Congress as they seek remedies for broken treaties, owed court settlements, recognition, and other resources for rebuilding sovereignty. As such, Congress remains an important venue through which we may evaluate policy outcomes for tribal interests. Current political priorities of tribes, like those of the Cherokee Nation to seat their treaty-promised Delegate to the House of Representatives, reflect the value tribes see in having a seat at the table—even if it only allows the sponsorship of legislation (Murphy 2022).

While this analysis is an important first step in understanding the unique policy priorities of Native members of Congress, there is more exploration needed in terms of directionality and policy topics in terms of bill content, and strength of identity when it comes to the legislators themselves. Perhaps Native members are more likely to file legislation of Native concern, but do those bills always support tribal sovereignty? Given that the concept of sovereignty has shifted over time, both

legally and culturally, assigning a ‘Pro’ or ‘Anti’ Native sovereignty category to the bills in the dataset is an arduous task. Consider Charles Curtis (R-KS, Kaw) who served in the House and Senate during the *Assimilation Era*. Curtis would go on to support one of the most reviled pieces of Indian legislation in U.S. history. The *Dawes Act of 1887* forced the allotment of parcels on reservation land into private ownership. Though the *Dawes Act* would pass two years before Curtis entered Congress, he was a proponent of the bill. In fact, Curtis would go on to sponsor the “Curtis Act,” which extended the tenets of the *Dawes Act* to apply to the Five Tribes in Oklahoma, who were formerly excluded from its purview. While many acknowledge that Curtis thought assimilation and the *Dawes Act* would increase opportunity for tribal members (Gerson 2021), the result was mass land and resource dispossession, decreasing reservation land by at least half over a 50-year period (Allen & Leonard 2024). This example illustrates the difficulty in mining the true intent of legislators in filing legislation, especially going further back in time when less media coverage is available to bolster our understanding of such position-taking. Tribal newspaper archives are critical for such a task.

Following Carlson (2015), it may also be advantageous to also consider whether the bill is pan-tribal or seeks to address a concern for a specific tribe. For example, certain legislators may be filing legislation to settle a court claim for an in-district tribe that necessitates Congressional approval to pay out settlement awards. Others might be pursuing more ambitious civil or human rights protections for tribes as a collective of sovereign groups. Assigning sub-categories to legislation by topic would also allow us to see what kinds of Native legislation certain members put forward. What differences in legislation type might we see between the Senate and the House? By party? If certain topics that are more racialized are filed in the House, this might add to our understanding of why House Republicans, at least since realignment, are less likely to support specific types of *Native Issue* bills.

To further contextualize the sponsorship behavior of Native legislators, future work might also incorporate a measure for the volume of Native Issue legislation per Congress. This is available via Carlson 2015 for sessions 94-112 (1975 to 2013) but would need to be expanded to capture additional sessions for matching with the Native legislator dataset. With this data, we could draw further conclusions about the share of *Native issue* legislation sponsored by Native legislators compared to their non-Native counterparts during the *same* Congressional session. However, special care should be taken not to diminish the contributions of Native legislators based on volume alone. The unique experiences of these legislators may shine light on what conditions lead to prioritization of *Native issue* bills, or even legislative success, as compared to their non-Native peers. Qualitative data can help us to contextualize these experiences and provide greater insight into the political challenges and opportunities of Native members in Congress.

As such, future studies should prioritize additional data such as floor speeches and media coverage to further contextualize the choices of these Native legislators given the policy era in which they served. As mentioned, the Federal Indian Policy Eras are distinct enough to draw out patterns in both the type of legislation likely prioritized and the directionality toward enhancing (or diminishing) tribal sovereignty. Further analysis, particularly of floor debates and speeches, could provide important insight into how Native legislators ‘package’ their in-group legislation to survive party politics. Moreover, not all legislators belong to the same tribe, and as mentioned, many are multiracial and may not treat Native as their primary identity. While the tribe with the most representation was Cherokee, it should also be noted that there are multiple bands of Cherokee and is often first or second in terms of highest population in the U.S. (competing with Navajo Nation). In other words, there’s room for a great deal of variance in upbringing and political ideology across *and* within tribes. For these reasons, ethnographic accounts of these legislators would be important

in understanding their policy choices contextualized by their backgrounds, communities and varied identities (*see Appendix A for examples*).

For 121 years in U.S. history, there were no Native-identifying people elected to serve in Congress. For 51 years, only one Native member served at any given time. Given the long-standing underrepresentation of Native people in the U.S. Congress, it is remarkable that Native members have been able to not only file bills of broad constituent and party concern, but in most cases, file more legislation related to tribal issues than their predecessors. Moreover, Native women are just starting to serve in Congress—something that had not happened prior to 2019. In 2021, Rep. Deb Haaland left the House as she became the first Native Secretary of the Department of Interior. During her farewell remarks on the House floor, she thanked her mentors, including Rep. Tom Cole, and highlighted bills she advanced on behalf of Indian Country —the *Not Invisible Act*, *Progress for Indian Tribes Act*, *Native American Business Incubators Act*, and the *Veterans’ Affairs Tribal Advisory Committee Act*. She also spoke about her personal motivations in running for office, her desire to serve her district, and the symbolic impact of having more Native electeds, particularly women, in Congress. “My ancestors settled there [New Mexico] because they were drawn to the Mighty Rio Grande and the sacred places that dot the sandstone mesas and granite mountains. That’s why I made the most of my time in Congress...Growing up, Native women rarely held federal leadership positions, and now little girls everywhere will know that they can run for congress – and win.” (Haaland 2021)

CHAPTER 2

MORE THAN A FEELING: THE SUBSTANTIVE EFFECTS OF A NATIVE SECRETARY OF THE INTERIOR ON TRIBAL CONSULTATIONS ¹⁶

¹⁶ Blasingame, E.N. To be submitted to a peer-reviewed journal.

Abstract

I explore the policy implementation effects of having Secretary Deb Haaland (Laguna Pueblo), the first Native American executive cabinet member, and first Native American to oversee the Department of the Interior (DOI). Through her media presence, voting record and formal statements, Secretary Haaland has made clear her support for increased government-to-government consultation between tribes by federal agencies—a formal process called Tribal Consultation. While Tribal Consultation has been mandated in agency rulemaking processes since 2000, implementation across departments has varied. I analyze all proposed rules between 2011 and 2022 within the bureaus of the Department of Interior, as well as whether each of those proposed rules had a Tribal Consultation. Controlling for agencies with full-time Tribal Liaison Officers (TLOs), agency regulatory budgets, and Native to non-Native staff ratios, I find preliminary evidence that the presence a Native Secretary has a significant impact on how responsive agencies are to the renewed call for Tribal Consultation for the National Park Service and Fish and Wildlife Services, validating calls by Native Nations and Native-led advocacy organizations for increased in-group representation in the American political system.

In 2021, Deb Haaland (Laguna Pueblo) became the first Native American to lead a U.S. federal agency as Secretary of the Interior. This was a watershed moment for observers from throughout Indian Country¹⁷—tribal members and Indigenous people who have long been underrepresented in the federal government. Foundational work in representation has established that increased descriptive representation in a system may influence the bureaucracy to better serve members of that population (Pitkin 1967; Mosher 1968). Indeed, outlets covering this historic appointment outlined great expectations for Secretary Haaland to represent the interests of Native people, particularly around tribal sovereignty, in this high-profile role. However, prior work on the federal bureaucracy has illustrated the difficulties administrative leaders have in influencing ‘boots on the ground’ staff who ultimately implement agency policy (Moe 1984; Brehm and Gates 1997). This project builds on theories of representative bureaucracy by examining the substantive effects of having a Native American ‘principal’ attempting to influence the work of ‘agents’ across agencies within her purview.

Specifically, I seek to examine the ability of the Secretary of the Interior to influence the frequency of Tribal Consultation on agency rulemaking, a process established in 2000 with varied implementation across federal agencies. Tribal Consultation prioritizes tribal feedback when an agency¹⁸ rule impacts tribes or Native people by establishing a formal process for federally recognized tribes to weigh-in on a rule prior to it becoming final, and outside of the general public comment period. Importantly, Tribal Consultation demonstrates the federal government’s respect for implementing its ‘trust responsibility’ to tribes, a long-established role of the federal government

¹⁷ ‘Indian Country’ is a colloquial term that has long stood as the collective term for tribes and Native people across the United States.

¹⁸ ‘Agency’ and ‘bureau’ are used interchangeably throughout this paper. ‘Department’ refers to the Department of the Interior.

to ensure tribal needs are considered given the U.S.'s history of perpetrating land and resource dispossession via treaties, court decisions, and legislative action.

The unique position of the Secretary as Chair of the White House Council on Native American Affairs (WHCNAA), and the specific missions of several DOI agencies related to Native affairs (i.e., Bureau of Indian Affairs¹⁹) make this test of substantive influence especially intriguing. These agencies are key to advancing tribal sovereignty, often serving as gatekeepers to tribal policy goals, both in terms of administrative solutions and their support of Congressional proposals. In this study, I review agency rulemaking at DOI prior to and during Secretary Haaland's tenure between 2011-2023. This analysis provides insights into the variance between agencies and how other important factors may influence Tribal Consultation during rulemaking over time. Specifically, I include measures for agency capacity such as budget and also measures for representativeness of tribes including the percent of Native staff versus non-Native staff and the presence of Tribal Liaison Officers per agency. Importantly, this period also allows us to see if there are significant differences in tribal consultation that take place after the creation of the WHCNAA in 2013.

I find that the appointment of a Native Secretary had a statistically significant effect on the likelihood of Tribal Consultations in agency rulemaking at the Department of Interior during the Biden administration as compared to rulemaking under the Obama administration. I also find that these differences are largely driven by changes at the National Park Service and Fish and Wildlife Services. Interestingly, I find that only at the National Park Service were Tribal Consultations more likely to take place under Biden (Haaland) as compared to the Trump administration. The presence of an active WHCNAA also correlated with increased consultations, but resource-related factors

¹⁹ Bureau of Indian Education (BIE) and Bureau of Trust Fund Administration (BFTA) are excluded here as the Office of Regulatory Affairs and Collaborative Action within Indian Affairs handles all rulemaking on behalf of all three agencies.

likely played a larger role. I also find that a lack of available data makes it difficult to draw statistical inference regarding the quantitative impact of Native employees and Tribal Liaison Officers in advancing the government-to-government relationship between tribes and the federal government via Tribal Consultation. However, this paper provides descriptive evidence on the key roles these employees play in enhancing Tribal Consultation at their respective agencies. The findings from this study bolster tribal calls for increased descriptive representation within the Department of Interior in future administrations. Importantly, due to statistical power concerns, there need to be additional data added to the next iteration of the study from all three administrations to confirm the preliminary findings described here.

What is Tribal Consultation?

The process of consultation is a symbolic action by federal agencies in keeping with their trust responsibility to tribes but one that can have real consequences for how the US acts with respect to the sovereignty of tribal nations (Blumm and Pennock 2022). Tribal Consultation is a “formal, two-way, government-to-government dialogue between official representatives of Tribes and Federal agencies to discuss Federal proposals before the Federal agency makes decisions on those proposals (BIA.gov 2023).” Consultation processes have varied substantive results in terms of final rules impacting Indian Country. An agency must make an assessment as to whether its proposed rule will “have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” (EO 13175) If the answer is yes, the agency is expected to deliver advanced notice to tribal leaders of the impacted federally recognized tribes, inviting them to participate in consultation sessions and provide comments. A report must be proactively generated summarizing this tribal feedback and how it was incorporated

(or not) into the final proposed rule. This is an opportunity for tribes to share concerns, recommendations and potentially shape the final rule to better fit the needs and priorities of Indian Country. Given the U.S.'s history of implementing policies of assimilation, removal and violence against tribes and Native people, this process is especially meaningful for how both Native Nations and the federal government view their government-to-government relationship.

A Native Secretary of the Interior

In 2021, Deb Haaland (Laguna Pueblo) became the first Native American to serve as a member of the executive cabinet. Her appointment as Secretary of the Interior was the culmination of years of work from leaders across Indian Country to press the executive branch for meaningful, government-to-government engagement. Haaland has been first in many roles throughout her career - the first woman elected to the Laguna Development Corporation Board of Directors, a tribal gaming board in New Mexico (DOI.gov 2022). Later in 2018, Haaland would once again make history as one of the two first Native American women to win seats in Congress (alongside Sharice Davids). During her tenure in Congress, Haaland sponsored and worked to pass the *Not Invisible Act* (2019) - a bill to bring needed attention to a growing crisis of missing and murdered Indigenous people. It also happened to be the first bill in U.S. history sponsored by four Native lawmakers from federally recognized tribes from across party lines - signaling the importance the Act held for tribal advocates across Indian Country.

Media coverage highlighting Deb Haaland's historic appointment has consistently focused on the expected substantive outcomes for tribes and Native people, especially in their dealings with the Bureau of Indian Affairs which falls under the Department of Interior (Native News Online Staff 2020; Cabral 2021; Davenport 2021; Higgins 2021; Rott 2021). Over 130 tribal leaders

submitted letters to the Biden-Harris administration in support of Haaland's nomination to the position (ICT 2020). In response to her appointment to Secretary of the Interior, Haaland stated,

"I'll be fierce for all of us, for our planet, and all of our protected land. This moment is profound when we consider the fact that a former secretary of the interior once proclaimed it his goal to, quote, 'civilize or exterminate' us. I'm a living testament to the failure of that horrific ideology (Lakhani 2020)."

The assertions made by Haaland herself, combined with her legislative history, and the historic agency decisions she made during her tenure at the Department all indicate a clear dedication to serving the interests of tribes. Given the clarity of her position-taking on behalf of Indian Country, it follows that strengthening the trust responsibility of federal governments to tribes through enhanced consultation would play a central role in the Haaland Administration.

Executive Efforts to Enhance Tribal Consultation

Tribal Consultation has not been a consistent aspect of rulemaking for federal agencies. As U.S. policy shifted into the self-determination era in the late 1960s, the federal government began to formalize processes that once again acknowledged tribes as sovereign domestic nations. In 1970, President Nixon stood before Congress and did what very few presidents had done up until this point - he spoke solely on Indian Affairs (Flaherty 2023). Specifically, he called for increased executive agency consultation of tribes:

"As we move ahead in this important work, it is essential that the Indian people continue to lead the way by participating in policy development to the greatest possible degree. In order to facilitate such participation, I am asking the Indian members of the National Council on Indian Opportunity to sponsor field hearings throughout the nation in order to establish a continuing dialogue between the Executive branch of government and the Indian population of our country. I have asked the Vice President to see that the first round of field hearings are completed before October." (Nixon, July 9, 1970)

Considering actions taken by the American Indian Movement to fight policies aimed at terminating federal obligations to tribes, this focus on re-engaging with tribes makes sense. But it wouldn't be until thirty years later that Tribal Consultation would become a codified norm in agency rulemaking. In 1998, President Clinton issued Executive Order 13084, mandating federal consultation processes

across all departments. This was revoked and replaced by a final order, Executive Order 13175, in 2000 and became the standard-bearing guidance that would be used moving forward across administrations. Both George W. Bush and Barack Obama re-issued support for the 2000 Order via Executive Memos (in 2004 and 2009, respectively). Then in 2013, President Obama took this initiative one step further by issuing an Executive Order to establish the White House Council on Native American Affairs (WHCNAA). The Council empowered the Secretary of Interior as Chair to convene cabinet members toward fulfillment of the federal trust responsibility and to “improve the coordination of federal programs and use of available federal resources for the benefit of Tribes and Tribal communities (Executive Order 13647).” See *Figure 2.1* for a timeline of executive action on Tribal Consultation. Ensuring that Tribal Consultation is conducted by federal agencies falls within the purview of the WHCNAA and is therefore one of many policy goals of Secretary Haaland.²⁰ On the Department of Interior website, there is a direct quote from Secretary Haaland that outlines her directive to Department leadership:

“We must ensure that Tribes have a seat at the table for every decision that impacts them and their communities. From clean energy projects and economic development to addressing past injustices against Tribal communities, the Biden-Harris administration is committed to fulfilling federal trust and treaty responsibilities to Tribal Nations and working for Indian Country (DOI.gov 2023).”

²⁰ During the Trump Administration, there was a decrease in the number of EO 13175 Tribal Consultations at DOI as his administration chose not to re-issue the guiding executive order or re-establish the WHCNAA.

A QUICK HISTORY: EXECUTIVE ACTION

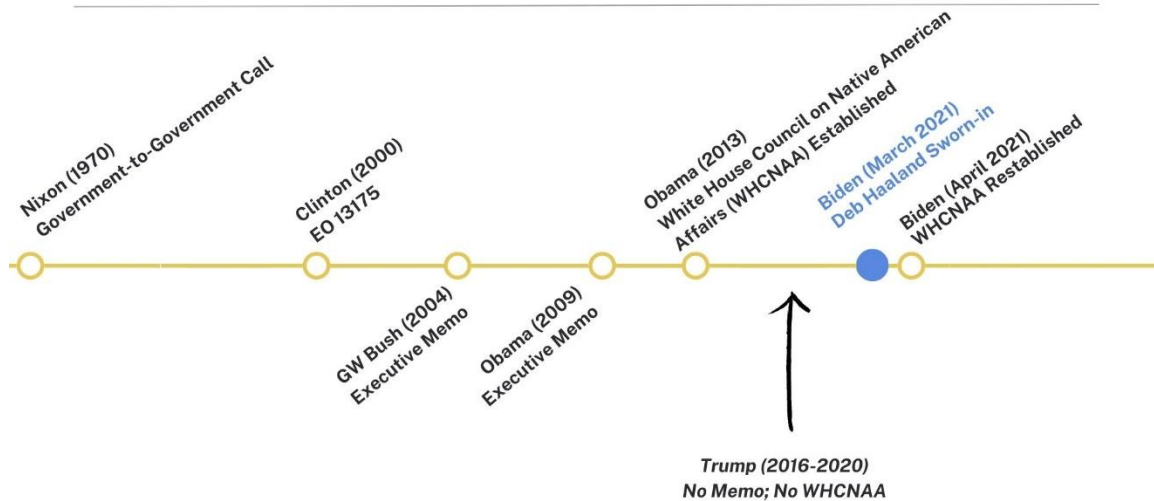


Figure 2.1 Timeline of Executive Action on Federal Tribal Consultation

Native Representation and the Department of the Interior

Mosher (1968) describes bureaucratic representation as *passive* or *active*. Passive representation in this framework is more descriptive, where administrators share demographic characteristics such as race/ethnicity, gender, religion, etc. with a group in the general population. Active representation describes instances when there is policy congruency between the policy outputs of the administrator and preferences of that passive or ‘descriptive’ group. In the case of Deb Haaland, Indian Country is hoping that her descriptive membership as a Native person translates to substantive, or active policy movement toward protecting and enhancing tribal sovereignty. But how much power does the Secretary have to influence ‘street-level’ bureaucrats to implement her policy priorities (or those of the Biden administration more broadly) across the eleven bureaus of the Department of the Interior?

Without perceptible constraints, such as the threat of dismissal or other forms of close monitoring, ‘agents’ of the bureaucracy are able to act with little regard for the policy preferences of their ‘principal’ (Moe 1984; Brehm and Gates 1997). Principals like Secretary Haaland have little time to closely monitor the individual behavior of department staff. However, having more individuals who share a Native American identity might create a feeling of ‘linked-fate’ between the Secretary or Native staff members and members of Tribal Nations, specifically as it relates to agency policy outputs impacting tribes. Prior work has demonstrated a link between increased descriptive representation for ethnic minorities in bureaucracies and the implementation of preferred in-group policy outputs (Meier and Stewart 1992; Meier 1993; Hinderer 1993). While the 574 federally recognized tribes have varied policy positions and goals, increased and improved Tribal Consultation seems to be a shared goal of these tribal governments, as evidenced by their participation in consultation opportunities and from collective statements issued from organizations like the National Congress of American Indians (NCAI 2017). This clear signal from Indian Country, coupled with the reestablishment of the White House Council on Native American Affairs, allowed Secretary Haaland to reinvigorate the campaign for enhanced federal consultation with tribal governments. However, increased substantive representation may also require a ‘critical mass’ of administrators from the same descriptive group to effectively move the needle on certain policy priorities (Thompson 1976; Henderson 1979; Meier 1993). As such, Secretary Haaland might also need increased representation from Native American bureaucrats at the implementing level to be successful.

In 1934, the Indian Reorganization Act (Title 25, USC, Section 472) created the ‘Indian Preference’ mandate for the Department of the Interior, establishing that enrolled members of federally recognized tribes would have preference in hiring for “the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any

Indian tribe.” (Section 12, 4). In 1974, the Supreme Court reaffirmed the ability of the federal government to implement this preferential hiring practice in *Morton v. Mancari*, leading to a renewed effort in its implementation. There had been a steady increase in the number of tribal members hired across agencies at the Department, with Native staff at the BIA increasing from 53% of total employees in 1970 to 83% of all staff in 1990 (Novak 1990). However, these gains seem to deteriorate somewhat in the period of interest (2011 – 2023), with the highest ratio of Native staff at the BIA coming in at 69.1% in FY 2020. In other agencies like the NPS, Native representation remains flat during the time period (around 2.4% of all staff, per year).

Budgetary considerations are another factor in determining an agency’s capacity for responsiveness to policy goals. Despite the willingness or interest of agency employees to carry out preferential policies of its principal, limited resources in terms of staffing and budget have real consequences for implementation success. At the Department of Interior, we may consider the resources allocated to rulemaking in general as a function of capacity for how likely an agency may engage in ‘additional’ consultation, especially if they do not see their proposed rule as directly impacting Native people or tribes. According to a 2019 GAO report, 63% of the 21 agencies in their evaluation indicated that a lack of financial or staffing resources hindered their ability to adequately implement Tribal Consultation. Between 2011 – 2023, there is a great deal of variance in terms of budget allocation to regulatory affairs. In *Figure 2.2* below, the percentage of agency budget allocated to regulatory affairs for OSMRE fluctuates from 10.5% in FY 2018 to less than 1% in FY 2023.

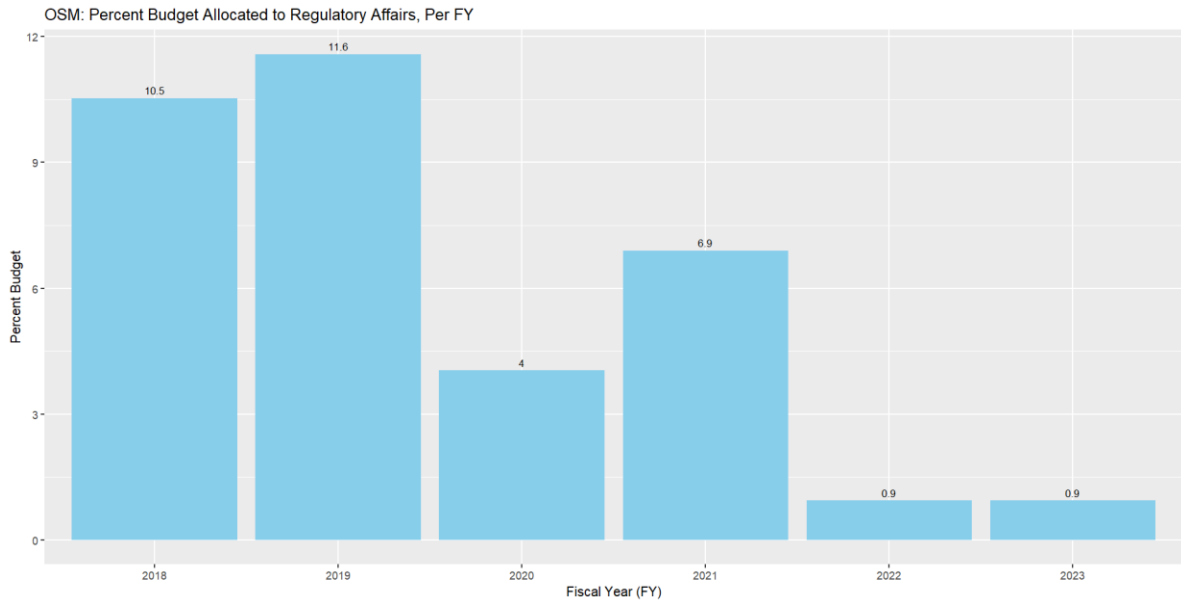


Figure 2.2. Percent Budget Allocated to Regulatory Affairs for the Office of Surface Mining Reclamation and Enforcement (Per FY)

At the Department of Interior, agencies without a Tribal Liaison Officer (TLO) are missing an important resource that specifically supports engagement with tribes. According to the DOI, “The TLOs are one or more people designated by their bureau or office to carry out the responsibilities outlined in the Interior consultation policy. TLOs work to strengthen the government-to-government relationship with Tribes throughout the United States (BIA 2024).” These individuals encourage their agency counterparts to conduct consultation with tribes when appropriate, per Executive Order 13175. In the data reviewed for this project, several agencies lacked a full-time TLO, with TLOs in prior years serving collateral duty, or taking on multiple roles in addition to TLO at the same time. In the case of BOEM, there was not a full-time TLO assigned until FY 2022. The quote below from a 2016 proposed rule from the Bureau of Ocean Energy Management highlights how important this role can be in facilitating tribal engagement during the rulemaking process:

"BOEM's Tribal Liaison Officer has certified that this regulation does not have tribal implications as defined in section 1(a) of E.O. 13175 and has determined that the regulation does not have substantial and direct effects on Federally recognized tribes or any Alaska Native Corporation established pursuant to the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. 1601 et seq."

In this case, the TLO has made a determination that tribal consultation is not required for this particular rule. The rule in question pertains to the use of non-competitive contracts for sand, gravel and shell resources. Importantly, the agency also decides to share the following caveat:

"If BOEM determines an individual project authorized under this part may have effects on Federally recognized tribes or any Alaska Native Corporation, BOEM will initiate consultation as soon as possible consistent with E.O. 13175 and DOI tribal consultation policies. A tribe may also request BOEM initiate consultation pursuant to E.O. 13175." (81 FR 15190, 2016-06163)

This example demonstrates how powerful the TLO can be in determining not only if consultation is required according to EO 13175, but also in providing language that signals to tribes that the agency is vested in meeting their federal trust responsibilities.

In another 2021 example from the National Park Service, the agency has decided EO 13175 does not apply, but they decide to pursue Tribal Consultation, regardless:

"The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the criteria in Executive Order 13175 and under the Department's tribal consultation policy and have determined that tribal consultation is not required because the rule will have no substantial direct effect on federally recognized Indian tribes. Nevertheless, in support of the Department of Interior and NPS commitment for government-to-government consultation, the NPS submitted a letter to 14 Indian tribes during the development of the FEIS." (86 FR 3903, 2021-00312).

The 14 tribes mentioned have 'historical interest' in the region where the rule would apply. This is an avenue for the agency to consider ancestral lands and sites of cultural importance to tribes, regardless of whether they fall within the federal trust lands. Considering these sites in the rulemaking process is a way the agency may further signal respect for the sovereign interests of

tribes given the long history of federal dispossession of the lands in question. These instances also serve as a reminder that agencies have discretion in these rulemaking processes to be more or less inclusive of tribes, despite the baseline consideration prescribed by EO 13175.

Finally, we should expect to see bureaus within DOI respond in varied ways to the increased call from Secretary Haaland for increased Tribal Consultation based on their missions and history, along with the variance found in their Tribal Consultation guidance policies. Federal agencies indicate that a lack of training on the federal trust responsibility leads to poor outcomes during consultation for some agencies (GAO 2019). During the FOIA process for this project, one FOIA officer responded to a request for data with the following clarification, illustrating the lack of understanding many DOI staff have around the scope of the trust responsibility and each agency's role in fulfilling that promise:

“...Before I reach out to the Bureau concerning the status of your request, could you please confirm that you intended to submit both requests to the [agency name redacted]? We ask, as the information you are seeking concerns Native American programs. The Assistant Secretary of Indian Affairs (ASIA) is responsible for fulfilling the Department's trust responsibilities to American Indian and Alaska Native (AI/AN) tribes and individuals...”

Here, the FOIA officer clearly does not see their agency as responsible for any work or data collection regarding tribes, despite the fact that EO 13175 applies to all federal agencies as all agencies have the potential to pass and implement rules impacting tribes and Native people.

Given these considerations, I expect to see an overall increase in consultations between DOI and tribes after Deb Haaland's active appointment as Secretary of the Interior, but I also expect to see heterogeneous effects across bureaus. For example, departments with fewer Native people in leadership positions may be less responsive to the renewed dedication to the mandate for conducting tribal consultation (given competing priorities). Or perhaps it is bureaus where there has not been a full-time Tribal Liaison Officer (TLO) on staff, or a lower rulemaking budget, thereby

limiting department capacity to enact EO 13175 protocols to their fullest potential. There are eleven bureaus²¹ within the Department of Interior, three of which have a specific mandate involving tribes that predate the Clinton-era mandate for all federal agencies to conduct tribal consultation: the Bureau of Indian Affairs (BIA), the Bureau of Indian Education (BIE) and the National Park Service (NPS)²². The former two have missions that have always required direct engagement with tribes dating back to when they were founded within the former Department of War. The National Park Service was mandated to begin tribal consultation based on the Section 106 process of the *National Historic Preservation Act (1966)*. Despite the existence of a DOI-wide 2022 consultation policy (see *Appendix B*), each bureau has been able to establish their own language and processes for meeting the requirements of EO 13175. See *Appendix B* for a table of definitions provided by different bureaus within the Department of Interior for the term ‘consultation’.

Hypotheses

In this project, I analyze changes in Tribal Consultation over time beginning in FY12, prior to the establishment of the WHCNAA through FY24. In reviewing the volume of tribal consultations conducted over time, I expect to see the following:

- H1: There will be a significant difference in Tribal Consultation rate after Deb Haaland’s appointment as compared to previous administrations, more significant than that of the WHCNAA increase in 2013.
- H2: Those Bureaus within the Department that have full-time Tribal Liaison Officers (TLOs) will show a significant increase in consultations than those that do not.

²¹ See *Appendix A* for Department of Interior organizational chart.

²² The Bureau of Trust Fund Administration also handles trust accounts with Native Nations but is not a rulemaking agency and is therefore not included in this analysis.

- H3: Those Bureaus within the Department that have more Native employees and appointees as compared to non-Native will show a more significant increase in consultations than those that do not. The one exception will be the Bureau of Indian Affairs, which conducts Tribal Consultation in almost every rulemaking process in accordance with its mission.

Data

Using data from the Federal Register (www.federalregister.gov) and the Department of Interior (www.doi.gov) I compiled a novel dataset that includes, per Bureau: the number of proposed regulations per year and the number of formal tribal consultations per year. I also code whether the text of the posted rule (a) mentions EO 13175 as a basis for consultation (0,1) and (b) whether consultation with tribes took place (0,1). To model the effects of bureau employee makeup on responsiveness to Secretary Haaland's renewed push for consultation, I submitted a FOIA request for de-identified human resources data, including (per bureau) the percent identified Native staff (includes Native American, Alaska Native and Native Hawaiian) versus other staff between 2011-2023. For these same years I also requested their regulatory budgets per FY, and the number of part-time and full-time TLO's on staff per FY. Based on the data available, I was able to include Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM)²³, Bureau of Ocean Energy Management (BOEM), Bureau of Safety and Environmental Enforcement (BSEE), Fish and Wildlife Service (FWS), National Parks Service (NPS) and the Office of Surface Mining Reclamation and Enforcement (OSMRE).

The final dataset contains, for each bureau, each regulation proposed during the years of interest, a variable for *consultation* (0,1) indicating whether EO 13175 consultation took place (dependent variable). The key independent variable is a categorical variable indicating whether the

²³ The Bureau of Land Management could not provide data pertaining to Native employees for all years of interest.

rule was proposed under *Obama* (n=381), *Trump* (n=195) or *Biden* administrations (n=195). Biden serves as a direct proxy for the presence of a *Native Secretary (Haaland)*. I include all three administrations to see if observed differences in likelihood of Tribal Consultation stem from Secretary Haaland’s leadership, party control of the executive, or a combination of the two.

Analysis

First, I examined how many of the proposed rules posted to the Federal Register mentioned EO 13175 at all. Interestingly, there was a great deal of variance between agencies as to whether the basis for consultation was mentioned at any stage of the rulemaking process, despite it being a required component of federal rulemaking. See *Figure 2.3* below for the percentage of total rules where agencies cite EO 13175 in any capacity.

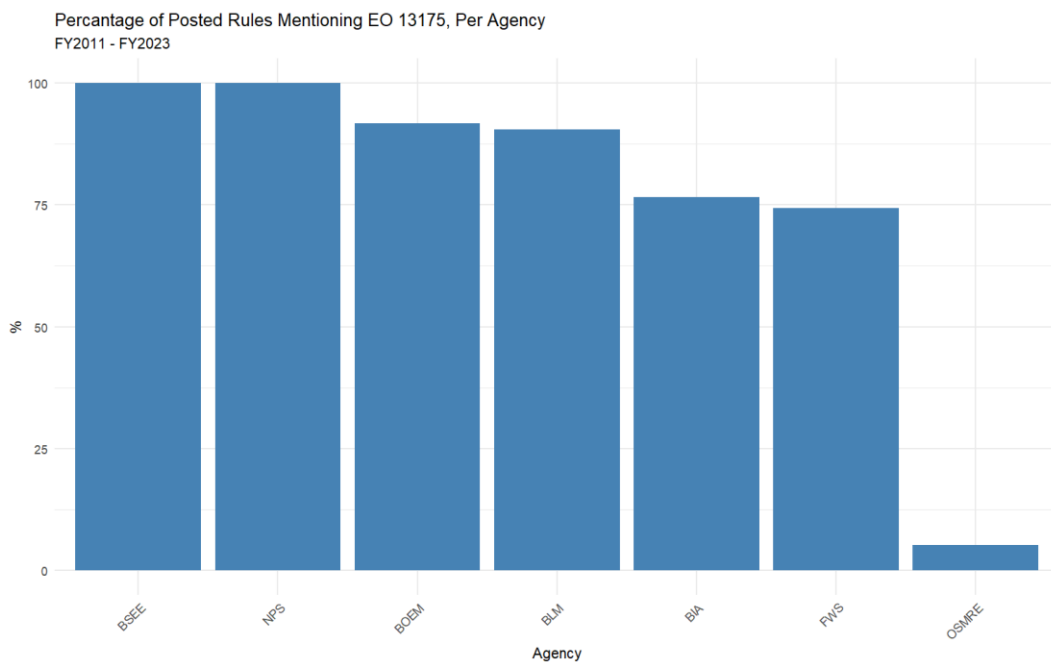


Figure 2.3 Percent of Posted Rules Mentioning EO 13175 Mandate, Per Agency (Per FY)

The Office of Surface Mining Reclamation and Enforcement (OSM) was least likely to cite the executive order at 5% of all postings (or 6 out of 120 filings). Fish and Wildlife Service (FWS) cited the order 74% of the time. Of particular interest, the Bureau of Indian Affairs cited the order in around three-quarters of their filings (76%). The remaining bureaus cited the order more than 80% of the time –BLM (90%), BOEM (91%), NPS (100%) and BSEE (100%). Despite BIA not citing the order in roughly 26% of their filings, they conducted consultation more often in their rulemaking process than any other agency (96%). In fact, all other agencies in the analysis conducted consultation with tribes in 50% or less of their proposed rulemaking processes. FWS which had the highest number of proposed rules during these years only indicated conducting tribal consultation in 29% of their filings. Four of the seven agencies in the dataset had years where they conducted tribal consultation for 100% of their proposed rules– BIA (7 years), BLM (FY2013), BSEE (FY2021) and BOEM (FY2021). Figure 2.4 below shows the percentage of proposed rules where Tribal Consultation was conducted, per agency and fiscal year. To view the data by fiscal year and presidential administration, see *Appendix B*.

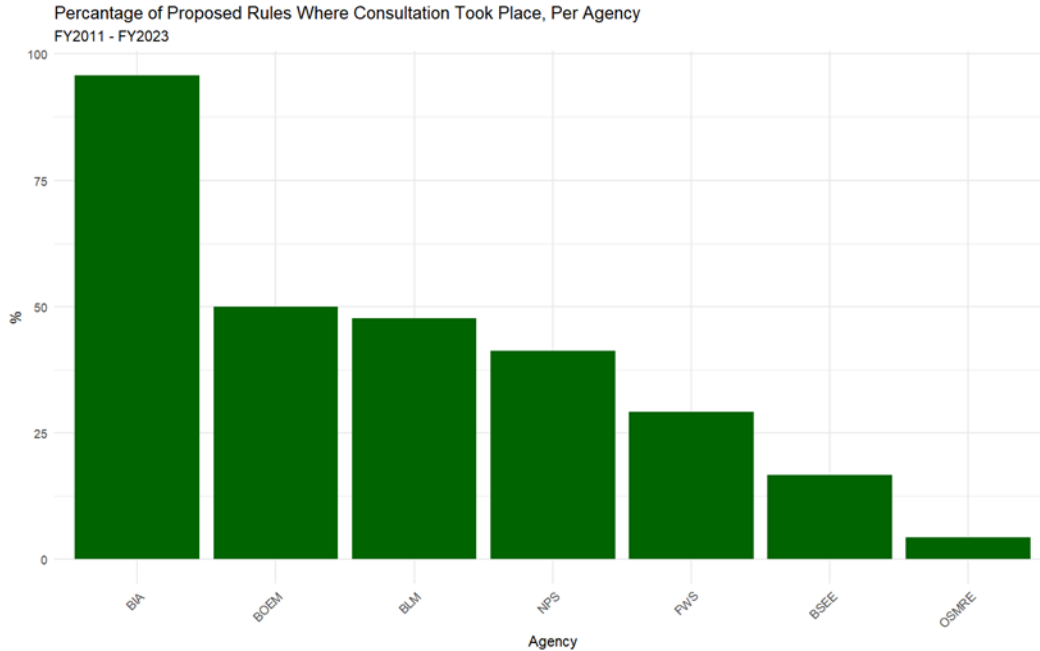


Figure 2.4 Percent of Rules Where Tribal Consultation Took Place, Per Agency (Per FY)

A. The Effect of a Native Secretary

In aggregate, there is a noticeable increase in the rate of Tribal Consultation at two expected junctures: in FY2013 when the White House Council on Native American Affairs (WHCNA) is established during the Obama administration and in FY2021 when Secretary Haaland is appointed under the Biden administration. *Figure 2.5* below shows the percentage of total proposed rules, per fiscal year, at DOI agencies during the period of interest where Tribal Consultation took place.

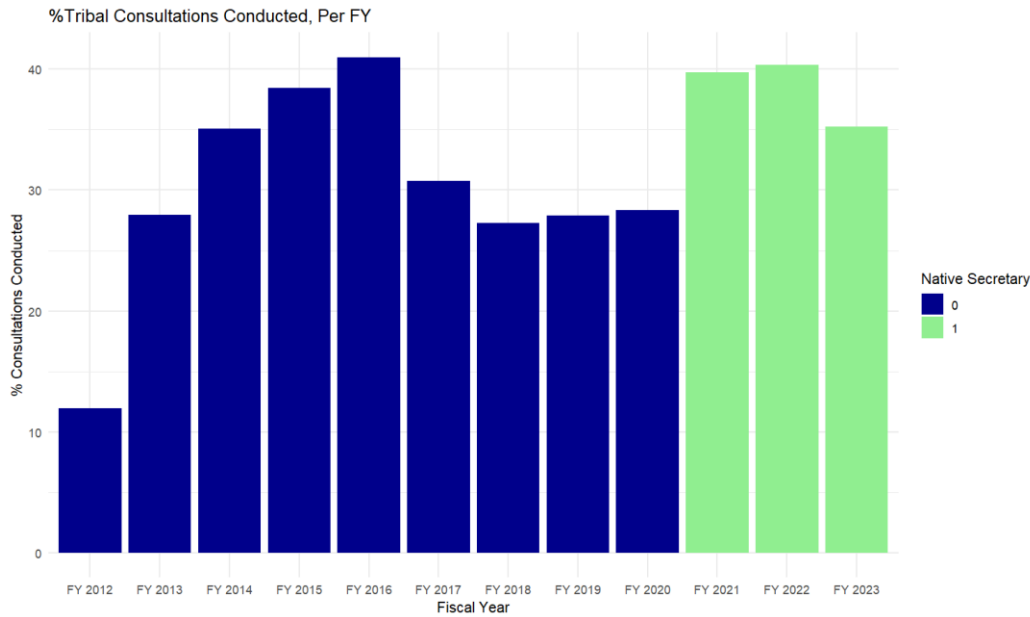


Figure 2.5. Percentage of Total Proposed Rules with Tribal Consultation, Per FY, Before and After Native Secretary

Model 1 includes all proposed rules and all years in the dataset. The dependent variable is a binary indicator of whether a Tribal Consultation occurred. The key independent variables include the *Presidential administration* (where Biden-Haaland is the comparison group); and controls for the agency's *budget per employee*; the total *number of rules proposed per year* for each agency and the presence of a *Tribal Liaison Officer (TLO)*. The model is estimated using a binomial logistic regression with a logit link function, appropriate for binary outcomes. Fixed effects are included for agency to address any variance in unobserved variance in agency rules, culture or additional political constraints. A regression output table can be found in *Appendix B*.

In the aggregate, the presence of a Native Secretary at DOI has a statistically significant and positive effect on the likelihood of Tribal Consultation in rulemaking compared to DOI leadership during the Obama administration ($p < 0.05$). When Obama is president, the probability of conducting a Tribal Consultation decreases by approximately 9 percentage points compared to Biden (Haaland),

holding all other variables constant. See *Figure 2.6* which shows the marginal effects of administration on the probability of Tribal Consultation, with Biden (Haaland) as the comparison group. Of the controls, *rules per year* is significant as is the presence of a Tribal Liaison Officer (*TLO*) (*both* $p < 0.05$). One additional rule per year is associated with a 0.29% *decrease* in the probability of consultation, a very small effect size. The variables for *TLO* and *budget per employee* were not significant predictors in this model. However, a simulated power analysis shows the power level for identifying the Obama effect is 0.74 which is below the conventional 0.80 threshold for strong confidence. Simulated power analysis shows the power level for identifying the Trump effect is also under that threshold at 0.67.

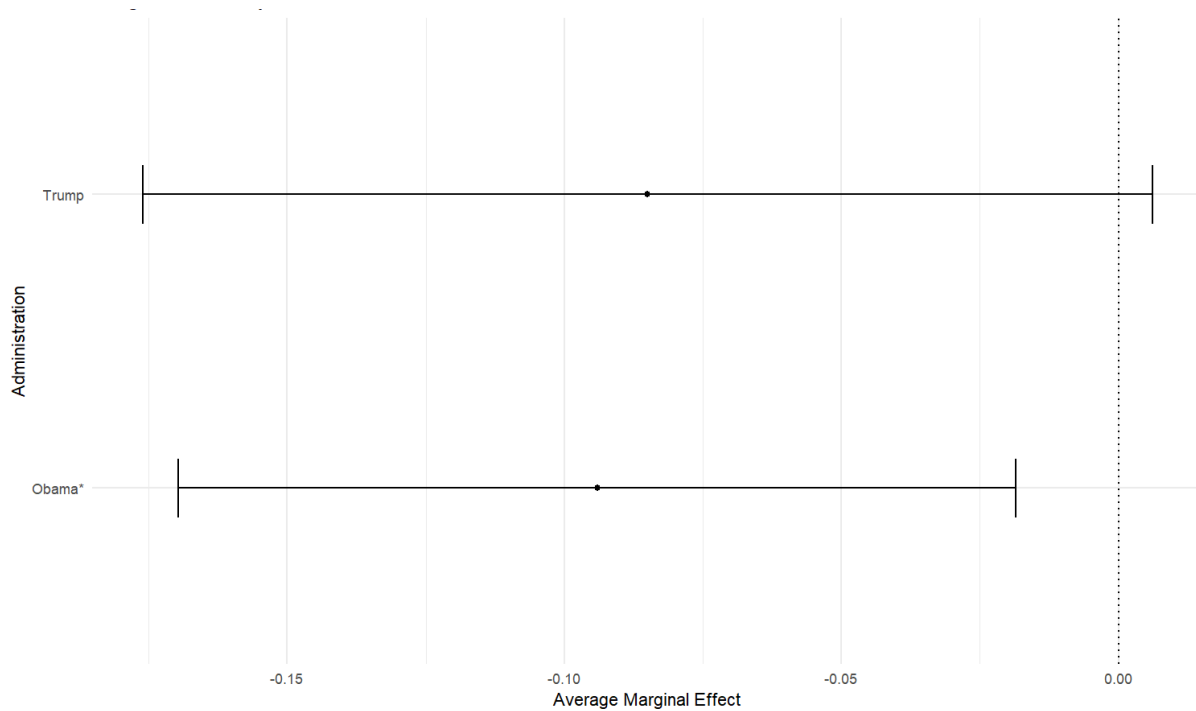


Figure 2.6. Marginal Effects of Native Secretary on Tribal Consultation in Aggregate, by Presidential Administration (with 95% confidence intervals)

I also ran a series of models to examine the heterogeneous effects of having a Native Secretary within each agency. After running power analyses and testing for perfect separation, I was

able to run models for NPS, OSMRE and FWS. In these models, only the variable *rules per year* was included as a control as *budget per employee* was highly correlated with the presidential administration at the agency level. The regression tables for these models are available in *Appendix B*.

For Fish and Wildlife Services (FWS), on average, the likelihood of conducting EO13175 consultations was about 13 percentage points lower during the Obama administration compared to the Biden (Haaland) administration. However, there was no significant difference between the likelihood under Trump. There were no significant differences found between administrations for the Office of Surface Mining Enforcement (OSMRE). At the National Park Service (NPS), the probability of EO13175 consultation was around 59 percentage points lower under Obama and 50 percentage points lower during the Trump administration, than under Biden (Haaland). Power analysis indicates that the models for NPS, OSMRE, and FWS have power slightly below the conventional 0.80 threshold (ranging from 0.78 to 0.79), suggesting that non-significant findings should be approached with caution, as they may reflect limited statistical power rather than a true absence of effect.

Given these results, I ran an additional model to examine the impact of FWS and NPS rules on the aggregate model outputs. In a logistic regression omitting rules from these two agencies, the significant effects we see by presidential administration disappear. In other words, the shift in the likelihood of Tribal Consultation under Haaland's leadership is driven by changes at these two agencies across administrations. The regression table for this model is available in *Appendix B*.

The Impact of the WHCNA

Were these increases larger in magnitude as compared to the increase in Tribal Consultations that took place after the establishment of the White House Council on Native American Affairs (WHCNA)? To examine the effects of coordinated efforts by the WHCNA in its first iteration, I

examine a subset of proposed rules before and after its creation in 2013. The subset included n=375 proposed rules, with n=155 filed in FY2012-FY2013 prior to the WHCNAA being established, and n=220 proposed rules during its active period of June 26, 2013 to December 31, 2016.²⁴ Because BOEM was established in 2010 and BSEE in 2011, there were not enough bills before and after WHCNAA to include them in this analysis.

In FY12, the consultation rate across agencies was only 12%, but grew to 30% in FY13. The WHCNAA was created in the middle of the fiscal year, so the average for the fiscal year was 42% though it appeared most consultations took place for rules posted prior to the creation of the WHCNAA that year. There was a steady increase in the consultation rate each year between FY14 and FY15 (+3%), and FY15 and FY16 (+2.5%), but there was a large drop in the consultation rate between FY16 and FY17(-21%). *Figure 2.7* shows the Tribal Consultation rate for each fiscal year in aggregate. An independent t-test comparing the proportion of Tribal Consultations before and after WHCNAA was established revealed a statistically significant difference in consultation rates between the two periods ($t = 3.49$, $df = 355.48$, $p < 0.001$). Specifically, the mean consultation rate was 19.48% when WHCNAA was not in effect (WHCNAA = 0) and 35.58% when WHCNAA was in effect (WHCNAA = 1). This suggests that the establishment of WHCNAA was associated with an increase in the likelihood of federal agencies conducting Tribal Consultation.

²⁴ An ideal test would include rules from the previous administrations, as well as the full set of filings from the Obama administration, but data for this project was only available for 2011 to 2024.

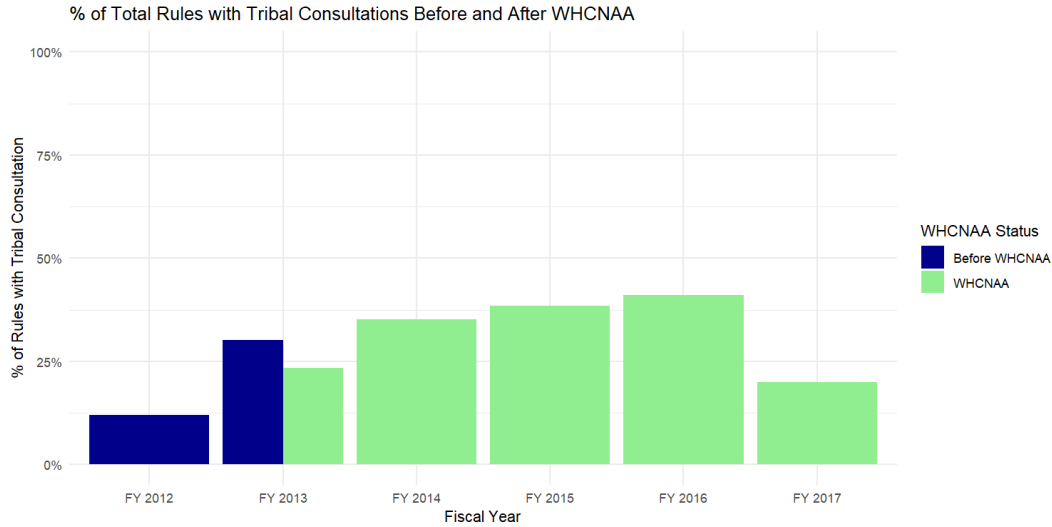


Figure 2.7 Percent of Total Rules with Tribal Consultation Before and After WHCNA (n=362)

However, after fitting a logistic regression model with WHCNA (0,1) as the key independent variable and controlling for *rules per year* and *budget per employee*, there is no longer a statistically significant relationship between WHCNA and the likelihood of Tribal Consultation. This suggests that resource-related factors likely account for the observed variation in Tribal Consultation within this subset of rules. The regression table for this model may be found in *Appendix B*. The model is appropriately powered (1.0).

B. Native Employees at the Department of Interior

To examine the impact of having more Native employees on the impact of Tribal Consultation rates, I estimate another logistic regression model with the same binary dependent variable, and key independent variables and include an additional variable for the *percentage of Native employees*, per year, per agency. This model excludes 22 observations from BLM between FY11 to FY19, as they were unable to provide employee data for those years (n=749). The marginal effects analysis indicates that after controlling for other variables, there is no significant association between

the percentage of Native employees and the likelihood of consultation. The model is powered at 0.76 for identifying effects for Obama, and 0.66 for Trump.

Native Employees at non-BIA agencies hovered between 1% and 3.5% of all staff per year, per agency. *Figure 2.8* below shows the mean percentage of Native employees by agency for all years of interest. BIA has consistently had the highest ratio of Native to non-Native employees ranging from 69% at its highest (FY2018-FY2020) and 37% at its lowest (FY2023) and averaging 57% for all years in the sample. All other agencies remained fairly flat during the time period, and no agency besides BIA exceeded 4% for any given year in the dataset. A model with only non-BIA agencies confirms there is no effect present based on the percentage of Native employees, likely due to the lack of variation year over year. See *Appendix B* for regression table with results from both models.

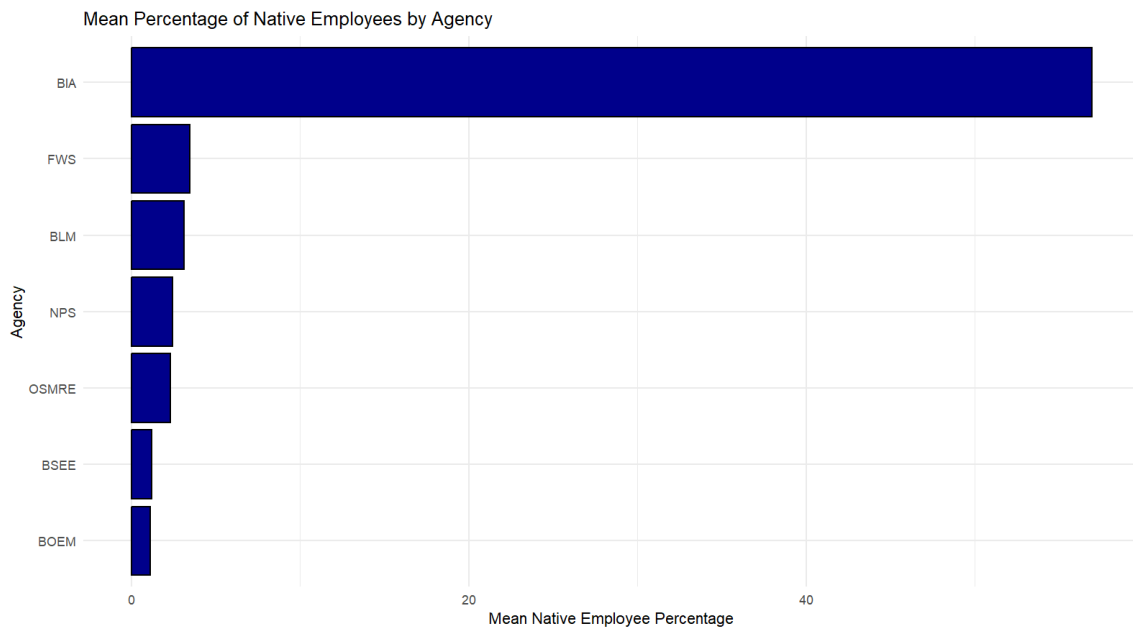


Figure 2.8 Mean Percentage of Native Employees by Agency, 2011-2022

C. Descriptive Impact of Tribal Liaison Officers

Unfortunately, there is not enough variation during the years of interest to assess the effect of having at least one full-time Tribal Liaison Officer (TLO) at an agency on the likelihood of compliance with EO 13175. Four of the agencies – BIA, BLM, FWS and NPS—had at least one full-time TLO each fiscal year in the dataset. BSEE only had one fiscal year without a full-time TLO. BOEM had a full-time TLO for the last 3 years of the period (25% of all fiscal years) but ultimately had too few observations in the dataset to draw any statistically significant conclusions. According to OSMRE, they have only ever had collateral, or part-time, TLOs on staff as of FY2024. A better measure would be the exact number of TLOs per year, but unfortunately the data was not provided in this format by all agencies. In many cases, agencies had not kept track of whether their TLO positions included collateral duty. Other agencies did not use the same naming classifications for employees who work in Tribal affairs, making it difficult to assess their potential role in the Tribal Consultation process.

Only one agency had enough variance in years without a Tribal Liaison Officer (TLO), the Bureau of Ocean Energy Management (BOEM), which is also the agency with the fewest proposed rules during the period of interest (n=12). BOEM is a younger agency (established 2010), making it no surprise that even prior to having a full-time TLO, EO13175 was cited in all of its proposed rule postings except for one. During the years where a full-time TLO was in place, all (3) proposed rules cited the order. The mission of BOEM is “to manage development of U.S. Outer Continental Shelf (OCS) energy, mineral, and geological resources in an environmentally and economically responsible way.” (BOEM 2025) As such, a good deal of BOEM’s portfolio and rulemaking impacts resources and communities off the coast of Alaska where resource extraction takes place. While the sample size is too small to draw statistically significant conclusions, it is noteworthy that BOEM's proposed

rules cited the *Alaska Native Claims Settlement Act (ANCSA)* only after a full-time TLO was in place (2022)²⁵, despite a 2018 memo establishing this as a practice for Tribal Consultation (BOEM 2018). ANCSA (1971) was a landmark piece of legislation that fundamentally changed the way Alaska Natives would be classified by the federal government, including the establishment of the Alaska Native Corporations that are consulted during rulemaking. Of the 105 million acres in the State of Alaska, 44 million, or around 40% are held by Alaska Native Corporations (ANDR 2000), with the majority of Alaska's Native communities residing along the shoreline (Kitka 2018). In other words, the likelihood that a proposed rule from BOEM would impact these communities is quite high. Of the three proposed rules BOEM filed while a full-time TLO was present, two included Tribal Consultations.

Discussion

The results indicate that having a Native Secretary, specifically Deb Haaland, at the Department of Interior had a significant impact on the likelihood of Tribal Consultation taking place at certain DOI agencies. Moreover, we see that the effect of a Native Secretary alongside the presence of the White House Council on Native American Affairs was much larger than the effect of the WHCNAA without a Native Secretary during the Obama administration. NPS and FWS are both key agencies that have historically seen high conflict with Tribal Nations over jurisdiction, resource allocation and sovereign claims. Models for these agencies each demonstrated significant increases in the likelihood of Tribal Consultation under Haaland compared to the Obama administration, despite the clear prioritization of Tribal Consultation by the Obama administration through the creation of the WHCNAA and formal affirmation of the EO13175 mandate.

²⁵ BOEM had collateral duty TLO's beginning March 2012.

The likelihood of Tribal Consultation was also significantly higher for NPS under Haaland as compared to Trump. NPS is a particularly interesting case, as it is the only other non-BIA agency in the dataset where a Native bureaucrat led the agency under Haaland's tenure. Secretary Haaland appointed Charles F. "Chuck" Sams III (Cayuse and Walla Walla) in 2021 as the first Native Director of the National Park Service (NPS) in U.S. history (Oaster 2022). Sams has openly promoted co-management with tribes and sought to incorporate Indigenous Knowledge (IK) in NPS policies. During his time at the agency, co-stewardship of park lands, resources and services between NPS and Tribal Nations quadrupled to more than 400 agreements (Phinney 2025). It is no surprise that in his very first action as NPS Director, Sams issued a directive to strengthen Tribal Consultation with Indian and Alaska Native tribes (NPS 2024). It is therefore likely that this significant effect of a higher likelihood of Tribal Consultation under Haaland at NPS as compared to both administrations, is a direct result of the combined efforts of Haaland and Sams.

Tribal Consultation rates were 36% for FWS under Biden (Haaland), compared to 30% under Trump, and 24% under Obama. However, there was no statistically significant difference found for Tribal Consultation likelihood at FWS under Trump as compared to Haaland as there is with NPS. The mean volume of rules per year at FWS was 51 per year under Biden (Haaland), compared to 34 per year under Trump. And, *rules per year* is associated with a significant decrease in the likelihood of Tribal Consultation taking place across all models. This indicates that the higher Tribal Consultation rate under Biden (Haaland) occurred at FWS despite the fact that the administration was also handling a higher volume of rulemaking at the agency than their predecessors. In other words, Haaland achieved slightly more Tribal Consultations at FWS, despite facing conditions that might typically suppress the practice.

Of the 116 proposed rules filed by Office of Surface Mining Enforcement (OSMRE), the agency only conducted Tribal Consultation in 5 cases (3 under Obama, 1 under Trump, and 1 under Biden). This explains why there was insufficient variation in the model to capture any significant differences by administration. OSMRE was the agency with the lowest percentage of rules where EO13175 was cited (5%), as well as the lowest rate of actual Tribal Consultation (4%). OSMRE has the second highest set of overall proposed rules during the period of interest (n=116) in the dataset but has never employed a full-time TLO. The vast majority of these rules (94%) are specific to State Regulatory Programs for the effective implementation of the Surface Mining Control and Reclamation Act (SMCRA) of 1977—oversight of coal mining and reclamation of old mines. OSMRE’s thoughts on tribal inclusion might be summarized best by this passage from a 2020 proposed rule on “Ten-Day Notices” for their State Regulatory Programs (RIN 1029-AC77):

“Specific to this proposed rulemaking, Title V of SMCRA embodies a regulatory relationship between the Federal Government, through OSMRE, and the States and Tribes (collectively referred to as “State regulatory authority” throughout this proposed rule because no Tribes currently have regulatory programs) known as cooperative federalism.”

Moreover, the State Regulatory Program filings are typically in response to OSMRE receiving a request from the state regulatory authority to amend the current program agreement, thereby confusing the issue of whether it is the state or OSMRE who must ensure Tribal Consultation takes place. Though no tribes are mentioned and EO13175 is never mentioned in any of the State Regulatory Program-specific filings (e.g., “West Virginia Regulatory Program”), OSMRE does work regularly with certain tribes (Crow, Hopi, Navajo and Ute) on surface mining enforcement and mentions them in the few proposed rules that have broader impacts for overall OSMRE programs and oversight. According to the Division of Energy and Minerals Development

(DEMD), at least twenty tribes have coal reserves on trust land. And certainly, many coal reserves exist on or around culturally significant sites on tribal ancestral lands that are not held in trust. It remains to be seen if the presence of a Tribal Liaison Officer might have an impact on the approach OSMRE takes to enforcing EO131715 in the spirit of ‘cooperative federalism’.

While there was not sufficient data available from the agencies in this study to fully validate theories about the importance of Native employees and Tribal Liaison Officers (TLOs) at the agency level, there is descriptive evidence to suggest that these bureaucrats have laid a foundation upon which a Native Secretary like Deb Haaland could move the needle on agency policies of importance for tribal sovereignty goals. In addition to the example provided for BOEM in the previous section, and OSMRE above, TLOs also assist in gaining insight from tribes outside of the formal rulemaking process. In one rulemaking process posted in 2022, the TLOs at the National Park Service (NPS) had solicited comments from tribes on their plan to change fishing regulations at the Mount Ranier National Park in Washington State *prior* to rulemaking (87 FR 1374). While the NPS noted that technically Tribal Consultation was not mandated in this particular case as the proposed rule would have “no substantial direct effect on federally recognized Indian tribes”, they still sought input from six affiliated American Indian tribes with a history in the region and for whom fishing is an important part of cultural identity—the Nisqually Tribe of Indians, the Muckleshoot Indian Tribe, the Cowlitz Indian Tribe, the Puyallup Tribe of Indians, the Squaxin Island Tribe, and the Confederated Tribes and Bands of the Yakama Nation. Of course, when tribes are not invited to formal Tribal Consultation, there exists no proactively published record of their comments—meaning it is not possible to see from public data how their input shaped the final rule unless that is shared in the summary posting. In this case, NPS mentioned their efforts to seek comments from these tribes twice in the posting but never describe how their input was actually incorporated into the final rule, if at all.

It is particularly troubling that prior to FY20, the Bureau of Land Management (BLM) could not provide data pertaining to the number of Native staff at their agency. The BLM was originally founded as the General Land Office (GLO) in 1812 with a central purpose—the dispossession of ‘public lands’ (National Archives 2023). Until 1832, the GLO was responsible for managing Indian reservations until the BIA gained that authority, though BLM still manages certain activities on tribal lands. From the very beginning, tribes experienced GLO (BLM) as a hostile arm of the federal government and a perpetrator of violence, while GLO consistently cited “Indian troubles in frontier areas” in early correspondence between field agents and their counterparts in D.C. (Records of the Bureau of Land Management 1797-1854). It is therefore unfortunate that BLM was one of the agencies where there was not enough statistical power (*0.48*) to model any differences between administrations.

While this analysis provides further evidence of the connection between substantive and symbolic representation in the federal bureaucracy, there are of course limitations to the study. First and foremost, future studies should include a longer range of proposed rules, both prior to FY12 to properly evaluate the impact of the WHCNA and into the second Trump term to capture broader administrative effects. With a second Trump administration now in place, it will be important to see if the reduction of Tribal Consultation captured during his first term might occur again in the second. Ideally, the dataset would also go back to 2000 under Clinton when EO13175 was first implemented, but the Department of Interior agencies were unable to provide any data to create the necessary variables of interest for Native staff ratios, TLOs and regulatory budgets for those years.

In terms of generalizability, the effects noted in this study must be attributed specifically to the tenure of Secretary Haaland. Because she is the first and only Native Secretary of a federal agency, I am unable to include additional cases to show that these are consistent effects (a) for any

Native Secretary at DOI; (b) for a Native Secretary at other federal agencies; or (c) for a Native Secretary appointed under either party's presidential administration. However, it is clear that at least at the Department of Interior, Tribal Consultation rates were significantly higher than those of co-partisan Secretaries Ken Salazar (2009-2013) and Sally Jewell (2013-2017) under the Obama administration.

Conclusion

These results have important implications for the study of representative bureaucracy and our understanding of how Native administrators may shape policies in the U.S. political system to be more responsive to calls for tribal sovereignty. Though federal government agencies have created standard guidance for their employees on how to implement EO 13175 for Tribal Consultation during the agency rulemaking process, that data presented here illustrates the variance tribes experience agency by agency, even within the same department. Under Secretary Haaland, it can be argued that her active representation of Native interests helped to move DOI toward meaningful engagement with Tribes in keeping with the trust responsibility, as opposed to being treated as just another stakeholder in the regulatory process.

While the impact of Native employees in each agency and the presence of Tribal Liaison Officers (TLOs) was inconclusive in these models due to data availability, there is descriptive evidence presented to suggest that the work of Native bureaucrats at DOI is incredibly important to advancing a productive government-to-government relationship between the federal government and tribes. The Native experience is unlike that of any other ethnic minority in the U.S., both with the lowest representation in American political systems and the unique experience of being dual citizens in Nations that predate the American founding. Native bureaucrats are therefore uniquely posed to respond to the jurisdictional challenges that arise between the federal government and

tribes and to find solutions to upholding the trust responsibility. It is particularly interesting that the only agency where Tribal Consultation was significantly more likely under Haaland as compared to both the Obama and Trump administrations was the National Park Service, which was led by a Native Director during the Biden (Haaland) administration.

While Tribal Consultation rates may have been significantly more likely to occur under Haaland's tenure under the conditions described, there are still open questions about the quality and impact of those consultations. Future work might incorporate survey methods to gather feedback from Native leaders about their experiences in Tribal Consultation during different administrations. There are also opportunities to review the text of comments provided by Tribal leaders and advocates during consultation against the proposed and final versions of the rule to better understand the impact of their engagement. In addition, work that includes a broader sample of federal agencies with high impact on tribal lands and Native people would be an important next step in examining if Secretary Haaland's tenure as the Chair of WHCNAA was impactful in improving Tribal Consultation rates and EO13175 compliance beyond the Department of Interior.

CHAPTER 3

WHOSE TEAM ARE YOU ON? EVALUATING PUBLIC RESPONSE TO NATIVE AMERICAN POLICY PRIORITIES ²⁶

²⁶ Blasingame, E.N. To be submitted to a peer-reviewed journal.

Abstract

American Indian tribes have fought for decades against the use of Native imagery as sports mascots. In recent years, national sports franchises have changed their team names and iconography in response to these demands. However, some professional sports teams continue to use Native imagery, names and mascots. Using two survey experiments, I look at how non-Natives respond to requests from tribal leaders, white allies, and partisan officials to support tribal policy priorities. In the first survey, I evaluate the effect of different source cues on requests for changes to the Atlanta Braves franchise using a Georgia-based sample right after their win in the 2021 World Series. In the second survey, I use a national sample to examine responses to requests for change in Native team names, mascots and imagery for sports teams in national franchises. Results indicate that the racial identity of the messenger significantly influences support for changing mascot practices, with Native messengers eliciting the strongest positive shifts in opinion, particularly among white respondents. These effects are further conditioned by respondents' partisan and racial identity.

American Indian tribes have fought for decades against the use of Native imagery as sports mascots (NCAI 2021; Fryberg et al 2008). In recent years, national sports franchises have changed their team names and iconography in response to these demands. States like New York, Colorado, Washington, and most recently Minnesota, have also passed legislation ending or moderating the use of Native-themed mascots by state schools (Neuman 2023; Hoppough 2023). This study explores how the identity of the policy messenger (Native, White, Democrat, Republican) influences support for changes to team branding, including team names, logos, and the controversial Tomahawk Chop gesture associated with the Atlanta Braves. Using two separate survey experiments—one conducted in Georgia (Survey 1) and another nationally representative sample from the 2022 Cooperative Election Study (Survey 2)—I estimate average and conditional treatment effects of messenger cues on public support for change. In both surveys, participants were randomly assigned to control or treatment groups featuring the same message, but different messengers advocating for the end of Native-themed sports practices.

Findings from Survey 1 show that the Native and White messenger cues significantly increased support for changing the Braves' name and, to a lesser extent, the Tomahawk Chop—though these effects diminished when controlling for team fandom. The Atlanta Braves are one of a handful of major sports teams left that have been targeted by these efforts, but have declined to change their logo, name or related practices. In Survey 2, both Native and White messenger treatments significantly increased support across all three dependent variables (names, mascots, logos). Importantly, messenger effects varied by race and partisanship. Among White respondents, the Native cue consistently elicited stronger attitudinal shifts than the White cue. Among partisans, Democrats responded most strongly to White messengers, while Republicans showed greater responsiveness to Native messengers, particularly on support for changing mascots.

This project examines how the American public responds to policy issues of Native Concern, specifically the removal of Native imagery and mascots in sports. Such policies are documented priorities of tribal nations within the United States and have a real impact on feelings of self-efficacy and self-worth for Native people. Moreover, control over how Native people and Tribal Nations are portrayed in popular media is an issue tied strongly to Tribal sovereignty. The findings illuminate how advocates might choose messengers to communicate the policy priorities of tribes and Native interests when engaging with the general electorate, of which only 2% identify as Native American nationally (Koch 2017).

Public Opinion and Native Mascot Practices

Prior research has clearly outlined the negative effects of discrimination, specifically the use of mascots, on Native American feelings of self-worth. A 2017 study found that almost one-third of Native Americans felt discriminated against in hiring practices, and in interactions with law enforcement and the judicial system, with 75% of all Native respondents indicating that discrimination against Native Americans exists today (Findling et al 2017). Fryberg et al (2008) found that exposure to Native-themed mascots at the college level resulted in more negative self-views for Native students, as well as a depressive effect on the idea of self-achievement. While focusing on the stress effects of Native mascots on students, LaRocque et al. (2011) found that even more ‘neutral’ mascots may have negative psychological effects on Native people. This is an important consideration when evaluating claims that Native mascots ‘honor’ tribes or traditions. A large-scale study focused on adults concluded that Native Americans generally disapprove of the use of Native mascots, particularly more egregious representations like the Washington Redskins (Fryberg et al 2021).

Given these findings, we may assume that many Native Americans likely find the use of mascots and imagery in this regard at best distasteful, and at worst, discriminatory (Davis-Delano et

al 2020). Fawn Sharp (Quinault Nation), former President of the National Congress of American Indians had the following response to the Braves use of Native imagery, “In our discussions with the Atlanta Braves, we have repeatedly and unequivocally made our position clear – Native people are not mascots, and degrading rituals like the ‘tomahawk chop’ that dehumanize and harm us have no place in American society (NCAI 2021).” Efforts have also taken place at the state level to prevent public schools from using Native imagery and names for school sports teams (Neuman 2023; Hoppough 2023). However, no studies have examined what factors might change opinion toward Native mascots in the general population, especially among white respondents who make up the majority (60%) of the Major League Baseball fanbase (Silverman 2020).

Around the time of the 2021 World Series win, MLB Commissioner, Bob Manfred, still believed that the Native community was supportive, saying, “The Native American community in that region is wholly supportive of the Braves program, including 'The Chop.' For me, that’s kind of the end of the story. In that market, we’re taking into account the Native American community (Coleman 2021).” Following the 2021 World Series win, discussion of changing the Braves branding and tomahawk chop practice waned.²⁷ If Native leaders and organized tribal interests have made it clear that a policy priority is to end the use of Native imagery in professional sports, what messages might sway key fanbase members to support that change? And who would need to transmit those messages publicly to see a potential change in the Braves fan base, a predominantly white audience?

The extant literature on political persuasion provides insight into how source cues, particularly the identity of policy position messengers, may influence the likelihood of respondents approving policy positions. In 2021, Viskupič and Wiltse sampled 709 unvaccinated voters in South Dakota providing the same pro-vaccination statement for COVID-19, but from three distinct messengers: a

²⁷ For more on the history of the Braves’ use of Native imagery and mascots, go to Appendix, Part I: *The Braves, a Chief, and a Storied Past*.

political, religious, or medical leader. They found that only those who received the message from a religious leader had a significant effect on self-reported interest in vaccination. In another study on the effect of majority opinion writer identity on public approval of SCOTUS decisions, the authors found that when the author's ideology matched the respondent's ideology, they were more likely to express agreement with the outcome (Bodderly & Yates 2014). Interestingly, when the outcome was not in line with the political ideology of the respondent, but was written by a co-partisan, agreement was still significantly higher, though at a smaller effect size than if the outcome was also politically aligned.

In their study on framing and source cue effects, Callaghan and Schnell 2009, find that there are significant differences in support for gun control based on the policy messenger (e.g., New York Times, NRA). In their discussion of these effects, the authors specifically ask if such results might translate to less salient issues: "We believe that less salient issues will be even more vulnerable to messenger effects because citizens have less crystallized opinions about these issues, as well as fewer preconceived ideas about the trustworthiness and expertise of the spokespersons associated with the issue." (24) These studies illustrate that the persuasiveness of a message is deeply shaped by who delivers it. Messengers who are ideologically or culturally aligned with their audience are more likely to shift attitudes—even when the message itself might be met with skepticism if delivered by someone outside the respondent's in-group.

Given this understanding of political source cues, what mechanisms might facilitate increased support for policies of Native preference? The Reclaiming Native Truth Project surveyed 2,000 Americans to evaluate the impact of a positive Native American narrative²⁸ on support for Native

²⁸ The narrative used was as follows: "*The history of Native Americans is one of great strength and revitalization. It is a story built around values that have shaped Native cultures and American society: respect for family and elders, shared responsibility to care for the land and an obligation to do right by the next generation. It is a story of resilience through great pain and injustice, from broken treaties and loss of land and language in the past, to derogatory sports mascots and biased history taught in schools today. Across more than 1,000 tribal nations*

causes (First Nations Development Institute and Echohawk Consulting 2018). Of particular interest, they saw an increase in support for removing Native mascots for those who received the narrative prime as compared to the control. In 2021, Foxworth and Boulding used data from the Reclaiming Native Truth Project to examine how political ideology and racial stereotypes factor into attitudes about Native Americans. Native Americans are not only one of the smallest ethnic minority groups in the U.S. but also have a unique identity within the American political context, as members of sovereign nations that reside within the American geography. Many Americans are unfamiliar with Native culture and may have never met a Native person in their lifetime, making them more open to new ideas about Native people and their priorities (First Nations Development Institute and EchoHawk Consulting 2018).

Though new narratives by credible messengers may have an impact on support for Native policies, I still expect to see distinct differences by race and partisanship in the survey experiments. Using an adaptation of the Short Indigenous Resentment Scale (Beauvais 2021), Foxworth and Boulding found that discrimination and feelings of resentment toward Native Americans are impacted by political ideology. Specifically, conservative ideology positively and significantly predicts resentment toward Native Americans. Recent scholarship examining the formation of discriminatory attitudes toward racial minorities in the United States hinges on the idea that these groups may be seen to violate norms traditionally associated with ‘White America’ – hard work, individual achievement, and the Protestant work ethic (Kinder and Sears, 1981; Jardina 2019). In addition to holding negative views of outgroups, many display favoritism to members of groups in which they are a part (e.g., gender, race, partisanship, religion) (Tajfel 1970). Racial resentment on the part of white Americans, it can be argued, is a result of the combination of this in-group favoritism and perceived norm

and in every profession and segment of society, Native American peoples carry the cultural knowledge and wisdom that sustains Native nations and helps build a stronger future for all. Let's move forward together (pg 42)."

violations from out-group members (racial and ethnic minorities). Empirical studies have illustrated that partisanship is associated with these manifestations of animosity toward out-groups, with conservatives often rating higher on measures of racial resentment (Stanley & Huddy 2004; Tuch & Hughes 2011; Foxworth & Boulding 2021), *ceteris paribus*.

Considering that resentment can be triggered by policies that prioritize a specific minority group, policies that advance the interests of tribes may also generate backlash from respondents. Though Native American concerns and policy priorities may be unique given their enduring fight to retain sovereignty in a complex national legal and political system, racialized policies, such as sports mascots, may trigger similar responses to the policy priorities of other racial and ethnic minorities. Drawing from social identity theory perspectives and prior findings on racial resentment toward Native Americans, I expect that white respondents will respond with higher levels of support to messages promoting Native priorities when the messenger is a member of their in-group. Moreover, I posit that partisan effects will continue to demonstrate a connection to racial resentment, with Republican respondents still less likely to support tribal policy preferences and a stronger willingness to reject the claim of their co-partisan messenger.

Hypotheses²⁹:

I expect that cues expressing positive valuations, regardless of source, will increase support for Native policy priorities across all respondent groups. However, I expect that the level of support will be moderated by the noted racial identity of the source, with the greatest increase in support demonstrated by white respondents who receive the cue from a member of their racial in-group.

H1: White respondents, regardless of party status, will respond in a significant and positive direction to the presence of the white cue.

²⁹ This project is pre-registered at As Predicted: #95297 and #147192. For #95297 (UGA Survey), H1 and H3 (in the first pre-registration) are assessed in a separate manuscript.

H2: Partisan cues will have a positive effect for in-group partisans. However, as stated above, Republicans will still be less likely to support change as compared to Democrats.

Evaluating Responses to Changing Mascots in Professional Sports

In the first experiment, I examine the effects of identical primes from four different sources aimed at increasing support for changing the Atlanta Braves mascot, logo and ‘tomahawk chop’, as well as general support for removing Native imagery from professional sports. To date, no studies have examined how sources of information about changing Native mascots may impact how respondents feel about the Braves, specifically. This is an important oversight, as changing opinion among the fan base may drive changes in the franchise. See *Appendix C* for a brief history of the Braves franchise and its use of Native imagery.

While the first survey leverages sample familiarity with the Braves franchise, the second survey expands these questions to a national sample to examine these interactions between race and support more broadly. Using survey data collected from the nationally representative Cooperative Election Study, respondents are asked about general support for removing mascots and Native imagery from professional sports teams, writ large. Using the same information, but different source cues, I seek to illuminate how messengers from an in-group might impact public support for changing the practice of using Native mascots and imagery in professional sports.

The focus of my inquiry in Survey 1 is on the Atlanta Braves franchise, utilizes respondents from within the state where the team is based, and takes place less than one year after their World Series Victory (2021). The Atlanta Braves are also of interest as they, like the Kansas City Chiefs, are thought to be more ‘neutral’ or even ‘positive’ representations of Native Americans, as compared to

the more clearly derogatory imagery and names surrounding teams like the former Washington Redskins, or the Cleveland Indians. I argue that those who are most loyal to the team will be at their most intractable position during the timing of the survey. Finally, these experiments go beyond examining white opinion on Native mascots by focusing on our understanding of what messengers might best move these opinions toward stronger support or action for changing team branding.

Survey 1: Support for Changing the Braves (UGA Sample)

I first examine the effects of a 1 X 5 experiment, in which an identical prime was attributed to four different sources or, in the control condition, to no source. The prime was designed with the aim to increase support for changing the Atlanta Braves mascot, logo and ‘tomahawk chop,’ as well as general support for removing Native imagery from professional sports. The sample includes $n=964$ ³⁰ undergraduate student respondents enrolled at the University of Georgia and was conducted in March and April of 2022. Due to their geographic location and the Braves’ 2021 World Series victory, respondents were especially likely to have been exposed to Braves imagery. Moreover, approximately 75% of UGA undergraduate students are originally from Georgia (UGA 2023). Respondents were asked to self-identify their political ideology and partisanship status using the ANES 2020 questions.

Once these questions were completed, block randomization on partisan identity was used to assign partisans to one of the following: Native cue treatment, White cue treatment, Republican cue treatment, Democratic cue treatment, or control. In this experiment, the control was an unattributed version of the same statement. Each group received an informational statement which describes the ‘tomahawk chop,’ in case they were unfamiliar with the practice, along with an image depicting the practice (*see Appendix C*). The information presented a neutral description of the practice, to avoid

³⁰ Respondents who did not complete the survey and respondents who did not correctly answer the attention check were removed.

inadvertently influencing responses to the dependent variable panel on support for change. On the next page, respondents received a general statement opposing the act that was attributed to one of four random sources. Specifically,

“Please read the following excerpt from a statement made by [name, affiliation] around the time of the World Series (2021) in response to the Braves ownership electing not to change the name, logo or practices around the team:

Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. The Braves are one of the last professional sports teams left who have not made serious efforts to fix this harmful error. I think it’s time to stop the disrespectful tomahawk chop, and it’s time for these world champs to change their name.”

The prime is an amalgamation of statements made by tribal leaders regarding Native-themed mascots in sports, and particularly the practices employed by the Braves. The statement was intentionally general. The goal was to create a statement that was both strong enough to engender support for changing Native mascots without ambiguity, and general enough that most anyone could have authored it. Importantly, the statement contains several key concepts: (1) that Native American tribes have been requesting this change for more than 50 years and regard the practice as ‘harmful’; (2) that two other major league sports franchises, the former Washington Redskins (now Commanders) and former Cleveland Indians (now Guardians) recently changed their names and branding; and (3) specifically calls out the Braves for their name and tomahawk chop practice. These are the core elements of arguments made by advocates for changing these practices and should provide a strong cue to encourage respondents toward a more supportive stance, in general.

In the first treatment, the statement is attributed to Fawn Sharp, then President of the National Congress of American Indians. While few respondents may have been familiar with her name, the

name of the organization and the mention of her tribal affiliation (i.e., Quinault Indian Nation) should serve as a strong cue that she is a representative for Native people. This voice should not cause any partisan effects because the general population is largely unaware of how Native people tend to vote or align themselves politically (Koch, 2017). The second treatment attributes the statement to Betty White, a well-known celebrity and actor. Betty White is someone who should, for most respondents, be quickly identified as a white person, is well-liked, and should not cue partisan effects—she was known to be purposefully apolitical in public. The last two treatments include partisan cues, represented by Courtney Britt, Chair of the College Republican National Committee, and Gabrielle Harris, National President of the College Democrats of America, respectively. I selected national groups representing the two major parties at the college level so that the partisan voices represented respondents’ peers. I also selected real, but less known political leaders to ensure that partisan effects were not confounded by respondents’ existing affect towards well-known politicians (e.g., Donald Trump or Joe Biden).

The dependent variable is support for changing the use of Native imagery in sports and specifically, for the Braves franchise. Treatment group participants were asked to answer a four-part question series assessing their support for changing Native mascots in general, as well as changing the logo, name and use of Tomahawk Chop for the Braves. The questions are an adaptation of Knoester and Rockhill (2021) whereby respondents are asked if they *strongly agree, somewhat agree, neither agree nor disagree, somewhat disagree, or strongly disagree* with the statement, “*Native American team names and mascots should be eliminated from sports*” (DV1). I add three additional statements to measure support for changing aspects of the Braves logo, name and practices regarding Native imagery: “*The Atlanta Braves should change their name to a non-Native team name.*” (DV2); “*The Atlanta Braves should change their logo to a logo without Native imagery*”(DV3); and, “*The Atlanta Braves should stop using the tomahawk chop during games*”

(DV4). All items used the same five-point response scale and have high internal consistency (0.82 to 0.87 Cronbach's Alpha).

The final section of the survey included questions regarding demographics, specifically respondent gender and race/ethnicity. A screen outlining the deception used in the experiment (i.e., the statement authors) was displayed before respondents exited the survey. See *Appendix C* for the survey tool, instructions, and post-survey deception reveal language. I also controlled for the strength of respondents' affinity for the Braves, using a five-category variable that included the following options: "*I am a strong Braves fan*"; "*I am somewhat of a Braves fan*"; "*I have no opinion about the Braves*"; "*I somewhat dislike the Braves*"; and, "*I strongly dislike the Braves*".

Results

Respondent Characteristics

Respondents (N=964) in this non-probability sample were 73% white, and 23% non-white (13% Asian, 5% Black, 5% Hispanic, 4% Multiracial³¹). The sample included 52% self-identified Republicans, 45% Democrats and 3% Independents. The sample is well-suited to the survey design, as I am mostly concerned with attitudes of white respondents residing in Georgia, where the Atlanta Braves team is based. Indeed, 42% of respondents indicated being somewhat of a Braves fan with an additional 17% identifying as strong Braves fans. 65% of respondents identified as female, 33% as male, and 2% as non-binary or other gender

Using block randomization, a roughly equivalent number of self-identified Republicans, Democrats and Independents were assigned to each treatment and the control group.

³¹ Only one respondent self-identified as Native-American.

There were very few true Independents after assigning those who leaned toward one party or the other. Independents are therefore included in the average treatment effects analysis but removed from analysis on heterogeneous effects by partisanship. See *Appendix C*, for a breakdown of respondents by treatment group, partisanship and race. *Figure 4.1* below shows the breakdown of responses to DV4 (Tomahawk Chop) by Partisan identity, which is consistent across all four DVs. As a baseline, Democrat respondents tend to issue higher support for changing practices associated with the Braves than do Republican respondents.

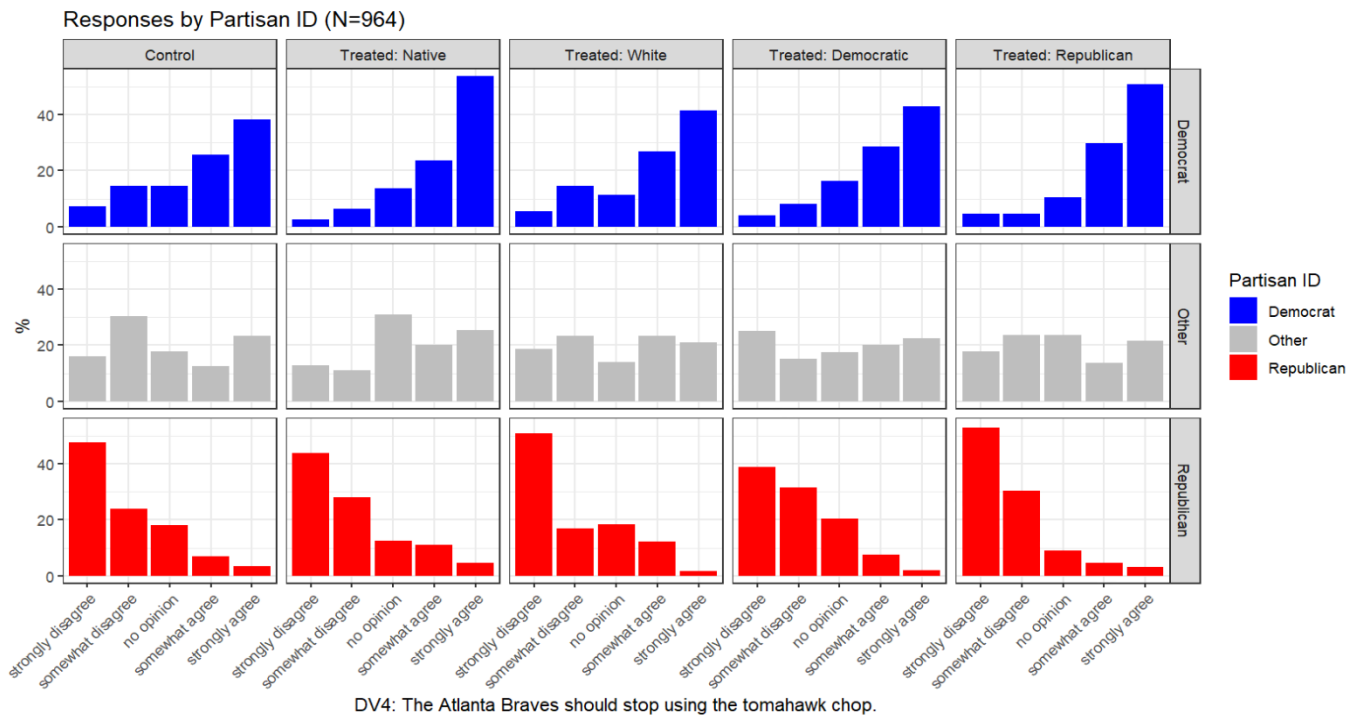


Figure 3.1: Survey 1 Responses to DV4 (Tomahawk Chop) by Partisan Identity

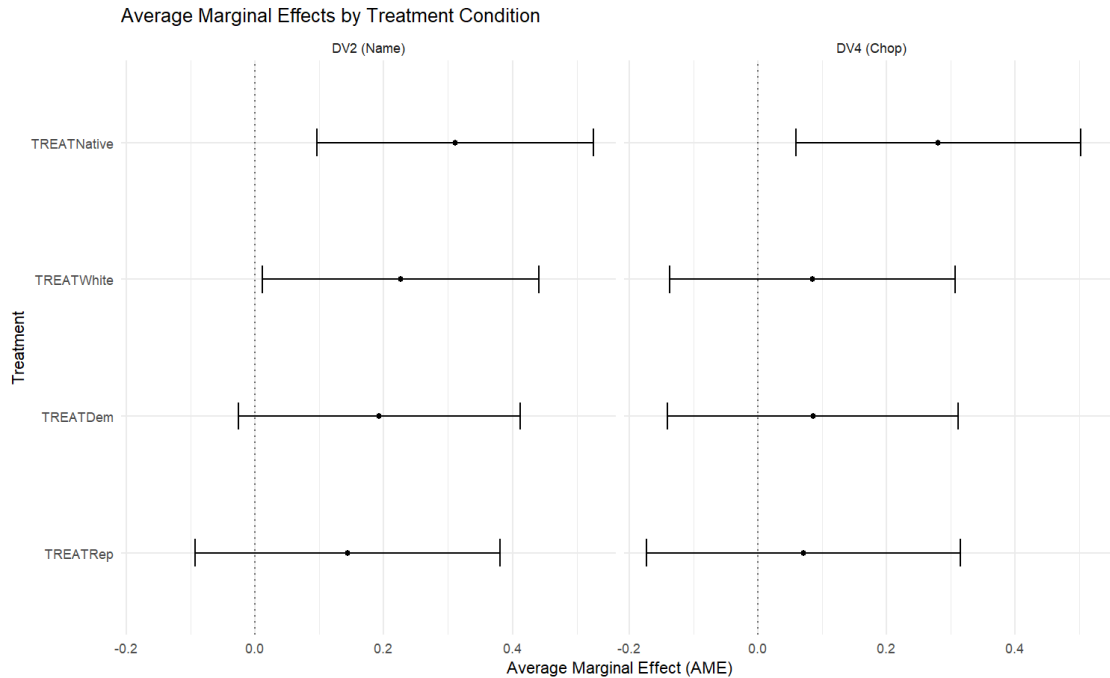
A power analysis indicates that to reach the acceptable threshold of 80% power, each treatment group and control would need approximately 175 respondents ($p < 0.05$, effect size of 0.3). The control group ($n=241$), and the treatment groups for Native Cue ($n=199$) White Cue ($n=197$), and Democrat Cue ($n=184$) are all well powered, but the Republican Cue ($n=143$) is underpowered. In

short, the Republican Cue treatment, null findings for these treatments may be due to lack of power rather than the absence of a true effect.

Average Treatment Effects

To examine the effect of treatment conditions on support for change, I estimated ordinary least squares (OLS) regression models with responses to the four dependent variables (measured on the five-point Likert scale from *Strongly Disagree* to *Strongly Agree*) as the dependent variable. The model includes a categorical variable for treatment conditions with the control group specified as the reference category. Additional covariates include gender (woman), to account for the overrepresentation of women in the study, as well as partisan identity. Model outputs indicate that there are only significant differences in levels of support for changing the Braves name (DV2) and the Tomahawk Chop (DV4).

On DV4, which asked about support for changing the Tomahawk Chop gesture, only the Native treatment produced a statistically significant effect. Those exposed to the Native cue were, on average, 0.28 points more likely to agree with the statement ($p < .01$). On DV2, which asked about changing the Braves' name, the Native cue again produced the strongest response, with an effect size of 0.31 ($p < .001$), followed by the White cue (0.23, $p < .01$) and Democratic cue (0.19, $p < .05$).



**Figure 3.2: Average Marginal Effects by Treatment Condition in Survey 1 (n=964)
DV2 (Name) and DV4 (Chop) Only**

However, when I run an additional model inclusive of the *Fandom Scale* variable that accounts for Braves fandom, these effects are greatly diminished. The model indicates that the stronger the Braves fan (using a 5-point Likert scale), the less likely the respondent is to agree with change across all four dependent variables (-0.25 to -0.38, all $p < 0.001$). Only for DV2 (name change) do we continue to see significant effects by treatment after controlling for fandom, a 0.91-point increase in agreement under the White cue ($p < 0.05$). This suggests that differences in support for changing the chop were primarily driven by pre-existing attitudes toward the team, rather than by the treatment messages themselves. While fandom is a strong predictor of overall attitudes, the lack of significant interaction terms indicates that treatment effects were consistent across levels of fandom.

Conditional Average Treatment Effects

I calculated Conditional Average Treatment Effects (CATE) by race/ethnicity and partisanship for respondents in the sample with complete observations for these variables ($n=929$; $n=935$) using ordinary least squares (OLS) regression models with interaction terms for the binary, ‘white’/‘nonwhite’ variable, and categorical partisan identity (which compared Republicans to Democrat respondents). The models for race/ethnicity indicated there was a significant baseline decrease in the likelihood of White respondents agreeing with the statements for all dependent variables, as compared to non-White respondents: general change (-0.42 , $p<0.01$), name (-0.58 , $p<0.001$), logo (-0.60 , $p<0.001$), chop (-0.63 , $p<0.001$). However, the effect of treatment did not differ by race.

In terms of partisan identity, Republican respondents were significantly ($p<0.001$) less likely to agree with statements across all four dependent variables, ranging from -1.42 points on the Likert scale for general change to -1.78 for stopping the Tomahawk Chop, regardless of treatment. Independents were less likely to agree with DV4 (Tomahawk Chop) by -1.16 points ($p<0.01$). Treatment groups only impacted the likelihood of agreement significantly in two cases for partisans (both $p<0.005$). Republicans assigned the Democratic cue were -0.46 points less likely to agree with DV2 (changing the name).

Survey 2: Support for Changing Mascots and Native Imagery in Professional Sports (CES National Sample)

The responses from Survey 1 are highly specific to Georgia respondents and those with ties to the Atlanta Braves. To observe national responses to changing Native mascot practices in professional sports franchises, I included several similar survey questions in the Fall 2022 Cooperative Election Survey (September to November 2022). This sample includes 822 respondents from across the United States, who were interviewed before and after the midterm election. Following the results reported in Survey 1, only the Native and White source cues were included in the second survey. The prime was similar to that used in Survey 1, but generalized for a national audience:

“Please read the following excerpt from a statement made by (name/affiliation) regarding the use of Native American imagery in professional sports:

‘Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. It’s time for all professional sports teams to end the use of Native imagery and names in their marketing.’”

This time, an unattributed cue was also included as an additional treatment group. To estimate a baseline of support for changing Native mascots, I included an unrelated informational cue regarding tree frogs attributed to the National Wildlife Federation as a control (see *Appendix C* for full text).

To make the survey applicable to respondents from across the U.S., the dependent variable, support for change, is captured using the following questions regarding general franchise practices: “Native American **team names** should be eliminated from sports.”; “Native American **mascots** should be eliminated from sports.”; and, “Native American **images and logos** should be eliminated from sports.” Once

again, respondents answer using a five-point agreement scale: *strongly agree*, *somewhat agree*, *neither agree nor disagree*, *somewhat disagree*, or *strongly disagree*. These dependent variables have high internal validity (0.92 Cronbach's Alpha or higher).

Results

Respondent Characteristics

Survey 2 was a national sample with 822 eligible respondents. 75% identified as White, 10% Black or African-American, 7% Hispanic, 3% Asian, 2% Multiracial, 2% other or unknown, and >1% Native American or Middle Eastern, respectively. The sample included 25% self-identified Republicans, 40% Democrats and 27% Independents (with 8% party other or unknown)³². 21% of respondents live in states where there is a prominent sports team with a Native name, mascot, or imagery. 75% of respondents live in a state with a federally recognized tribe. 65% of respondents self-identified as women, 56% as men, and less than 1% non-binary or other gender.³³ Republicans, Democrats and Independents were assigned to each treatment, baseline, and the control using block randomization on partisan identity.

A power analysis indicates that to reach the acceptable threshold of 80% power, each treatment group and control would need approximately 175 respondents ($p < 0.05$, *effect size of 0.30*). The baseline group (n=195), control group (n=184), and the treatment groups for Native Cue (n=187) and White Cue (n=188) are all well powered.

Average Treatment Effects

³² These 68 respondents who did not know or identify their partisan ID were included in ATE but not CATE models.

³³ These 7 'non-binary' or 'other' respondents are included in ATE but not CATE models.

To estimate the effect of treatment cues on participants' support for change, I fit an ordinary least squares (OLS) regression model predicting responses to the dependent variables D1 (names), D2 (mascots) and D3 (logos) which measured agreement on a five-point Likert scale ('strongly disagree', somewhat disagree, no opinion, somewhat agree, strongly agree). The model includes covariates for gender (*woman*), tribal presence in the respondent's state, and partisan identification (Democrat, Independent or Republican).³⁴

The estimated effect of the Native and White treatment conditions on respondent levels of support across all three dependent variables are both positive and statistically significant ($p < 0.001$). The results indicate that exposure to the Native treatment increases agreement on changing names (DV1) approximately 0.37 points on the five-point Likert scale, 0.44 points for changing mascots (DV2), and 0.41 points for changing logos (DV3), compared to the baseline condition. Respondents in the White treatment groups increased agreement for changing names by 0.37 points (DV1), 0.45 points for changing mascots (DV2), and 0.37 points for changing logos (DV3), as compared to baseline. These effects correspond to a modest but notable shift in respondent attitudes. Interestingly, there were no significant differences found when comparing ATEs for the baseline group as compared to the control. In other words, it seems that the unattributed statement on its own was not persuasive enough to garner any significant change in levels of support. The average treatment effects (ATEs) are presented in *Figure 3.3* below by dependent variable and treatment group.

³⁴ Due to survey space limitations, I was unable to include a question regarding fandom for any of the professional sports teams with Native-themed mascots.

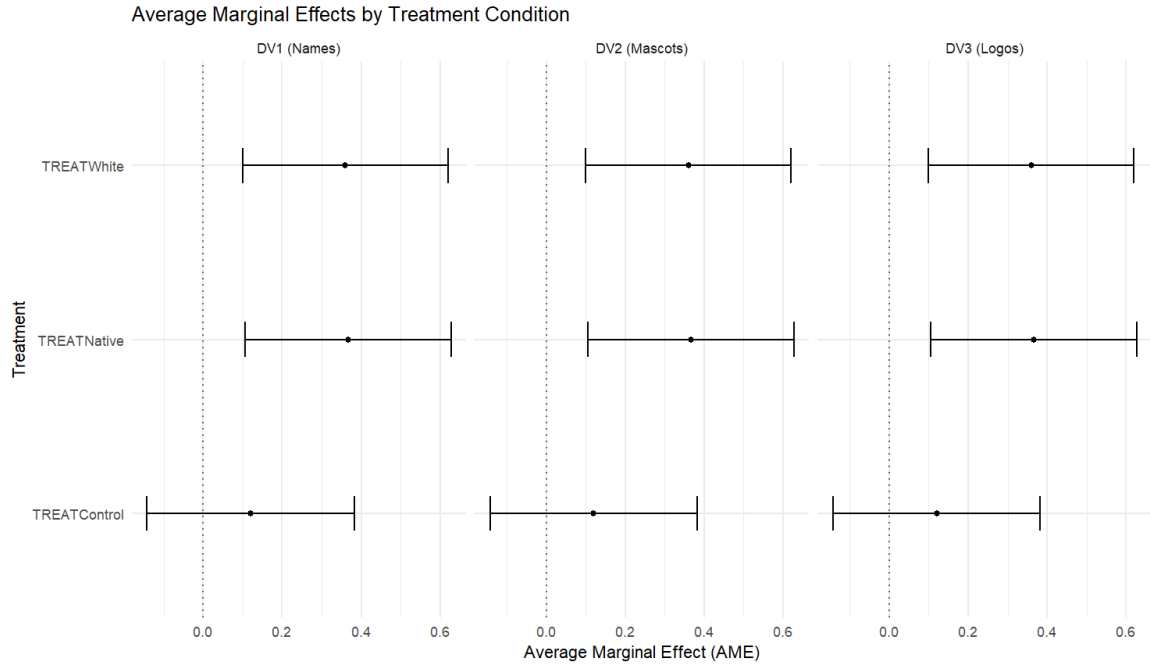


Figure 4.3: Average Marginal Effects by Treatment Condition in Survey 2 (n=822)

Conditional Average Treatment Effects

I calculated Conditional Average Treatment Effects (CATE) by race/ethnicity and partisanship for the n=754 respondents in the sample who identified with a political party using ordinary least squares (OLS) regression models with interaction terms for the binary, ‘white’/‘nonwhite’ variable, and categorical partisan identity (which compared Republicans and Independents to Democrat respondents). Among White respondents, the Native treatment consistently produced a moderate positive shift in agreement across all three outcomes. On DV1, the Native treatment increased agreement for White respondents approximately 0.43 points ($p<0.01$) on the 5-point Likert scale. On DV2, the effect rose to 0.51 points ($p<0.01$), while the White treatment produced a smaller, though still significant, increase of 0.33 points ($p<0.05$). For DV3, the Native treatment again led to a statistically significant 0.46-point increase ($p<0.01$) in agreement. These

findings suggest that the Native treatment elicited a stronger attitudinal response among White respondents than the White treatment.

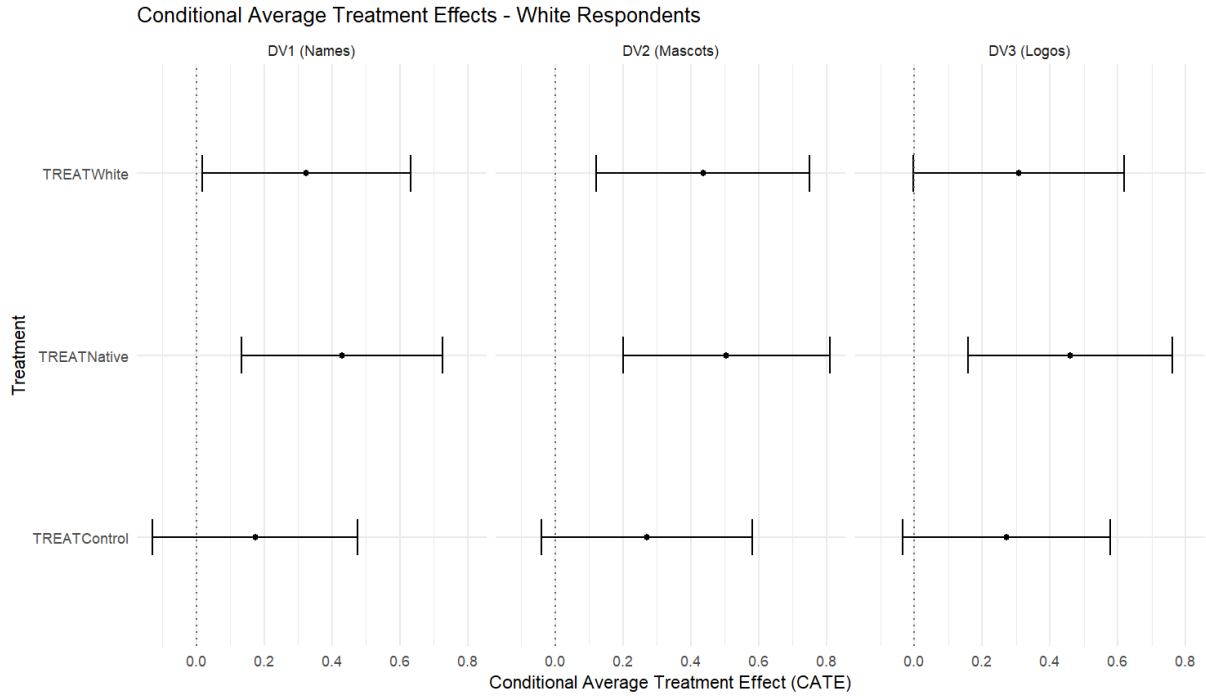


Figure 3.4: Conditional Average Treatment Effects for White Respondents in Survey 2 (n=754)

Partisan identity moderated the effectiveness of the treatment conditions across all three dependent variables. On DV1 (Names), the Native treatment led to a 0.46-point increase in agreement among Democrats ($p < 0.05$), while the White treatment produced a larger effect of 0.73 points ($p < 0.01$). On DV2 (Mascots), both treatments significantly increased agreement across partisan groups. For Democrats, the Native treatment increased agreement by 0.47 points ($p < 0.05$), and the White treatment by 0.80 points ($p < 0.001$). On DV3 (Logos), Democrats who received the Native

treatment increased agreement by 0.46 points ($p<0.05$), and the White treatment by 0.73 points ($p<0.01$).

For DV1 (names) and DV3 (logos), Republicans who received the Native treatment had a positive effect of 0.63 points ($p<0.01$), while the White treatment effect was not statistically significant. For DV2 (mascots), the Native treatment produced the strongest effect, increasing agreement by 0.75 points ($p<0.01$), while the White treatment increased agreement by 0.57 points ($p<0.05$). These findings suggest that both treatments were effective across partisan groups, but their relative impact varied. Democrats responded most strongly to the White treatment, particularly on DV2. *Figure 3.5* below shows the Conditional Average Treatment Effects grouped by partisan identity of the respondent and treatment group. Regression tables are available in *Appendix C*.

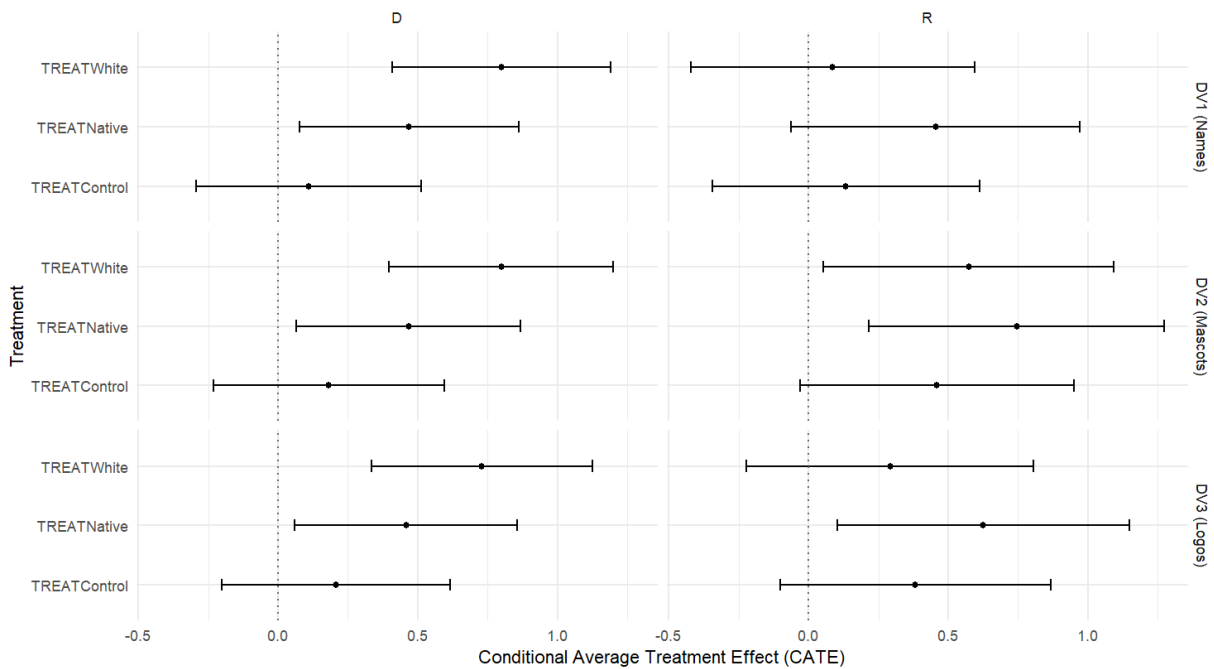


Figure 3.5: Conditional Average Treatment Effects by Partisan Identity in Survey 2 (n=754)

Discussion

Do White respondents respond with stronger support when the source cue is from a White speaker (H1)?

Among White respondents, the results reveal a complex picture of how messenger identity influences support for Native-themed sports changes. In Study 1 (Braves), White participants were generally less supportive of change across all dependent variables, and CATE models showed no significant treatment effects for this group, even when exposed to either the Native or White cue. While the White treatment initially appeared to produce a significant increase in support for changing the Braves' name, this effect did not hold in models accounting for fandom, suggesting that any observed treatment effect was driven by pre-existing attitudes toward the team rather than by the messenger itself. In contrast, Study 2 (National) paints a different picture: Native messengers consistently produced statistically significant and stronger attitudinal shifts among White respondents across all three outcomes—team names (DV1), mascots (DV2), and logos (DV3)—with effect sizes ranging from 0.43 to 0.51 points on a 5-point Likert scale. The White treatment had a smaller, yet still significant, effect on mascot support. These findings suggest that White respondents are more receptive to Native messengers when the issue is framed abstractly or symbolically, but that emotional attachments to specific teams may override messaging effects in contexts where group identity is deeply tied to fan culture.

Do we see greater support change for one partisan ID from another using partisan cues? (H2)

In Study 1, Republicans were significantly less supportive than Democrats across all four dependent variables, with large negative effects (−1.42 to −1.78 points) on the 5-point Likert scale, regardless of treatment. In Study 2, Republicans also had a lower baseline level of support for change compared to Democrats', even when responding positively to certain cues. However, there is little

evidence to suggest that co-partisan messengers had strong impact on support for change in the first model where a Democrat and Republican cue. Republicans were not significantly more likely to support change under the Republican treatment in Study 1. Rather, Republicans were less likely to support when the messenger was a Democrat, but only for DV2 (changing the name).

Limitations

While the results indicate a significant effect on levels of support, particularly for white respondents receiving the Native Cue, there are limitations to the study. The first limitation is that power analysis for Survey 1 indicated a need for increased sampling of respondents in the Republican Cue. While the Republican treatment group showed directionally positive effects on support for change in Survey 1, these estimates did not reach statistical significance. Given the smaller sample size in this condition, these null findings may reflect limited statistical power rather than the absence of an effect. The second limitation concerns generalizability on two accounts. The first issue is that the surveys focus on one policy priority for Native advocates –mascot change. While this issue is salient for residents in certain states and school districts, there are other issues that are more pressing for Tribal Nations that impact sovereignty—such as legal jurisdiction, access to water and treaty-granted resources, and economic development. The survey results are specific to a policy preference that is more symbolic in nature. The second is that the national survey did not include a question regarding fandom. As such, I was unable to evaluate for Survey 2 whether the treatment effects may have been diminished by high levels of fandom for the Chiefs, Braves, Blackhawks, college teams like the Florida Seminoles, or even teams with recent name changes like the Cleveland Indians or Washington Redskins.

Conclusion

Native advocates have spent decades pushing for the end of Indigenous mascots as a policy priority, a public opinion campaign that has been waged with corporate franchises and state and local governments. Changing the franchise branding of a professional sports team has clear ties to shifts in public opinion about race, ethnicity, and the ever-changing roles of these franchises in responding to their fanbase (constituency). While recent research has set the stage for assessing the impact of new narratives of Indigenous justice on support for Native policy priorities, advocates must still make decisions on who to bring into their coalition and who may speak on their behalf. These results may be helpful to tribal advocates in considering how to deliver messages on tribal policy priorities to different constituency groups.

These findings further support the work of the First Nations Development Institute and EchoHawk Consulting (2018), demonstrating that when respondents are exposed to the new narratives about Native people, they have the capacity to increase positive associations with policies of Native concern. Importantly, the findings indicate that the message itself is not enough to shift support and that assigning a non-partisan Native (or in some cases White) speaker is likely to make a larger impact on changing minds. This is an important consideration as tribal leaders weigh whether to spend precious political capital on such policy campaigns versus other priorities for their nations.

These results suggest that messenger identity can meaningfully shape public attitudes, particularly on symbolic issues like team names. However, when individuals have strong pre-existing attachments to teams like the Braves, these attachments can neutralize the influence of the messenger. In short, messengers matter, but strong fanbases are still likely to push back against change. Perhaps of greatest utility, the results suggest that there may be support in Georgia for changing the Braves name and ending the tomahawk chop, especially when a Native leader is delivering the call to action. Native advocates saw successes with the Washington Redskins and Cleveland Indians, but now that

more ‘neutral’ team names and imagery remains, it is likely harder to shift the minds of these fanbases. What might occur if the Muscogee (Creek) Nation, a federally recognized tribe with ancestral lands across metro-Atlanta, decides to weigh-in more heavily on the side of change? The results here suggest that there may be room for change, even for these more neutral, high-success, teams if Native voices are leading the way.

Moving forward, the challenge lies not only in shifting public opinion, but in doing so strategically and sustainably. As tribal nations and Native-led organizations continue to push for meaningful representation, these findings highlight the importance of targeting messages thoughtfully, especially in contexts where deep emotional or cultural attachments may generate resistance. In an era where symbolic gestures often substitute for structural change, ensuring that the right voices are elevated may be critical not just for visibility, but for the advancement of broader Native policy goals.

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Appendix

A. Supplemental Materials for Chapter 1

a. Federal Indian Policy Eras

Table X - Timeline of Federal Indian Policy Eras		
<i>Dates</i>	<i>Policy Era</i>	<i>Native Legislators Serving During Era</i>
1770s – 1820s	International Sovereign to International Sovereign (Treaty Making Era)	0
1830s – 1850s	Removal	0
1850s – 1890s	Reservation	4
1870s – 1930s	Assimilation	11
1930s – 1950s	Indian Self-Rule	5
1950s – 1960s	Termination	1
1960s – 1988	Self-Determination	4
1988 – present	Self-Determination + Self-Governance	11

Adapted from Wilkins & Stark (2018), pg. 150-151.

The first Native person served in 1869 (Hiram Rhodes Revels, Lumbee, R-MS).

Several legislators served across Federal policy eras so the counts here do not add up to 27.

b. Validation of Native Identity

Table AX – Validation Comparison – Native Legislators Who Have Served in the U.S. Senate or House of Representatives [Chronological by Service Years]					
Name	Tribal Affiliation(s)	Carlson (2022)	Wilkins & Stark (2018)	CSR (2013)	Stubben (2006)
Hiram Rhodes Revels	Lumbee			✓	✓
Richard H. Cain	Cherokee			✓	
John Mercer Langston	Pamunkey (Powhatan)				

Charles Curtis	Kaw	✓	✓	✓	✓
Robert William Wilcox	Native Hawaiian				
Matthew Stanley Quay	Abenaki or Delaware		✓	✓	✓
Robert Latham Owen	Cherokee	✓	✓	✓	✓
Charles D. Carter	Chickasaw	✓	✓	✓	✓
William Paul Jarrett	Native Hawaiian				
William Wirth Hastings	Cherokee	✓		✓	✓
Thomas A. Chandler	Cherokee			✓	
Victor S.K. Houston	Native Hawaiian				
Samuel W. King	Native Hawaiian				
Will Rogers Jr.	Cherokee	✓		✓	✓
William G. Stigler	Choctaw	✓	✓	✓	✓
Ben Reifel	Lakota	✓	✓	✓	✓
Clem McSpadden	Cherokee	✓		✓	✓
Daniel K. Akaka	Native Hawaiian				
Ben Nighthorse Campbell	Northern Cheyenne	✓	✓	✓	✓
Gary Condit	Cherokee			✓	

Brad Carson	Cherokee	✓	✓	✓	
Tom Cole	Chickasaw	✓	✓	✓	
Markwayne Mullin	Cherokee	✓	✓	✓	
Sharice Davids	Ho-Chunk	✓			
Deb Haaland	Laguna Pueblo	✓			
Yvette Harrell	Cherokee	✓			
Kaiali‘i (Kai) Kahele	Native Hawaiian				
Mary Peltola	Yup'ik (Alaska Native)				
Josh Brecheen	Choctaw				

Carlson (2022)

- Only includes members of “federally recognized American Indian or Alaska Native nation within the United States.” (68)
- No Native Hawaiians are included in this list.
- Author could not validate Senator Matthew Stanley Quay (R-PA).
- Cites the Congressional Research Service list (2013), a 2019 World Atlas article (<https://www.worldatlas.com/articles/native-american-senators-through-u-s-history.html>), and listings from the U.S. Senate (link no longer active).

Wilkins & Stark (2018)

- No Native Hawaiians are included in this list.
- Members of non-federally recognized tribes are not included.
- Adapted from McClain & Stewart Jr., Gerald Wilkinson, the National Indian Youth Council, and the Office of Senator Ben Nighthorse Campbell (2014) and the Congressional Research Service list (2013).
- Author could not validate Senator Matthew Stanley Quay (R-PA).

Congressional Research Service (2013)

- No Native Hawaiians are included in this list.
- Full source list is provided.
- Author could not validate Senator Matthew Stanley Quay (R-PA), Thomas A. Chandler (OK-Cherokee) or Gary Condit (CA-Cherokee).

Stubben (2006)

- No Native Hawaiians are included in this list.
- Author could not validate that Charles Curtis ever self-identified as Osage, only Kaw.

Validation Protocol (Blasingame)

Research Question:

Which members of Congress, from its inception in 1789 to today, self-identify as Native American, Alaska Native or Native Hawaiian? If so, what tribe(s) or Native communities are they affiliated with?

Validation sources available upon request.

c. Legislation Coding Example – Hawaii

In some cases, especially for bills concerning Hawaiian lands, the language was much more nuanced. For example, in 1971, Rep. Patsy Mink (D-HI)³⁵, sponsored H.R. 11774 – a bill “to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii...” In the summary there is no mention of Native Hawaiian people or lands. However, the bill text reads,

*“The Congress further believes that it is appropriate that the preservation and interpretation at that site be managed and **performed by native Hawaiians**, to the extent practical, and that training’ opportunities be provided such persons in management and interpretation of those cultural, historical, and archaeological resources.” (2) [emphasis added]*

³⁵ While Patsy Mink was not Native Hawaiian, she was the first Asian-American woman elected to Congress (1965).

This bill was coded as a “1” in our dataset for its clear impact on the co-management abilities of Native Hawaiians for federally designated lands in Hawaii.

d. Summary Statistics

Summary Statistics for Numeric Variables					
Variable	Mean	SD	Min	Max	N
Native Issue	0.1644	0.3707	0	1	7389
Native Sponsor	0.479	0.4996	0	1	7389
Tenure	14.35	11.996	0	49	7389
Indian Affairs Committee	0.5679	0.4954	0	1	7389
House	0.6503	0.4769	0	1	7389
Senate	0.3497	0.4769	0	1	7389

†Tenure is coded as 0 during the legislator’s first year in Congress as they have yet to complete a full year of service.

Descriptive Statistics for Party Variable		
Party	Number of Observations (Bills)	% of Total Sample
Democrat	3353	45%
Populist	24	<1%
Republican	4012	54%

e. Logistic Regression Models

Logistic Regression Model 1, DV=Native Issue (0,1) (with fixed effects by District-Dyad and Decade)

Native Legislator (DV)	1.127*** (0.172)
Republican	-0.457*** (0.160)
Tenure	0.002 (0.009)
Indian Affairs Committee	0.693***

	(0.134)
Fixed Effects (Dyad)	Yes (n=25)
Fixed Effects (Decade)	Yes (n=15)
Observations	7,389

Note: *p<0.1; **p<0.05; ***p<0.01

Logistic Regression Models for House and Senate, DV=Native Issue (0,1)

	House (Model 2)	Senate (Model 3)
Native	1.191*** (0.2708)	1.339*** (0.3783)
Republican	-1.117*** (0.2228)	1.808*** (0.0769)
Tenure	0.0219 (0.0144)	-0.0183** (0.0064)
Indian Affairs Committee	0.4795 (0.2720)	0.8006*** (0.1190)
Fixed Effects (Dyad)	Yes (n=20)	Yes (n=5)
Fixed Effects (Decade)	Yes (n=15)	Yes (n=15)
Observations	4,699	2,584

Note: *p<0.1; **p<0.05; ***p<0.01

Logistic Regression Models for Party: DV=Native Issue (0,1)

	Democrats (Model 4)	Republicans (Model 5)
Native	1.075*** (0.101)	0.195** (0.093)
Tenure	-0.045*** (0.006)	0.002 (0.004)
Indian Affairs Committee	0.305*** (0.099)	0.782*** (0.107)
Constant	-1.936*** (0.102)	-2.320*** (0.107)
Observations	3,353	4,012

Note: *p<0.1; **p<0.05; ***p<0.01

**Logistic Regression Models for Party: DV=Native Issue (0,1)
[Native Members Only]**

	Native Members (Model 6)
Republican	-0.273*** (0.085)
Tenure	-0.040*** (0.005)
Indian Affairs Committee	0.050 (0.092)
Constant	-0.757*** (0.080)
Observations	3,539

Note: *p<0.1; **p<0.05; ***p<0.01

f. Selected Summaries – to be published in “Representing Ourselves: The State of Native American Representation in the United States,” by Elise Blasingame, on behalf of *Advance Native Political Leadership* (2025)

Charles Curtis (Kaw)

The first known Native to serve in the Executive branch is Charles Curtis (R-KS), a member of Kaw Nation. Curtis served in the House (1893-1907) and the Senate (1907-1927) prior to being elected as Vice President under President Herbert Hoover (1929 - 1933).³⁶ Curtis grew up speaking Kanza and French before he learned English. While he was partially raised by his Kaw grandmother, he was sent to live with his non-Native family in Topeka at a young age. He credited this decision, at the urging of his Kaw family, as an important turning point in his life.³⁷ This distance from his Native community, coupled with his education in predominantly white institutions likely contributed to his pro-assimilation stances. Curtis also grew up in a time when Native people were unable to be considered citizens of the U.S., let alone run for office, making his political trajectory extremely unique (the *Snyder Act* would pass in 1921 while Curtis was in the Senate). In a search for equality for Native people, Curtis ended up supporting one of the most reviled pieces of Indian legislation in U.S. history.

³⁶ United States Senate. “Senate Leaders: Charles Curtis”: <https://www.senate.gov/about/origins-foundations/parties-leadership/curtis-charles.htm>

³⁷ “Who Was Charles Curtis, the First Vice President of Color?” Gershon, Livia. (2021, January 13). *Smithsonian Magazine*: <https://www.smithsonianmag.com/history/who-was-charles-curtis-first-non-white-vice-president-180976742/>

The *Dawes Act of 1887* was an incredibly impactful U.S. Indian policy, forcing the allotment of parcels on reservation land into private ownership.³⁸ It also created the Dawes Act “Rolls” and descendancy lines, which still determine Tribal enrollment eligibility for many Tribal Nations. Though the Dawes Act would pass two years before Curtis entered Congress, he was a proponent of the bill. In fact, Curtis would go on to sponsor the “Curtis Act,” which extended the tenets of the Dawes Act to apply to the Five Tribes in Oklahoma, who were formerly excluded from the purview of the Act. It is therefore unsurprising that Indian Country has mixed feelings when it comes to the ‘complicated legacy’ of Charles Curtis as our first Native Vice President.³⁹ On one hand, Curtis became an attorney, a party leader in the Senate, and ascended to Vice President, making Curtis one of the more successful politicians in U.S. history, and certainly of those from Indian Country. But the massive land dispossession that took place as a result of the Dawes Act remains a painful part of his legacy.

Ben Nighthorse Campbell (Cheyenne)

Ben Nighthorse Campbell (D/R-CO), a member of the Northern Cheyenne Tribe, served in Congress from 1987-2005.⁴⁰ He served in both the House (1987-1993) and the Senate (1993-2005). Initially elected as a Democrat, he joined the Republican Party in 1995. Of the 40 bills where Campbell was the primary sponsor in the House, 8 were on Indian Affairs (20%). Of the 333 he sponsored in the Senate, 116 were on Indian Affairs (35%). He also co-sponsored and deliberated on countless other bills concerning Native Affairs as Committee Chairman in the Senate. Until 2001, Campbell was the only Native American member of Congress, though he served alongside Native Hawaiian, Daniel K. Akaka (D-HI) in the House and Senate. In fact, Campbell was a cosponsor on the early versions of Senator Akaka’s Hawaiian Recognition bill, known as the “Akaka Bill”, supporting the initiative to grant Native Hawaiians a form of federal recognition.⁴¹

Of the bills Campbell sponsored, many became laws, including those establishing historical sites using a Native perspective for the Battle of Little Bighorn⁴² and Sand Creek Massacre⁴³, as well as

³⁸ Dawes Act (1887) – National Archives: <https://www.archives.gov/milestone-documents/dawes-act#:~:text=Approved%20on%20February%201887,than%20as%20members%20of%20tribes>

³⁹Yang, John, Winston Wilde, and Azhar Merchant. (2023, November 23). “The complicated legacy of Charles Curtis, first and only Native American vice president” *PBS News*. <https://www.pbs.org/newshour/show/the-complicated-legacy-of-native-american-vice-president-charles-curtis>

⁴⁰ Ben Nighthorse Campbell’s official Congressional bio can be found at: <https://bioguide.congress.gov/search/bio/C000077>

⁴¹ S.344 - Native Hawaiian Recognition Act of 2003: <https://www.congress.gov/bill/108th-congress/senate-bill/344/cosponsors>

⁴² H.R.848 - To authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes: <https://www.congress.gov/bill/102nd-congress/house-bill/848>

⁴³ S.2950 - Sand Creek Massacre National Historic Site Establishment Act of 2000: <https://www.congress.gov/bill/106th-congress/senate-bill/2950>

those encouraging settlement of Tribal claims⁴⁴ and a water rights settlement for the Colorado Ute⁴⁵. With Campbell as Chairman, the Senate Indian Affairs Committee passed more legislation than any other time period before it in Congressional history.⁴⁶ In 2000 alone, Campbell passed multiple bills related to Tribal tourism⁴⁷, courts⁴⁸, economic development, and the enforcement of the Indian Arts and Crafts Enforcement Act.⁴⁹

Campbell also passed a number of resolutions aimed at increasing visibility of Native concerns including those related to National American Indian Heritage Month⁵⁰, honoring Native veterans⁵¹, the founding of the American Indian Higher Education Consortium (AIHEC)⁵², celebrating the opening of the National Museum of the American Indian⁵³, and commemorating the anniversary of U.S. policy on Indian self-determination.⁵⁴

Wearing full regalia at the 2004 opening of the National Museum of the American Indian, Senator Nighthorse Campbell addressed the crowd⁵⁵, sharing the following sentiments:

"What a glorious day the grandfather spirit and creator of all things has given us... Washington is a city of monuments, and yet there is not one monument to the Native people of this land. The magnificent structure which we are going to open today is that monument and in it, we will tell our story."

At the age of 70, Senator Nighthorse Campbell chose not to run for re-election⁵⁶, citing health concerns after a successful fight with cancer, and a desire to return to his family in Colorado. He retired from the Senate in 2005, leaving the Senate without a Native representative until the 2023

⁴⁴ S.1857 - A bill to Encourage the Negotiated Settlement of Tribal Claims: <https://www.congress.gov/bill/107th-congress/senate-bill/1857>

⁴⁵ H.R.2642 - Colorado Ute Indian Water Rights Settlement Act of 1988: <https://www.congress.gov/bill/100th-congress/house-bill/2642>

⁴⁶ Indian Country Today, "Senator Ben Nighthorse Campbell; A retrospective interview and a look ahead" (2004, November 10): <https://ictnews.org/archive/senator-ben-nighthorse-campbell-a-retrospective-interview-and-a-look-ahead-part-three>

⁴⁷ S.2719 - Native American Business Development, Trade Promotion, and Tourism Act of 2000: <https://www.congress.gov/bill/106th-congress/senate-bill/2719>

⁴⁸ S.1508 - Indian Tribal Justice Technical and Legal Assistance Act of 2000: <https://www.congress.gov/bill/106th-congress/senate-bill/1508>

⁴⁹ S.2872 - Indian Arts and Crafts Enforcement Act of 2000: <https://www.congress.gov/bill/106th-congress/senate-bill/2872>

⁵⁰ S.Res.216 - A resolution designating the Month of November 1999 as "National American Indian Heritage Month": <https://www.congress.gov/bill/106th-congress/senate-resolution/216>

⁵¹ S.Res.239 - A resolution designating November 7, 2003, as "National Native American Veterans Day" to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States: <https://www.congress.gov/bill/108th-congress/senate-resolution/239>

⁵² S.Res.321 - A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC): <https://www.congress.gov/bill/107th-congress/senate-resolution/321>

⁵³ S.J.Res.41 - A joint resolution commemorating the opening of the National Museum of the American Indian: <https://www.congress.gov/bill/108th-congress/senate-joint-resolution/41>

⁵⁴ S.Res.277 - A resolution commemorating the 30th Anniversary of the Policy of Indian Self-Determination: <https://www.congress.gov/bill/106th-congress/senate-resolution/277>

⁵⁵ C-SPAN Video, "National Museum of the American Indian Opening"(2004, September 21) <https://www.c-span.org/video/?183601-1/national-museum-american-indian-opening>. Senator Campbell's remarks begin at 28:30.

⁵⁶ Indian Country Today, "Campbell won't seek another Senate term" (2004, March 4): <https://ictnews.org/archive/campbell-wont-seek-another-senate-term>

election of Markwayne Mullin (R-OK). To date, there have only been six Native members to ever serve in the Senate.

Sharice Davids (Ho-Chunk)

Sharice Davids (D-KS), member of the Ho-Chunk Nation of Wisconsin, was elected in 2018, making her one of the first two Native American women ever elected to Congress (alongside then-Rep. Deb Haaland), and the first openly LGBTQ+ Native person ever elected.⁵⁷ Davids serves as a Co-Chair of the Congressional Native American Caucus. Though Davids is a newer member, she has sponsored multiple bills related to issues of Native concern.

Currently, she is the primary sponsor of the Truth and Healing Commission on Indian Boarding School Policies Act (H.R.7227), which would establish the first such commission in the U.S. to begin a formalized process of reconciliation, truth, and healing.⁵⁸ In her statement on the bill, Davids shared the following:

*"I would not be here if not for the resilience of my ancestors and those who came before me — including my grandparents, who are survivors of federal Indian Boarding Schools. I am glad my colleagues came together today to advance the establishment of a Truth and Healing Commission, bringing survivors, federal partners, and Tribal leaders to the table to fully investigate what happened to our relatives and work towards a brighter path for the next seven generations."*⁵⁹

In her role as a member of the Committee on Small Business, Davids introduced the Native American Entrepreneurial Opportunity Act (H.R.5160).⁶⁰ The bill, which passed the House earlier in 2024, would codify the existence of the Office of Native American Affairs (ONAA) at the Small Business Administration and provide additional funding to its currently limited programming.⁶¹ She has also introduced a resolution to acknowledge the importance and impact of Tribal Colleges and Universities.⁶² Davids has not served on the House Subcommittee on Indian and Insular Affairs.

⁵⁷ Representative Sharice Davids' campaign website: <https://shariceforcongress.com/about/>

⁵⁸ H.R.7227 - Truth and Healing Commission on Indian Boarding School Policies Act of 2024: <https://www.congress.gov/bill/118th-congress/house-bill/7227>

⁵⁹ Press Release (2024, June 13) "Davids, Cole Statements on Advancement of Bipartisan Bill to Investigate Federal Boarding School Policies." <https://davids.house.gov/media/press-releases/davids-cole-statements-advancement-bipartisan-bill-investigate-federal>

⁶⁰ H.R.5160 - Native American Entrepreneurial Opportunity Act: <https://www.congress.gov/bill/117th-congress/house-bill/5160>

⁶¹ Oxendine, Chez. (2024, February 29). "House Passes Bipartisan Legislation to Boost Support for Indigenous Entrepreneurs" *Native News Online*: <https://nativenewsonline.net/currents/house-passes-bipartisan-legislation-to-boost-support-for-indigenous-entrepreneurs>

⁶² H.Res.981 - Recognizing the importance of Tribal colleges and universities to the United States and expressing support for designating the week beginning February 5, 2024, as "National Tribal Colleges and Universities Week": <https://www.congress.gov/bill/118th-congress/house-resolution/981>

Tom Cole (Chickasaw)

Tom Cole (R-OK), a citizen of Chickasaw Nation, has served in the House of Representatives since 2003. In 2022, Cole became the longest serving Native person in the House of Representatives (beating former record-holder, Charles David Carter).⁶³ In response, Cole issued the following statement reflecting on his time in office:

“I am proud of my record as a champion for Indian Country. In addition to authoring, sponsoring and supporting numerous pieces of legislation, I have embraced my role as a resource for my colleagues, helping them understand [T]ribal sovereignty, the federal government’s trust responsibility and how we can and should work in a bipartisan way to solve some of the issues facing [T]ribes. While numerous strides have been made, there is still more work to do. In the days ahead, I remain committed to furthering, highlighting and elevating these important issues.”⁶⁴

Cole has sponsored many bills of Native concern, and co-sponsored more than 200. In 2004, he successfully passed the Chickasaw National Recreation Area Land Exchange Act for his own Tribe in Oklahoma.⁶⁵ Since the 2009 Supreme Court decision in *Carcieri v Salazar* created an ambiguous standard for determining when land can be taken into trust for Tribes by the Department of Interior, Cole has advocated for a ‘Carcieri Fix’ in Congress each year.^{66 67 68} In 2018, Cole successfully amended the 1947 Stigler Act to remove blood quantum requirements pertaining to the restricted status of land allotted to the ‘Five Civilized Tribes’ of Oklahoma.⁶⁹ This change allowed for the Five Tribes to take land owned by Tribal members who meet their own membership requirements into restricted status, both deferring to Tribal sovereignty on the definition of a Tribal member and building up land blocks that are federally protected and may later be taken into trust. During the reauthorization of the Violence Against Women Act (VAWA), Cole also co-sponsored an amended version to ensure that Tribal jurisdictional parity was included in the final bill.⁷⁰ Brown and Gershon (2017) note that Cole was the only ethnic minority to offer comments in support of the bill on behalf of the Republican party.⁷¹

⁶³ ICT News, “Cole becomes longest serving Native American in the House” (2022, April 22): <https://ictnews.org/the-press-pool/cole-becomes-longest-serving-native-american-in-the-house>

⁶⁴ Ibid.

⁶⁵ H.R.4066 - Chickasaw National Recreation Area Land Exchange Act of 2004: <https://www.congress.gov/bill/108th-congress/house-bill/4066>

⁶⁶ *Carcieri v. Salazar*, 555 U.S. 379 (2009): <https://supreme.justia.com/cases/federal/us/555/379/>

⁶⁷ For more information on the impact of the *Carcieri v. Salazar* case, see Larry Echo Hawk’s statement during his time as Assistant Secretary for Indian Affairs at the Department of the Interior: https://www.doi.gov/ocl/hearings/112/CarcieriCrisis_101311

⁶⁸ Clary, Felix (2024, July 1). “Tom Cole reminds subcommittee of tribal sovereignty over trust lands” ICT News: <https://ictnews.org/news/tom-cole-reminds-subcommittee-of-tribal-sovereignty-over-trust-lands>

⁶⁹ H.R.2606 - An act to amend the Act of August 4, 1947 (commonly known as the Stigler Act), with respect to restrictions applicable to Indians of the Five Civilized Tribes of Oklahoma, and for other purposes: <https://www.congress.gov/bill/115th-congress/house-bill/2606>

⁷⁰ NCAI Statement on Bipartisan Movement on Violence Against Women Act (VAWA) and Tribal Provisions (2012, December 12): <https://www.ncai.org/news/ncai-statement-on-bipartisan-movement-on-violence-against-women-act-vawa-and-tribal-provisions>

⁷¹ Gershon, Sarah Allen and Nadia E. Brown. 2017. “Protecting (Which?) Women: A Content Analysis of the Floor Debate on the 2012 Reauthorization of the Violence Against Women Act,” in *Advances in Research Using the C-SPAN Archives*, edited by Robert X. Browning. Purdue University Press: West Lafayette, IN.

In 2024, Cole became the first Native American Chairman of the powerful Appropriations Committee in the House.⁷² Cole has worked to appropriate critical funds for Native American housing and transportation, as well as healthcare through the Indian Health Service. Cole continues to serve as a Co-Chair of the bipartisan Congressional Native American Caucus.⁷³ Cole has never served on the House subcommittees concerning Native American Affairs – currently entitled Indian and Insular Affairs, a sub-committee of Natural Resources.

Mary Peltola (Yup'ik Alaska Native)

Mary Sattler Peltola (D-AK), Yup'ik, was the first Alaska Native to be elected to Congress when she won a special election in 2022.⁷⁴ Peltola replaced Don Young, the Republican who had held Alaska's sole House seat since 1973.

As of publication, more than half of the bills Rep. Peltola has introduced are related to Native Affairs. Two of these bills were heard in sub-committee: H.R. 2687 – amending the Alaska Native Claims Settlement Act⁷⁵; and H.R. 4748 – the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act.⁷⁶ At the Reservation Economic Summit in 2024, Peltola was asked about her role as an educator of other members in Congress on issues pertaining to Indian Country, to which she responded:

“...[]there's always a need to explain Indian Country and Natives, and Alaska Natives to folks, even in our own state.”⁷⁷

Most of Peltola's proposed bills revolve around a central topic – fish. Alaskan fisheries are at the heart of both Alaska Native culture and jobs in the state, leading to friction between subsistence fishers and large-scale fishing interests. Peltola's background involves serving as a former Executive Director of the Kuskokwim River Inter-Tribal Fish Commission, as well as a stint in the Alaska State House.

In May of 2022, Peltola introduced two bills aimed at addressing bycatch – the accidental catching of fish, like salmon, when using large nets or dragging the sea floor.⁷⁸ And in July, Peltola was

⁷²Press Release: “Becoming the First Native American Appropriations Committee Chairman” (2024, April 22): <https://cole.house.gov/media/weekly-columns/becoming-first-native-american-appropriations-committee-chairman>

⁷³ Congressional Native American Caucus:

https://www.legistorm.com/organization/summary/122311/Congressional_Native_American_Caucus.html

⁷⁴ Representative Mary Peltola's website: <https://peltola.house.gov/about/>

⁷⁵H.R.2687 - To amend the Alaska Native Claims Settlement Act to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility for certain programs, and for other purposes: <https://www.congress.gov/bill/118th-congress/house-bill/2687>

⁷⁶ H.R.4748 - Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act: <https://www.congress.gov/bill/118th-congress/house-bill/4748>

⁷⁷ Interview with Mary Peltola from RES 2024: <https://youtu.be/aYJl6PSO5qg?si=idTKcoBxdpDAH4C1>

⁷⁸ Ruskin, Liz. (2024, May 22) “Peltola sponsors a bill to limit salmon bycatch. The pollock industry calls it ‘unworkable.’” *Alaska Public Media*. <https://alaskapublic.org/2024/05/22/peltola-sponsors-a-bill-to-limit-salmon-bycatch-the-pollock-industry-calls-it-unworkable/>

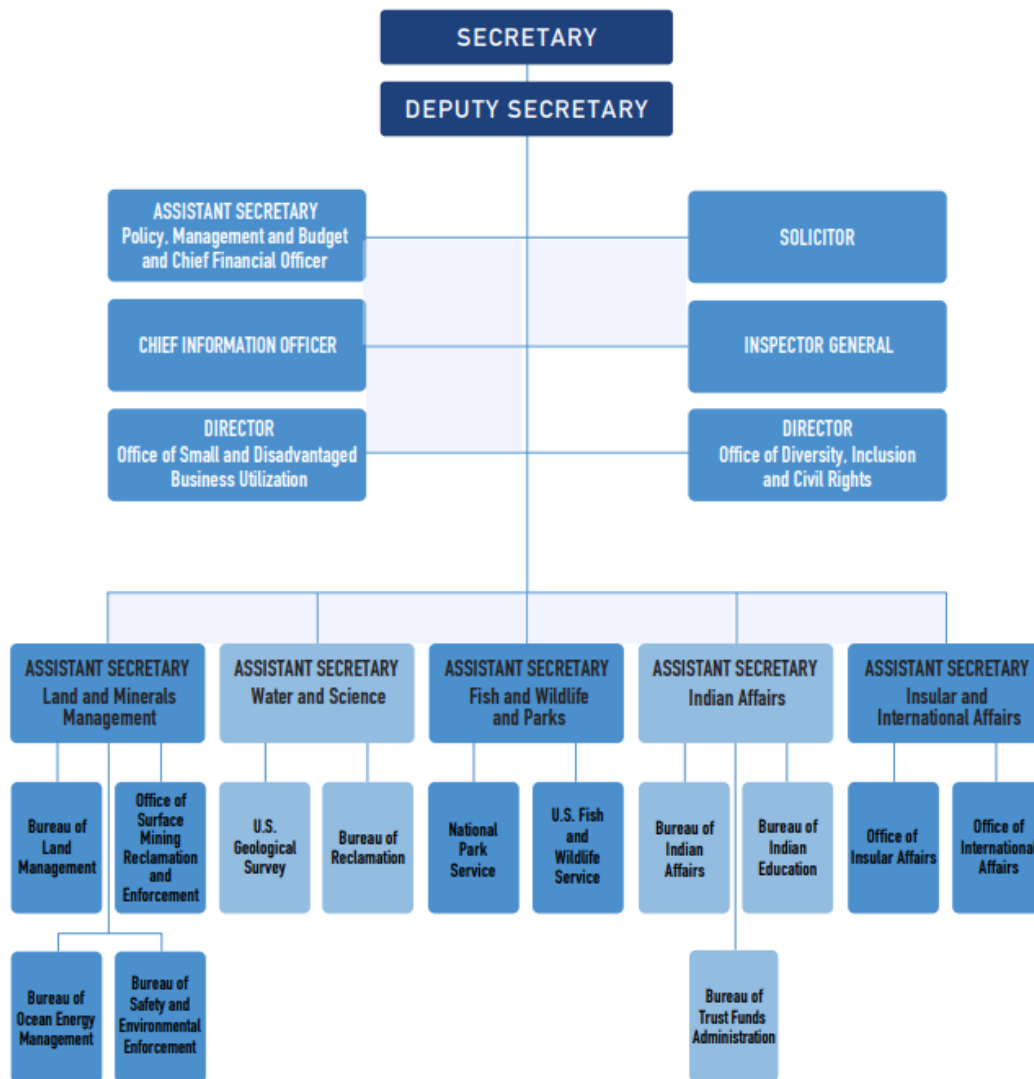
noticeably absent from voting on the floor of the House so that she could participate in winter subsistence duties back home in Alaska.⁷⁹

Peltola was a member of the Congressional Native American Caucus. She served on the House Subcommittees on Water, Wildlife and Fisheries and on Federal Lands in addition to her roles on Transportation and Infrastructure.

⁷⁹Sforza, Lauren. (2024, July 8). “Alaska Rep. Mary Peltola will be absent from House floor to prepare fish for winter storage.” *The Hill*. <https://thehill.com/homenews/house/4760952-alaska-mary-peltola-absent-house-fish-winter-storage/>

B. Supplemental Materials for Chapter 2

a. Organizational Chart - Department of the Interior - 2021



Source: U.S. Department of Interior Strategic Plan for FY 2022-2026. Accessed: <https://www.doi.gov/sites/doi.gov/files/u.s.-department-of-the-interior-fy-2022-2026-strategic-plan.pdf>

b. Definitions of “Consultation” in Selected Federal Agencies’ Tribal Consultation Policies

Bureau	Definition
Bureau of Land Management	Consultation: The conduct of mutual, open, and direct two-way communication in good faith to secure meaningful and timely participation in the decision-making process, as allowed by law. (Tribal Relations, Bureau of Land Management Manual 1780, 2016; Improving and Sustaining Bureau of Land Management Tribal Relations, Bureau of Land Management Handbook 1780-1, 2016)
Bureau of Ocean Energy Management	Consultation is a deliberative process that aims to create effective collaboration and informed federal decision-making. (Bureau of Ocean Energy Management Tribal Consultation Guidance, 2018)
Bureau of Reclamation	Consultation means the process of seeking and considering the views of others. It involves establishing, conducting, and maintaining formal communication with Indian tribal governments and their members. (Protocol Guidelines: Consulting With Indian Tribal Governments, 2012)
Fish and Wildlife Service	Consultation is a mutual, open, and direct two-way communication, conducted in good faith, to secure meaningful participation in the decision-making process, as allowed by law. (Fish and Wildlife Service Native American Policy, Fish and Wildlife Service Manual, Part 510, 2016; Fish and Wildlife Service Tribal Consultation Handbook, 2011)
National Park Service	Consultation—a discussion, conference, or forum in which advice or information is sought or given, or information or ideas are exchanged. Consultation generally takes place on an informal basis; formal consultation requirements for compliance with section 106 of National Historic Preservation Act are published in 36 C.F.R. Part 800. Consultation with recognized tribes is done on a government-to-government basis. (National Park Service Management Policies, 2006)

Source: GAO-19-22 Tribal Consultation, 89-92, accessed: <https://www.gao.gov/products/gao-19-22>

c. Department of Interior Policy on Consultation – Selected Passages

“[a]ny regulation, rulemaking, policy, guidance, legislative proposal, plan, programmatic or operational activity, or grant or funding formula change that may have a substantial direct effect on a Tribe in matters including but not limited to: (1) Tribal cultural practices; lands; treaty rights; resources; ancestral lands; sacred sites, including sites that are submerged; and lands Tribes were removed from, or access to traditional areas of cultural or religious importance on Federally managed lands and waters; (2) the ability of a Tribe to govern or provide services to its members; (3) a Tribe's formal relationship with the Department, be it nation-to-nation or beneficiary-to-trustee; or, (4) any action planned by a non-federal entity that involves funding, approval, or other final agency action provided by the Department, unless the Tribe is a party to the action. Substantial direct effects on Tribes may include, but are not limited to, effects as shown in the Consensus-Seeking Model (Figure 1).” 512 DM 4.3.B. (November 30, 2022).

“Bureaus/Offices must invite Indian Tribes early in the planning process to consult whenever a Departmental plan or action with Tribal Implications arises. Bureaus/Offices should operate under the assumption that all actions with land or resource use or resource impacts may have Tribal implications and should extend consultation invitations accordingly.” 512 DM 5.4. (November 30, 2022).

Source: Departmental Manual part 512, chapter 4, accessed: <https://www.doi.gov/document-library/departamental-manual/512-dm-4-department-interior-policy-consultation-indian-0>

d. Summary Statistics

Model Data: Summary Statistics					
Variable	Mean	SD	Min	Max	N
EO13175_mentioned	0.6732	0.4693658	0	1	771
EO13175_conducted	0.3139	0.4643687	0	1	771
TLO_FTE	0.8366	0.3699922	0	1	771
rules_per_year	32.62	22.45377	1	72	771
native_ee_percent	6.6254	13.44565	0.7105	69.2135	749
budget_per_ee	84,1527	2,564,883	97,238	33,150,329	771

Note: n=22 valued dropped from native_ee_percent which was not available for all years for Bureau of Land Management.

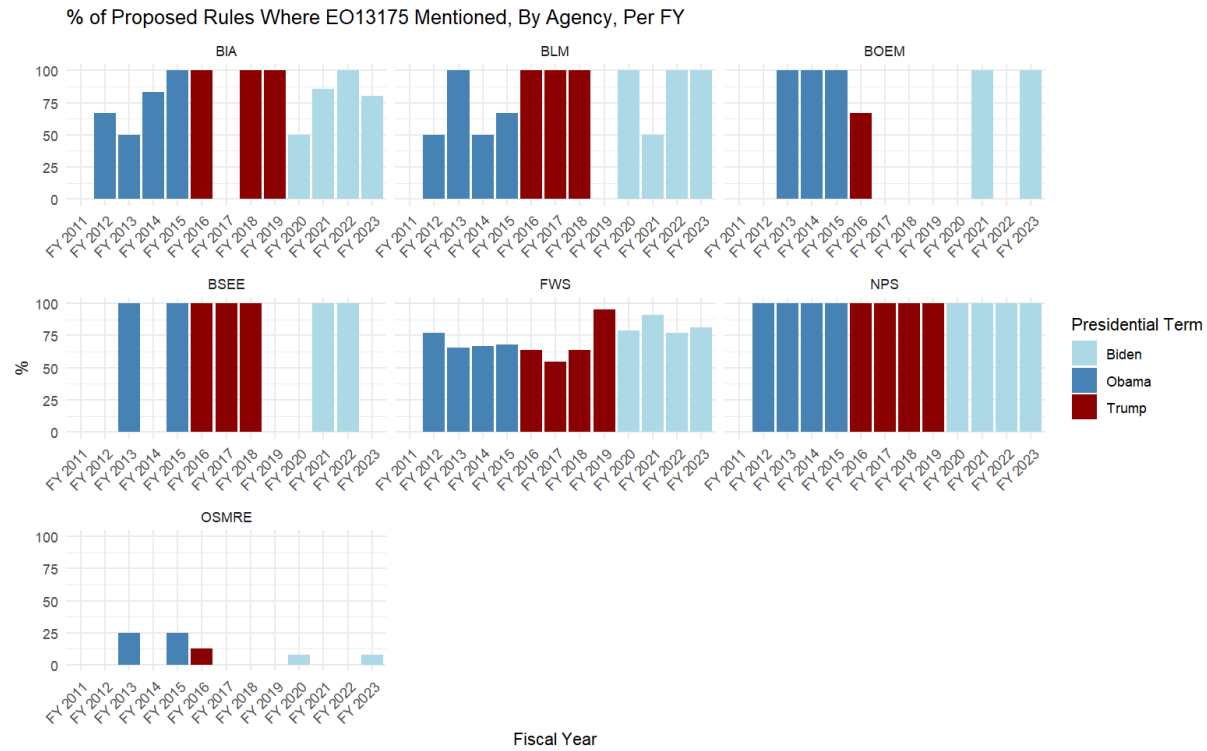
Presidential Administration Variable (count):

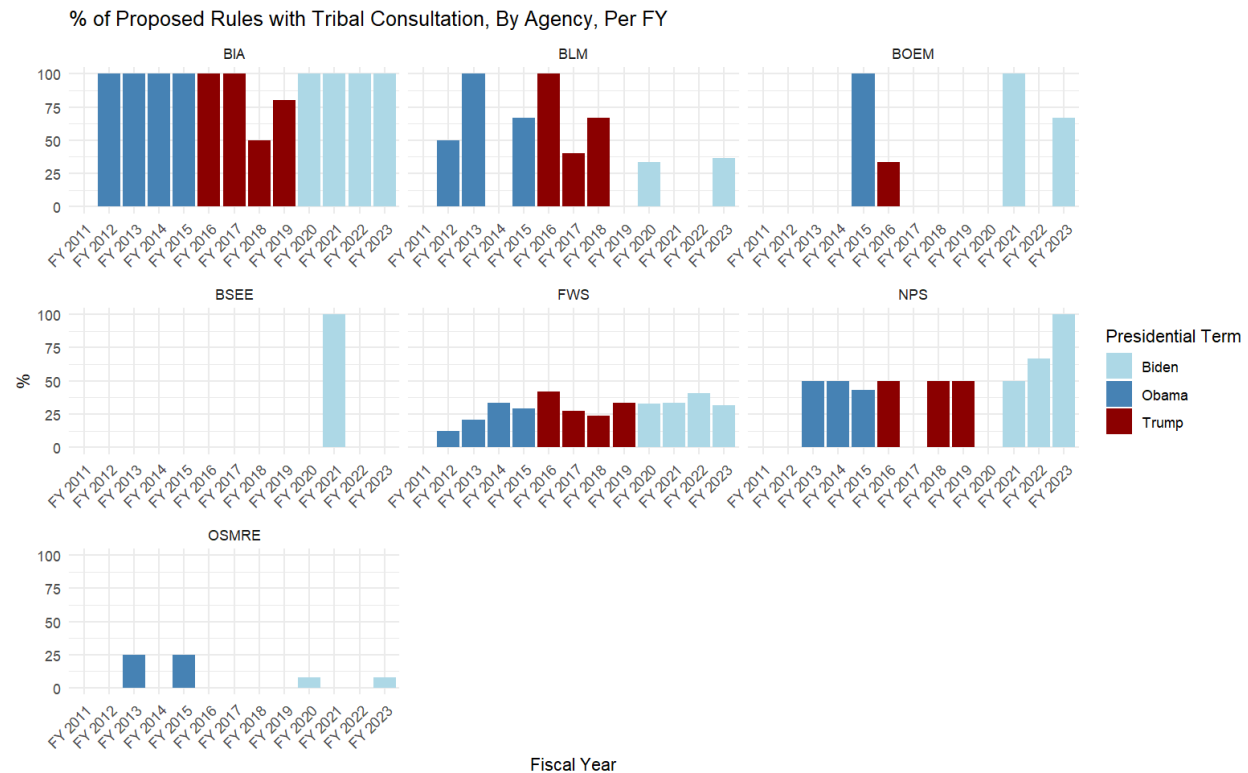
Biden (n=195)

Trump (n=195)

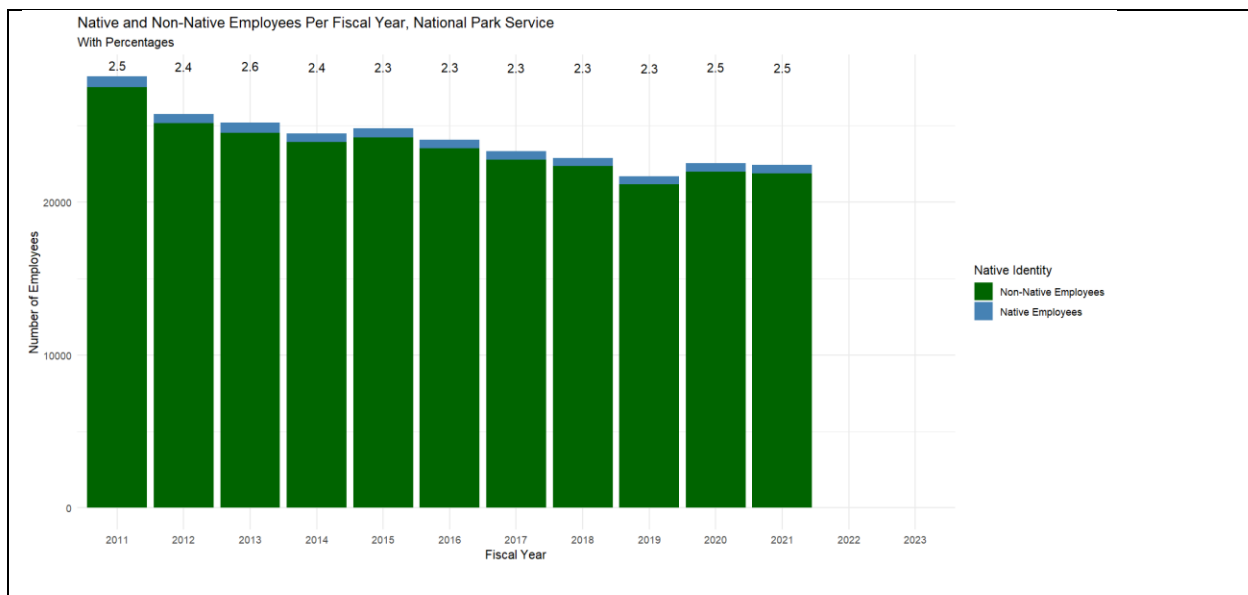
Obama (n=381)

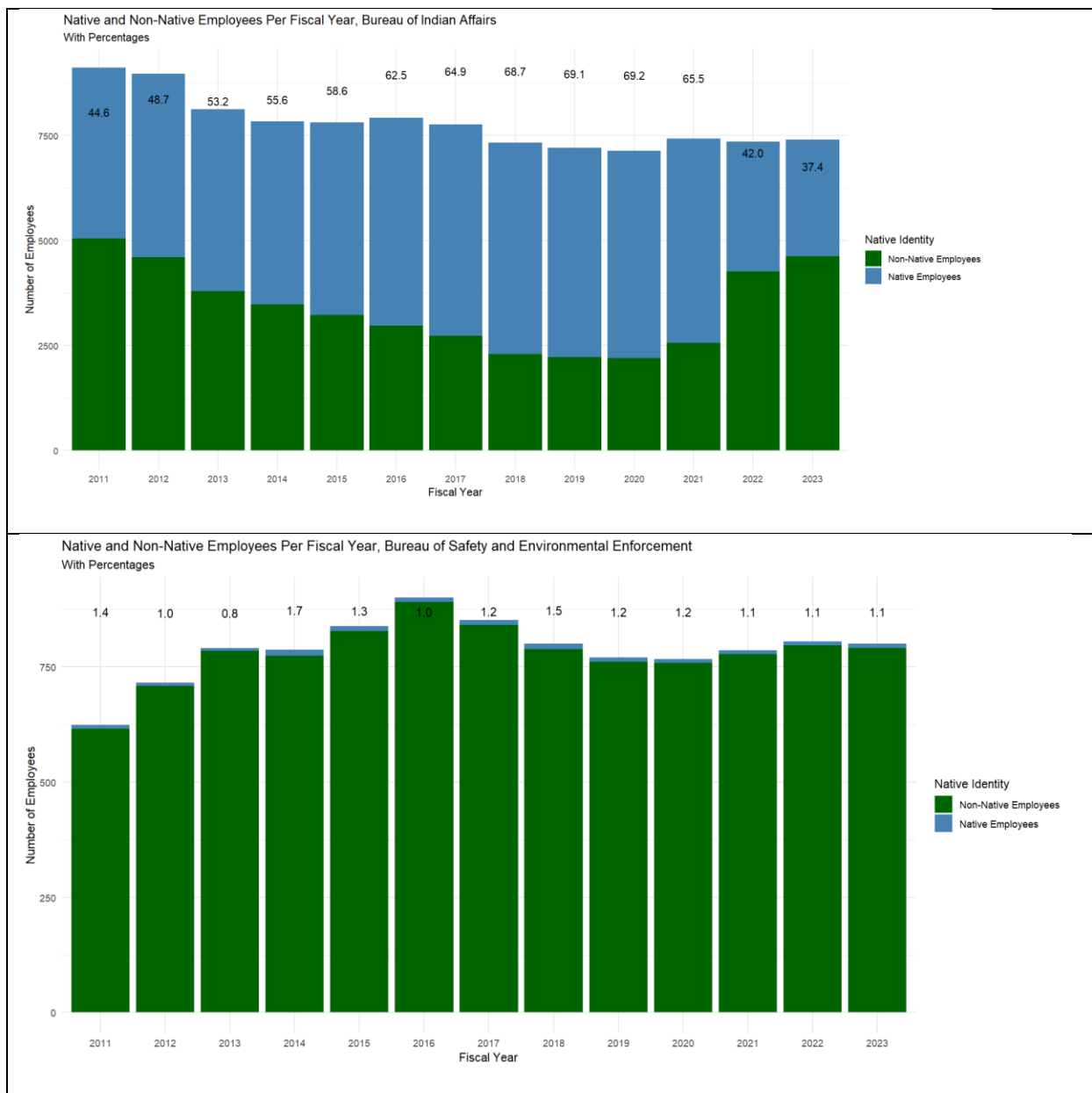
e. Graphs – Percentage of Proposed Rules by EO 13175 citation and by Consultation (per agency, per year)

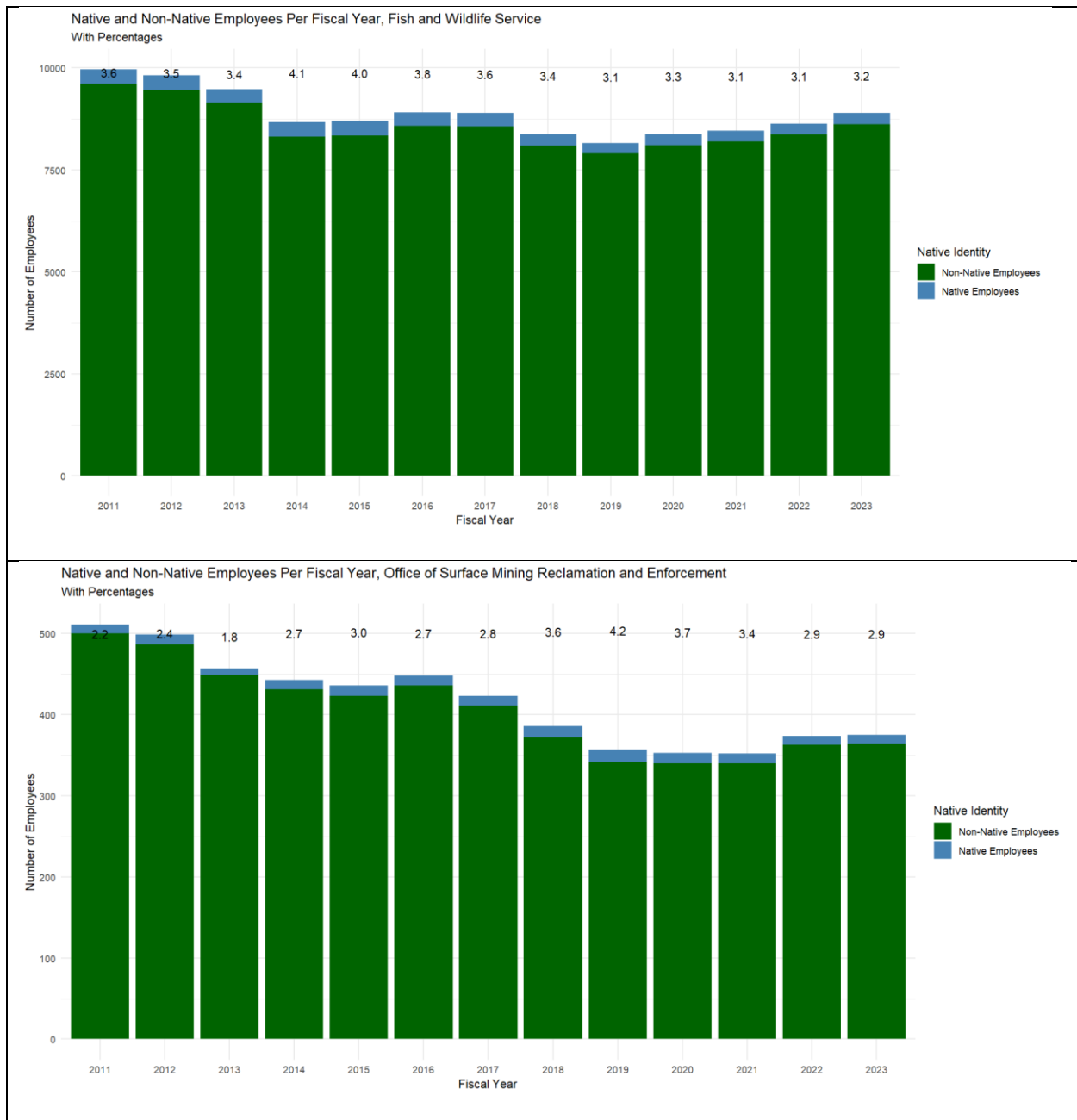




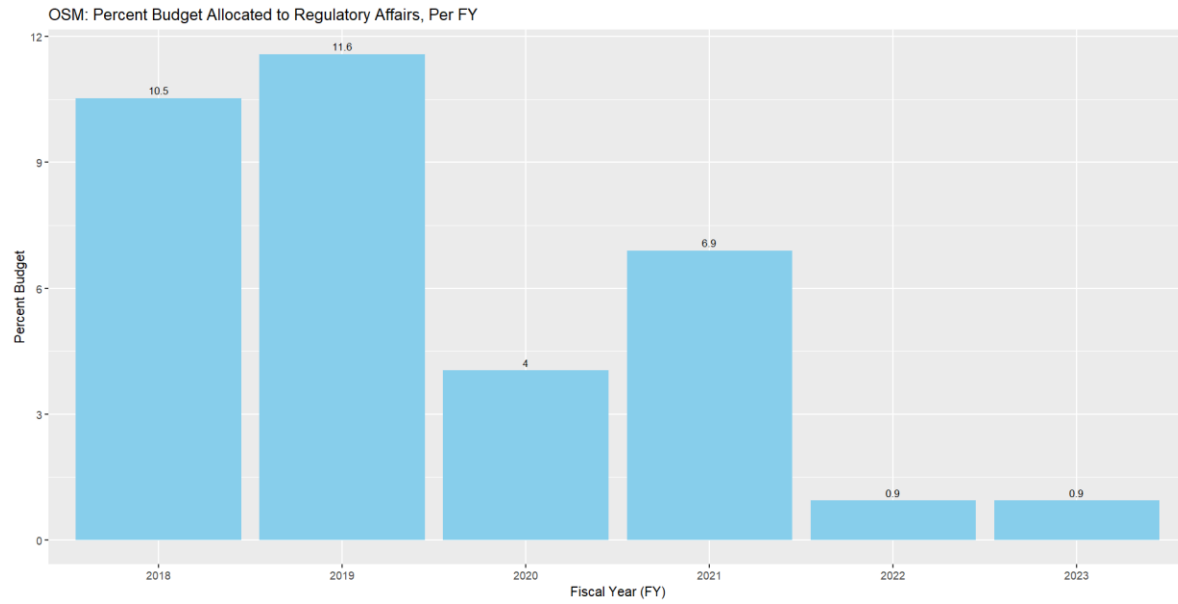
f. Graphs – Employees by Agency, by Year (with Native Identity)

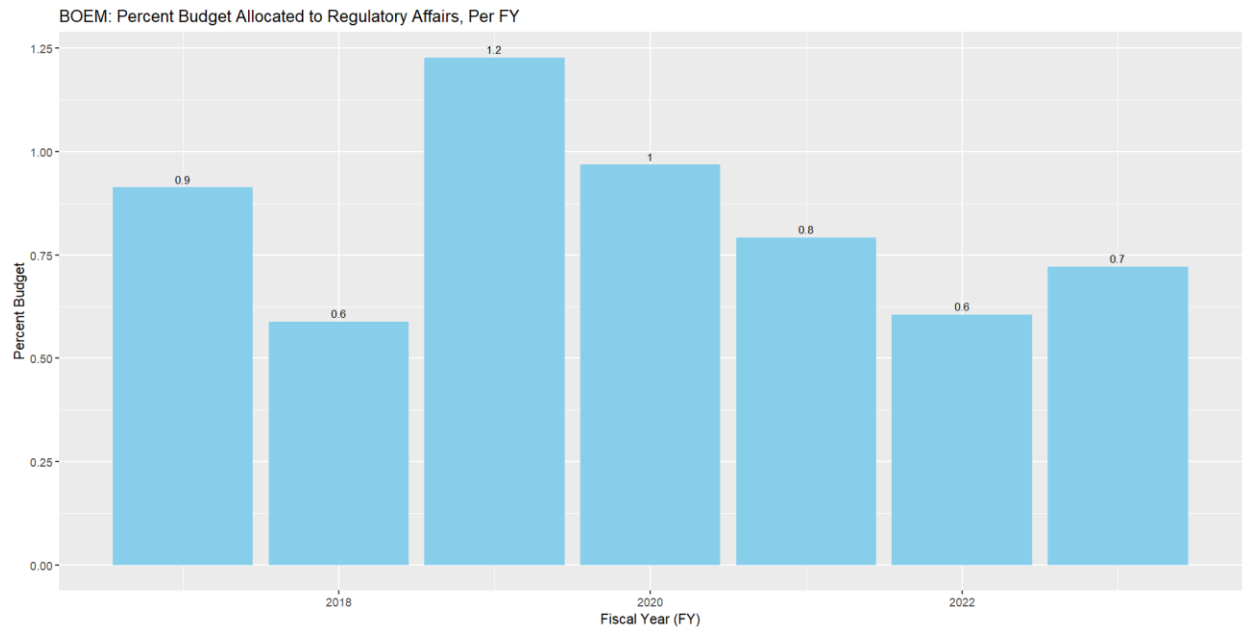






g. Graphs – Regulatory Budgets by Agency, By Year





h. Logistic Regression Tables

Table A – Logistic Regression Output for Aggregate Models
Native Secretary Impact on Likelihood of Tribal Consultation

Variables	Model 1	Model 2 (some BLM)	Model 3 (no BIA)
Obama (Biden-Haaland)	-0.524** (0.212)	-0.540** (0.241)	-0.755*** (0.288)
Trump (Biden-Haaland)	-0.469* (0.261)	-0.472* (0.269)	-0.508 (0.271)
Budget Per Employee	-0.000 (0.000)	-0.000 (0.000)	-0.000 (0.000)
Rules Per Year	-0.017** (0.007)	-0.018** (0.008)	-0.014* (0.008)
Full-Time TLO	0.607 (1.335)	0.764 (1.352)	0.341 (1.381)
Native EE %	---	-0.298 (0.217)	0.156 (0.387)
Fixed Effects (Agency)	Yes (n=7)	Yes (n=7)	Yes (n=7)

Constant	3.016* (1.552)	22.099 (14.449)	-1.441 (1.715)
Observations	771	749	702
Power Analysis	Obama (0.738) Trump (0.670)	Obama (0.760) Trump (0.675)	Obama (0.946) Trump (0.728)

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.00$

Note: Model 2 drops 22 observations from BLM agency as they were unable to provide data pertaining to the ratio of Native employees for FY12 to FY19. Model 3 drops an additional 42 observations from BIA agency to test the effect of BIA on the power of Native employee ratios as a predictor of

Agency Models Omitted:

- **BIA:** there was almost perfect separation for Tribal Consultation
- **BOEM:** power analysis revealed insufficient statistical power (0.47)
- **BLM:** power analysis revealed insufficient statistical power (0.48)
- **BSEE:** there was perfect separation for Tribal Consultation under Biden and Obama.

**Table B – Logistic Regression Output for Agency Models:
Native Secretary Impact on Likelihood of Tribal Consultation**

Variables	FWS	NPS	OSMRE
Obama (<i>Biden-Haaland</i>)	0.623*** (0.233)	-3.221** (1.381)	0.446 (1.197)
Trump (<i>Biden-Haaland</i>)	-0.527* (0.303)	-2.809** (1.328)	-0.679 (1.448)
Rules Per Year	-0.016** (0.008)	0.359 (0.250)	-0.111 (0.083)
Constant	0.238 (0.426)	0.613 (1.293)	-1.889 (1.263)
Observations	491	51	116
Power Analysis	0.92	0.78	0.79

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$

**Table C – WHCNA Impact on Likelihood of Tribal
Consultation Logistic Regression (Subset of Rules)**

Variables	WHCNAA Model
WHCNAA	0.189 (0.287)
Budget Per Employee	-0.022*** (0.006)
Rules Per Year	-0.000*** (0.000)
Constant	18.223 (860.623)
Observations	375
Power Analysis	1

p<0.05; **p<0.01; *p<0.001*

Note: Fixed effects by agency was removed due to perfect separation.

Table D – Impact of FWS & NPS on Likelihood of Tribal Consultation, Logistic Regression

Variables	<i>Without FWS & NPS</i>
Trump (Biden-Haaland)	0.055 (0.510)
Obama (Biden-Haaland)	-0.258 (0.453)
Rules Per Year	-0.107** (0.047)
Budget Per Employee	-0.00000*** (0.00000)

Constant	1.243*** (0.464)
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Observations	229
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p<0.05; **p<0.01; *p<0.001*

C. Supplemental Materials for Chapter 3

Part I: The Braves, a Chief, and a Storied Past

Chief Noc-a-Homa last took the field in 1985. Portrayed by Levi Walker, a member of the Little Traverse Bay Bands of Odawa Indians, Chief Noc-a-Homa was a Braves mascot beginning in the 1960s, wearing full headdress and regalia to cheer on the Braves baseball team (Williams 2012). Iterations of the practice included an in-stadium teepee, drum performances, and blessings of the mound by Walker. Though he acknowledged the American Indian movement largely condemned the mascot and practices as insensitive, Walker maintains these were positive for both Native peoples and the Braves franchise. In 1986, the Braves discontinued their contract with Walker – retiring Chief Noc-a-Homa. “They were overly sensitive about being politically correct,” said Walker (Williams 2012). Though, this would not be the end of the Braves franchise using Native imagery in their marketing and fan engagement strategy.

In 1990, the Braves changed their logo to their current version, a scripted “Braves” atop a red tomahawk (Gardner 2021). In that same year, they began using the ‘tomahawk chop’ at games. The tomahawk chop is a practice where Braves fans move their forearm forward and back while chanting in a deep tone that mimics Native singing, a practice meant to invoke fear in the opposing team. Proponents of the chop say it honors the power of Native Americans. Opponents of the chop say it’s offensive and dehumanizes Native Americans.

In 2000, the Atlanta Braves established a formal partnership⁸⁰ with the Eastern Band of Cherokee based in North Carolina, one of three Federally Recognized Cherokee tribes in the United States (the other two being Cherokee Nation and the United Keetoowah, both in Oklahoma). The partnership includes occasional collaborative merchandise drops featuring Cherokee designs, a permanent installation honoring the Eastern Band of Cherokee at Truist Park, and cultural performances at certain games. Though the City of Atlanta is technically on the ancestral land of the Muscogee (Creek) Nation, the Braves new stadium, Truist Park, was built in Cobb County in 2017. Cobb County is the southernmost part of the Cherokee ancestral territory in Georgia (NPS 2023).

After the first game of the 2019 National League Division Series between St. Louis and Atlanta, Cardinal’s pitcher Ryan Helsley, a member of the Cherokee Nation, called out the Braves for the ‘chop’ and use of tomahawk logo.

“[The Chop] just depicts them in this kind of caveman-type people way who aren’t intellectual. They are a lot more than that. It’s not me being offended by the whole mascot thing. It’s not,” said Helsley. “It’s about the misconception of us, the Native Americans, and how we’re perceived in that way, or used as mascots. The Redskins and stuff like that (Russel & Bogage, 2019).”

Earlier in 2019, it was reported that the Braves were taking steps to stop use of the ‘chop’ at games, though these were not made clear to fans. Chiefs from Muscogee and Cherokee Nations have issued

⁸⁰ Learn more at: <https://www.mlb.com/braves/community/native-american-community>

multiple statements condemning the use of the tomahawk chop, among other marketing choices by the Braves franchise (Li and Brewer 2021). Muscogee (Creek) Nation Principal Chief James R. Floyd and Cherokee Nation principal chief Chuck Hoskin Jr. both issued statements of support for Helsley's protest.

"It reduces Native Americans to a caricature and minimizes the contributions of Native peoples as equal citizens and human beings," said Floyd (Kaur 2019).

In July of 2024, the Braves received criticism from both their standing partners at the Eastern Band of Cherokee as well as the Cherokee Nation for hosting a "Georgia Tribes Night" at the park in support of the Georgia Tribe of Eastern Cherokee, one of three state-recognized tribes in Georgia.

"I see the @Braves corporation decide to 'honor' tribal nations by trotting out reps of fraudulent organizations posing as a tribe," said Chuck Hoskin Jr., principal chief of the Cherokee Nation in Oklahoma via Twitter, "The Atlanta Braves corporation may consider meaningful consultations with actual Indian tribes instead of trotting representatives of fraudulent organizations posing as tribes as a 'PR' stunt. This piles insult on top of insult." (Benton 2024)

The Five Tribes of Oklahoma (Cherokee, Seminole, Muscogee, Choctaw and Chickasaw Nations) issued a joint statement reiterating concerns around the Braves inclusion of state-recognized tribes and asking for a formal apology. (Stecklein 2024). The Braves continue to host a Native American Working Group to make decisions regarding their partnerships and initiatives with Native people and tribal nations.

Part II: Survey 1 – UGA Sample

A. Survey Instrument

Generally speaking, do you think of yourself as a...

Republican

Democrat

Independent

Other (please specify)

No party/not interested in politics

If you think of yourself as a Democrat, would you call yourself a strong Democrat or a not very strong Democrat?

Strong

Not very strong

If you think of yourself as a Republican, would you call yourself a strong Republican or a not very strong Republican?

Strong

Not very strong

If you think of yourself as an Independent, do you think of yourself as closer to the Republican Party or to the Democratic Party, or equally close to the Republican Party and Democratic Party?

Republican Party

Democratic Party

Equally close to the Republican Party and Democratic Party

Please indicate to what extent you agree or disagree with the following statements:
Options: Strongly Agree, Agree, Neither Disagree nor Agree, Disagree, Strongly Disagree
The United States has done enough already for Native American peoples and tribes, including providing free health care, welfare, and education, as well as millions of dollars from casinos.
What happened to Native Americans in this country is tragic, but we can't keep paying for something that happened centuries ago for the rest of time.
Other ethnic groups and minorities have experienced unfortunate injustices throughout our country's history, and while our government has taken steps to right some of those wrongs, it's unfair to give preference to one group over another.
America is a melting pot, and Native Americans will not enjoy all the benefits of this country until they leave their reservations and assimilate into the broader American culture, just like the Irish, Italians, and other groups have done.

Information provided to all respondents:

The information provided on the next screen refers to the "tomahawk chop" that takes place at Braves baseball games. The tomahawk chop is a practice where Braves fans move their forearm forward and back while chanting in a deep tone meant to invoke fear in the opposing

team. Proponents of the chop say it honors the power of Native Americans. Opponents of the chop say it dehumanizes Native Americans and is offensive.



In treatment #1, respondents will be asked to read a short excerpt from a statement made by the National Congress of American Indians regarding the Braves mascot, logo and tomahawk chop practice.

TREATMENT #1 DIRECT STATEMENT PRIME:

Please read the following excerpt from a statement made by Fawn Sharpe (Quinalt Indian Nation), President of the National Congress of American Indians (NCAI) around the time of the World Series (2021) in response to the Braves ownership electing not to change the name, logo or practices around the team:

“Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. The Braves are one of the last professional sports teams left who have not made serious efforts to fix this harmful error. I think it’s time to stop the disrespectful tomahawk chop, and it’s time for these world champs to change their name.”

[60 second page pause before moving forward]

-- next page --

[attention check]

Of these, please tell us – what best describes the statement you just read?

A statement from the OWNER of the Braves

A statement from the President of the National Congress of American Indians

A statement from UGA President Jerry Morehead

In treatment #2, respondents will be asked to read the same prime, but from a known White voice.

TREATMENT #2 WHITE VOICE PRIME:

Please read the following excerpt from a statement made by Betty White, well known celebrity and actress, before she passed and around the time of the World Series (2021) in response to the Braves ownership electing not to change the name, logo or practices around the team:

“Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. The Braves are one of the last professional sports teams left who have not made serious efforts to fix this harmful error. I think it’s time to stop the disrespectful tomahawk chop, and it’s time for these world champs to change their name.”

[60 second page pause before moving forward]

-- next page --

[attention check]

Of these, please tell us – what best describes the statement you just read?

A statement from the OWNER of the Braves

A statement from actor Betty White

A statement from UGA President Jerry Morehead

TREATMENT #3 REPUBLICAN VOICE PRIME:

Please read the following excerpt from a statement made by Courtney Britt, Chairman of the College Republican National Committee, around the time of the World Series (2021) in response to the Braves ownership electing not to change the name, logo or practices around the team:

“Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. The Braves are one of the last professional sports teams left who have not made serious efforts to fix this harmful error. I think it’s time to stop

the disrespectful tomahawk chop, and it's time to change for these world champs to change their name."

[60 second page pause before moving forward]

-- next page --

[attention check]

Of these, please tell us – what best describes the statement you just read?

A statement from the OWNER of the Braves

A statement from the Chairman of the College Republicans National Committee

A statement from UGA President Jerry Morehead

TREATMENT #4 DEMOCRAT VOICE PRIME:

Please read the following excerpt from a statement made by Gabrielle Harris, National President of the College Democrats of America, around the time of the World Series (2021) in response to the Braves ownership electing not to change the name, logo or practices around the team:

"Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. The Braves are one of the last professional sports teams left who have not made serious efforts to fix this harmful error. I think it's time to stop the disrespectful tomahawk chop, and it's time for these world champs to change their name."

[60 second page pause before moving forward]

-- next page --

[attention check]

Of these, please tell us – what best describes the statement you just read?

A statement from the OWNER of the Braves

A statement from National President of the College Democrats of America

A statement from UGA President Jerry Morehead

CONTROL (UNATTRIBUTED):

Please read the following statement made around the time of the World Series (2021) in response to the Braves ownership electing not to change the name, logo or practices around the team:

“Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. The Braves are one of the last professional sports teams left who have not made serious efforts to fix this harmful error. I think it’s time to stop the disrespectful tomahawk chop, and it’s time for these world champs to change their name.”

-- next page --

[attention check]

Of these, please tell us – what best describes the statement you just read?

A statement about changing the mascot, logo and practices of the Atlanta Braves

A statement about food concessions at baseball games

A statement predicting who would win the 2021 world series

Questions for Control + all treatment groups below:

Please indicate to what extent you agree or disagree with the following statements: ⁸¹				
	Strongly Disagree	Somewhat Disagree	Somewhat Agree	Strongly Agree
Native American team names and mascots should be eliminated from sports.				
The Atlanta Braves should change their name to a non-Native team name.				
The Atlanta Braves should change their logo to a logo without Native imagery.				
The Atlanta Braves should stop using the tomahawk chop during games.				

[Notes: question order in matrix is random.]

⁸¹ The first is a validated question from Knoester and Rockhill 2021

If you would like to take action in support of removing Native-themed mascots and imagery from major league sports, please select below. It includes information from IllumiNative a non-profit designed to increase the visibility of and challenge the negative narrative about Native Nations and peoples in American society.

Yes - I would like to learn more.

No - I am not interested.

Would you consider yourself a Braves fan? - Please tell us which best describes your view of the Atlanta Braves baseball team

I am a strong Braves fan

I am somewhat of a Braves fan

I have no opinion about the Braves

I somewhat dislike the Braves

I strongly dislike the Braves

How would you describe your race/ethnicity?

Choose all that apply:

American Indian or Alaska Native

Asian

Black or African American

Native Hawaiian or Other Pacific Islander

White

Hispanic or Latino or Spanish Origin

Not Hispanic or Latino or Spanish Origin

How would you describe your gender?

Woman

Man

Transgender

Nonbinary/Nonconforming

Prefer Not to Say

Thank you for your participation in this research study. <- ALL

DISCLOSURE:

For this study, it was important that some incorrect information be provided to you about some aspects of the statements you read. Now that your participation is completed, we will describe the incorrect information to you, why it was important and provide you with the opportunity to make a decision on whether you would like to have your data included in this study.

What you should know about this study:

- (1) The statement you read regarding the Braves baseball team and Native imagery were made up by the researchers. The statement was made to reflect common themes from real statements made by tribal leaders. The person we attributed the statement to in your survey is a real person, but it is untrue that they expressed that specific statement.
- (2) It was important for our experiment to attribute the statement to real people with affiliations we believe would impact how you felt about the statement itself, as we are testing the type of source on support effects for removing Native mascots and imagery from professional sports.
- (3) You were randomly assigned to a survey and could have received a statement from one of the following four choices: the President of the National Congress on American Indians (NCAI); actress Betty White; the leader of the National College Republicans; or the leader of the National College Democrats. All four statements were identical.

If you have questions

The main researcher conducting this study is Elise Blasingame a graduate student at the University of Georgia's Department of Political Science. If you have questions later, you may contact Elise Blasingame at elise.blasingame@uga.edu or at 404-205-6680. If you have any questions or concerns regarding your rights as a research participant in this study, you may contact the Institutional Review Board (IRB) Chairperson at 706.542.3199 or irb@uga.edu.

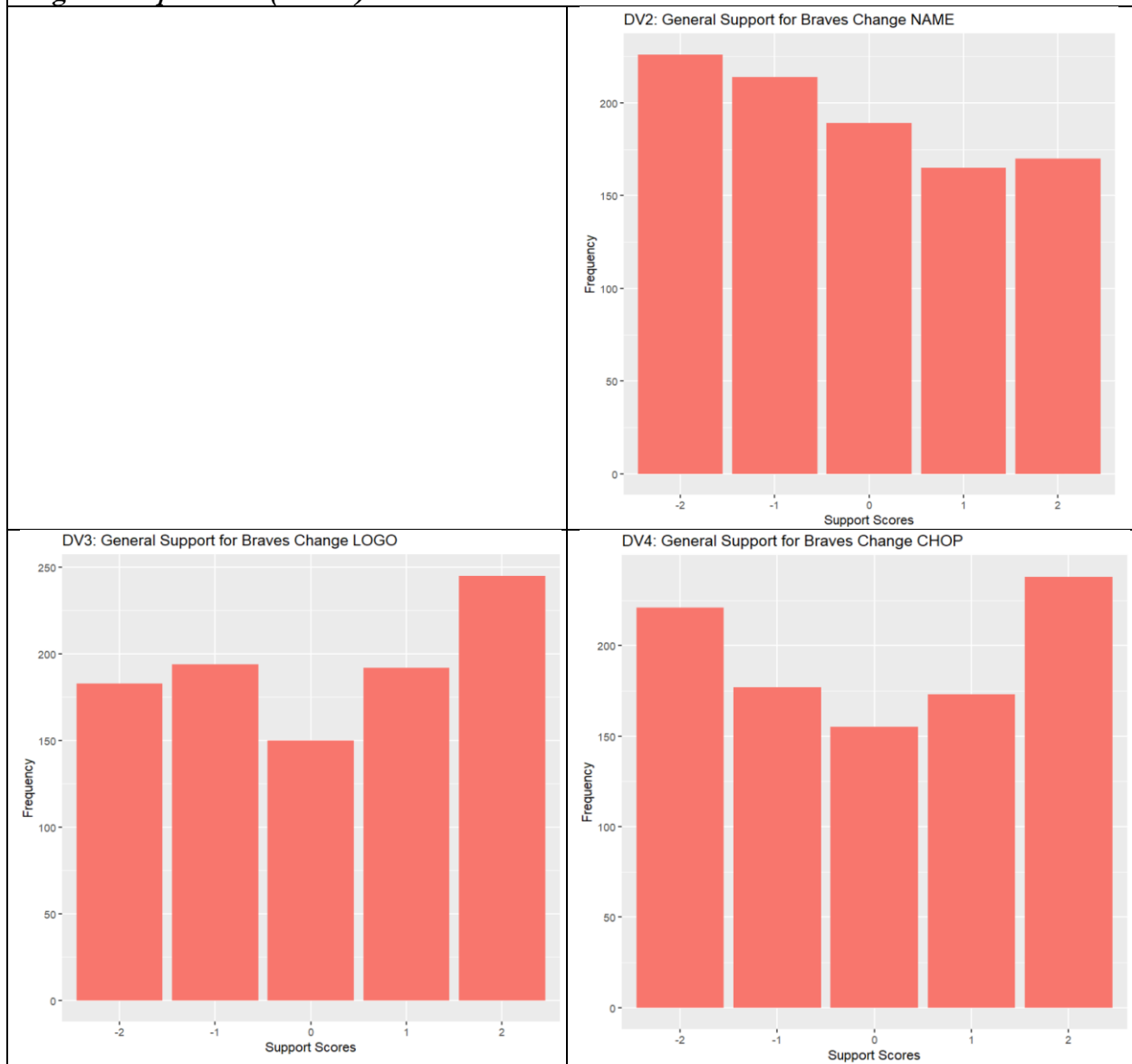
-END OF SURVEY-

B. Descriptive Statistics (SURVEY 1 – UGA SAMPLE)

<i>Respondent Race + Partisanship</i>								
	Republican		Democrat		Independent		Total	
White	383	40%	300	31%	25	3%	708	73%
Black	2	0%	44	5%	2	0%	48	5%
Asian	28	3%	100	10%	1	0%	129	13%
Hispanic	12	1%	31	3%	0	0%	43	4%
Native American	1	0%	0	0%	0	0%	1	0%
Other/Unknown	10	1%	23	2%	1	0%	34	4%
TOTAL	499	52%	436	45%	29	3%	N=964	

<i>Respondent Race x Partisanship by Treatment Group (n=964)</i>										
Respondent Race x Partisanship	Control		Native Cue		White Cue		Republican Cue		Democrat Cue	
White x Republican	95	10%	73	8%	77	8%	64	7%	74	8%
White x Democrat	77	8%	64	7%	67	7%	43	5%	49	5%
White x Independent	7	1%	5	1%	4	0%	4	0%	5	0%
Non-white x Republican	13	1%	10	1%	6	1%	3	0%	11	1%
Non-white x Democrat	44	5%	36	4%	37	4%	19	2%	39	4%
Non-white x Independent	0	0%	1	0%	1	0%	0	0%	1	0%

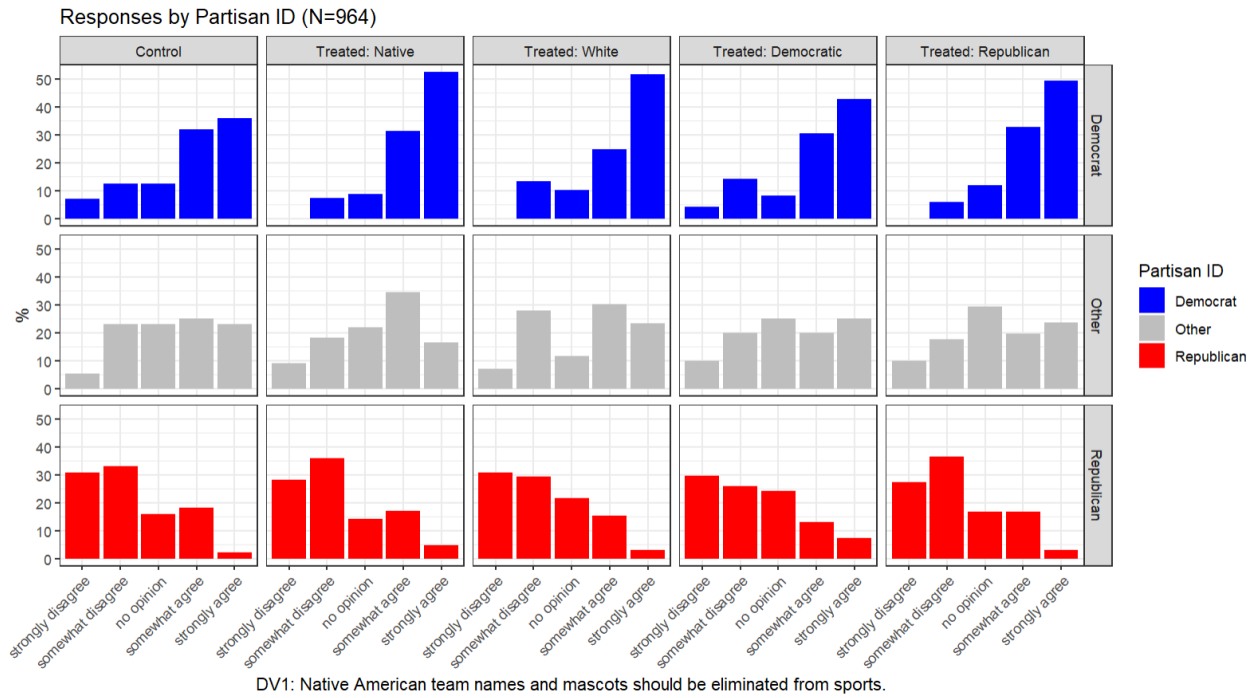
Distribution of Responses: Dependent Variables (Survey 1 – UGA Sample)
Eligible Respondents (N=964)



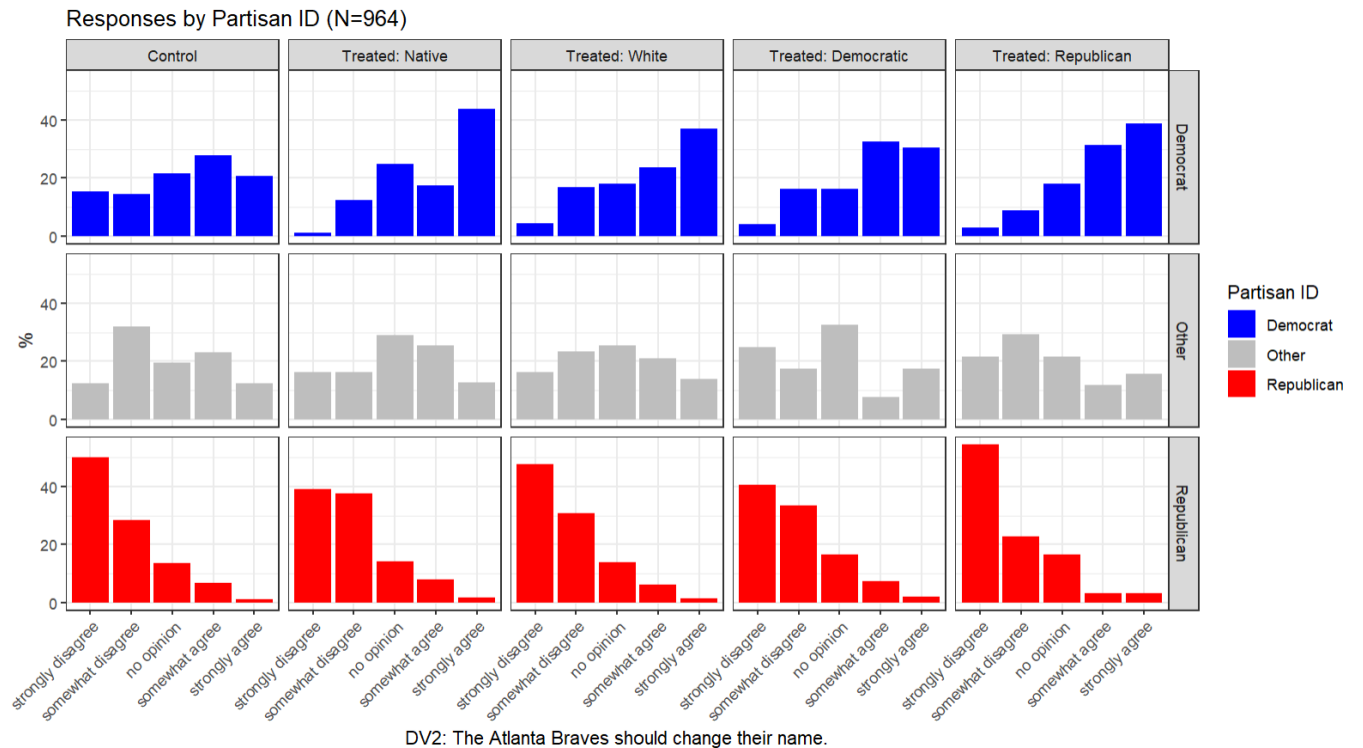
Note: The scale is -2 (strongly disagree), -1 (somewhat disagree), 0 (neither disagree nor agree), 1 (somewhat agree), 2 (strongly agree). Therefore, responses toward the right are more supportive of change and columns on the left are less supportive of change.

Distribution of Responses by Partisan ID and TREATMENT

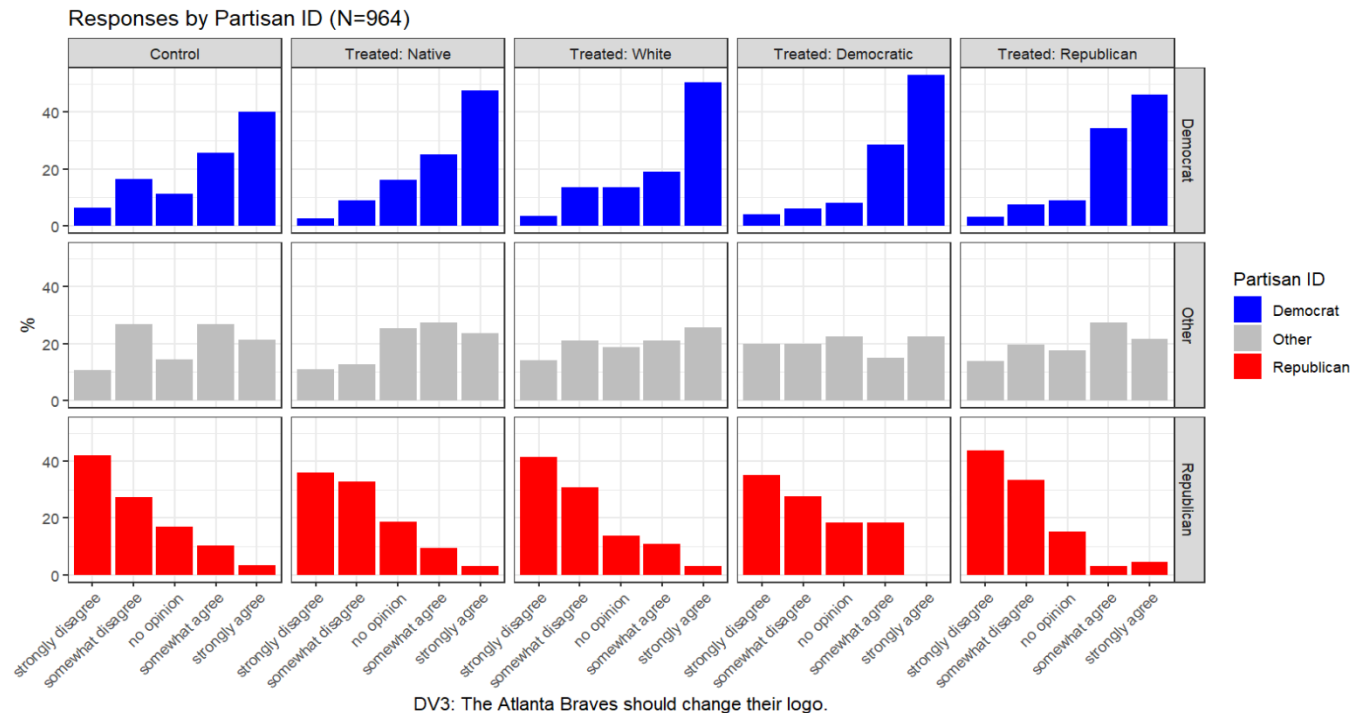
Dependent Variables (Survey 1 – UGA Sample) - Eligible Respondents (N=964)



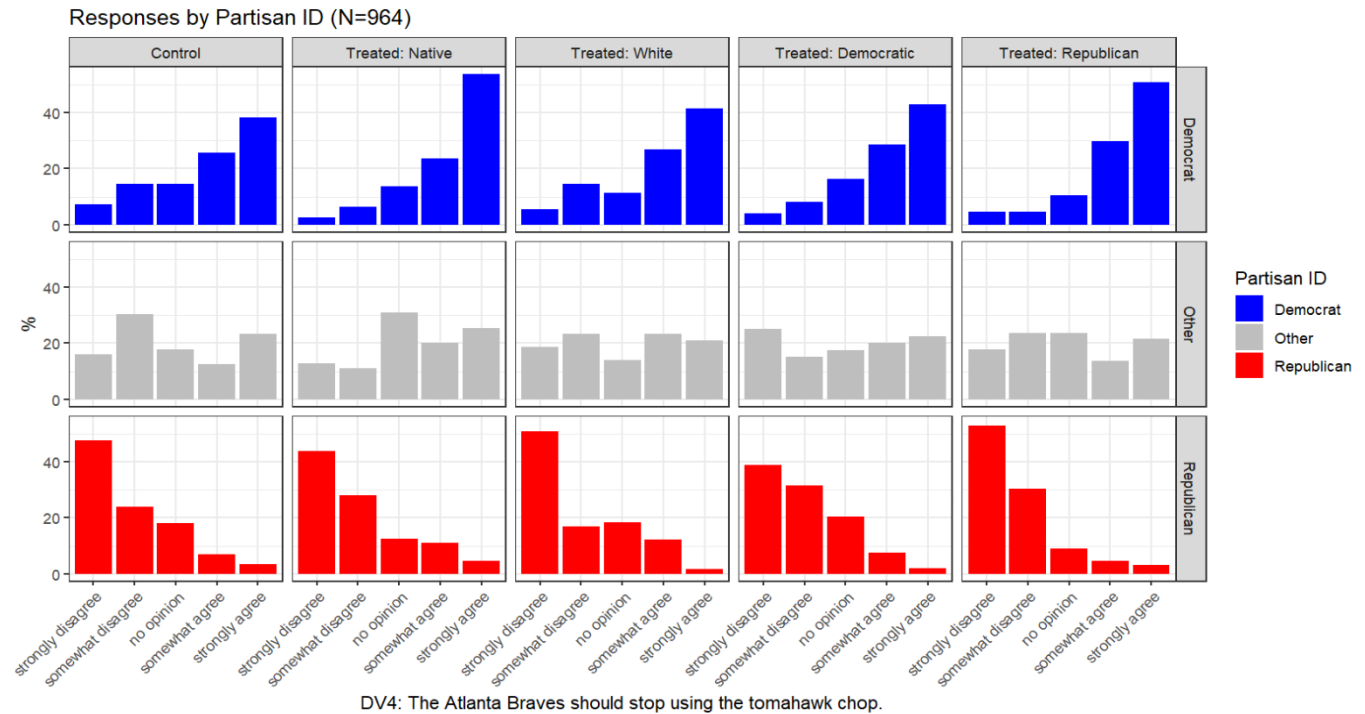
Note: The scale is -2 (strongly disagree), -1 (somewhat disagree), 0 (neither disagree nor agree), 1 (somewhat agree), 2 (strongly agree). Therefore, responses toward the right are more supportive of change and columns on the left are less supportive of change.



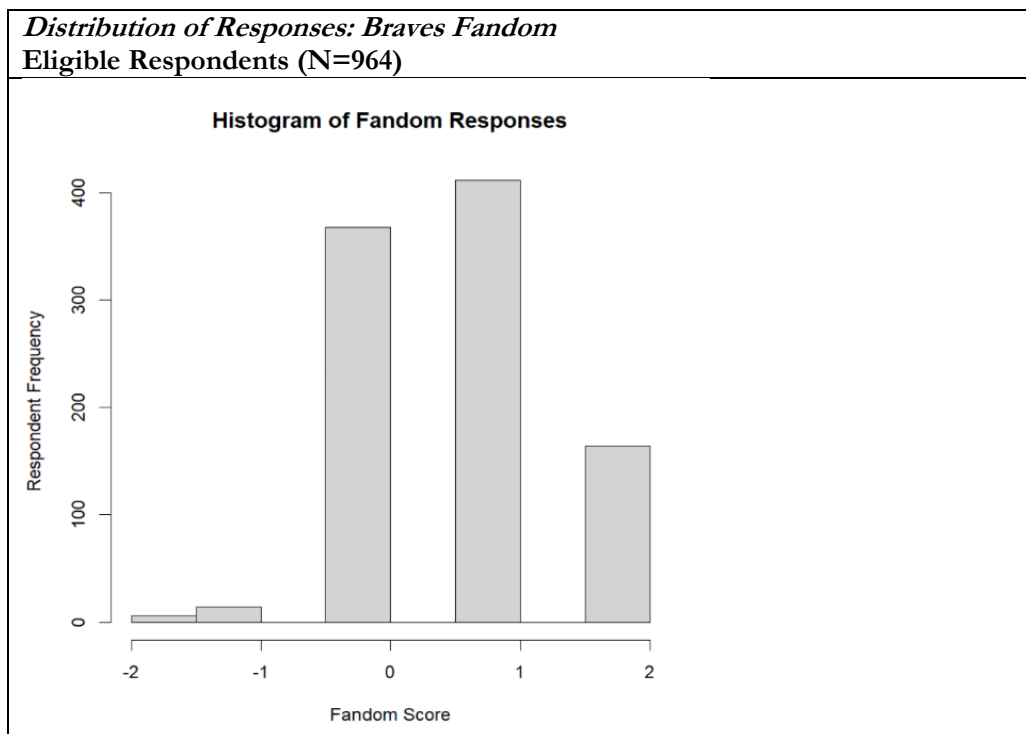
Note: The scale is -2 (strongly disagree), -1 (somewhat disagree), 0 (neither disagree nor agree), 1 (somewhat agree), 2 (strongly agree). Therefore, responses toward the right are more supportive of change and columns on the left are less supportive of change.



Note: The scale is -2 (strongly disagree), -1 (somewhat disagree), 0 (neither disagree nor agree), 1 (somewhat agree), 2 (strongly agree). Therefore, responses toward the right are more supportive of change and columns on the left are less supportive of change.

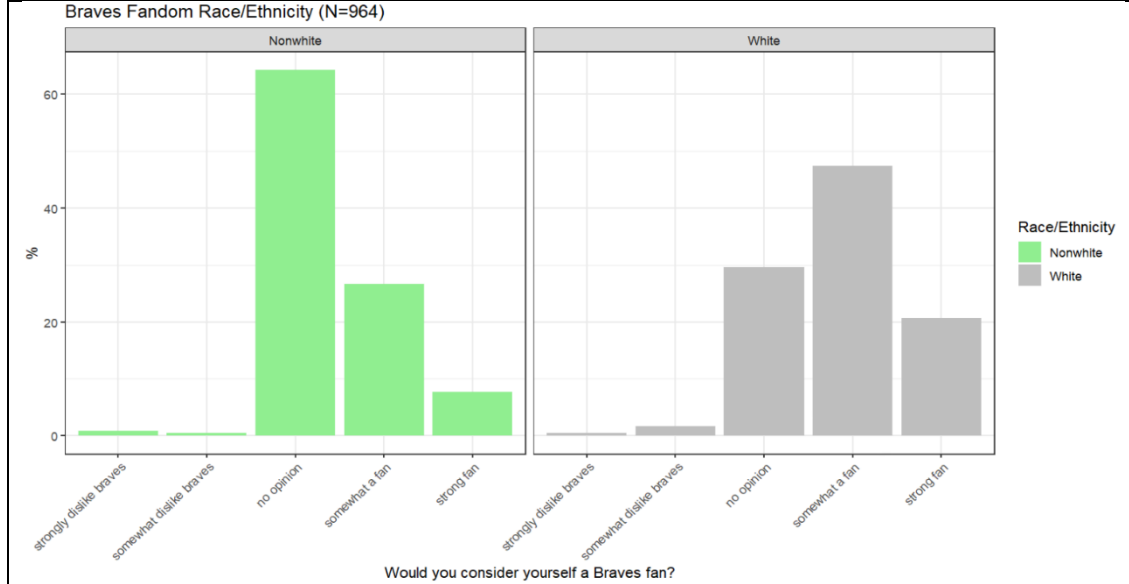


Note: The scale is -2 (strongly disagree), -1 (somewhat disagree), 0 (neither disagree nor agree), 1 (somewhat agree), 2 (strongly agree). Therefore, responses toward the right are more supportive of change and columns on the left are less supportive of change.



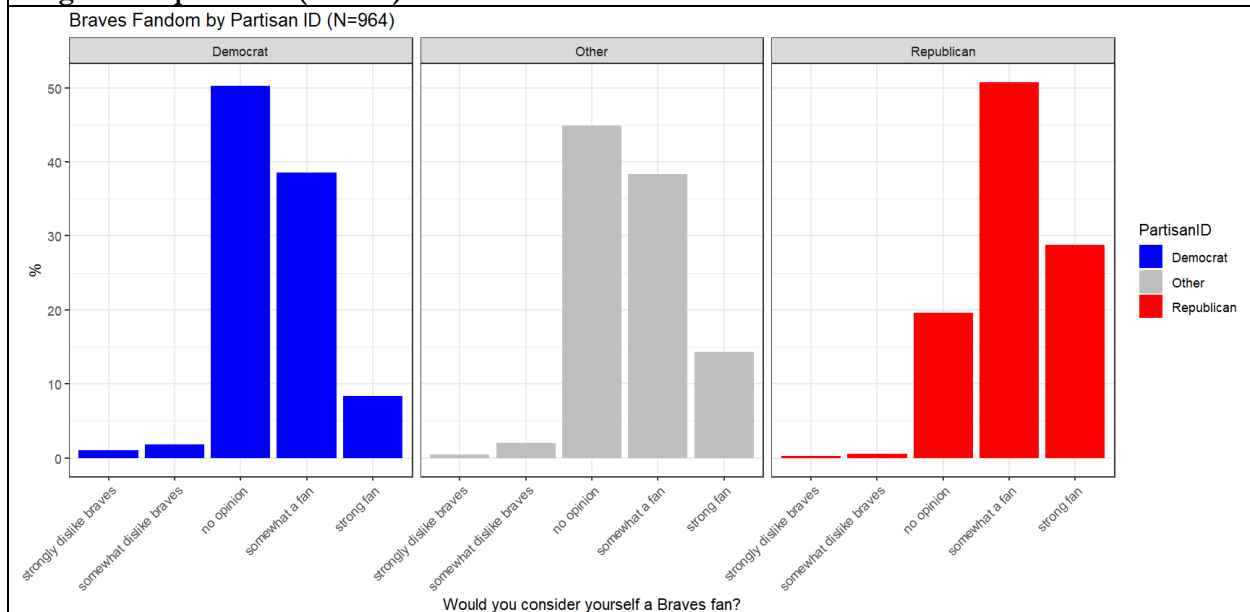
Distribution of Responses: Braves Fandom by Race (Binary)

Eligible Respondents (N=964)



Distribution of Responses: Braves Fandom by Partisan ID

Eligible Respondents (N=964)



Estimated Treatment Effects (SURVEY 1 – UGA SAMPLE)

Table: Average Treatment Effects (OLS)

Survey 1 (UGA SAMPLE)

	DV1 General	DV2 Name	DV3 Logo	DV4 Chop
Native Cue	0.17 (0.11)	0.31*** (0.11)	0.15 (0.11)	0.28** (0.11)
White Cue	0.17 (0.11)	0.23** (0.11)	0.10 (0.11)	0.08 (0.11)
Democrat Cue	0.17 (0.11)	0.19* (0.11)	0.08 (0.11)	0.07 (0.12)
Republican Cue	0.05 (0.12)	0.14 (0.12)	0.10 (0.12)	0.09 (0.12)
Woman	0.66*** (0.08)	0.56*** (0.08)	0.66*** (0.08)	0.64*** (0.08)
Independent ID	-0.57*** (0.22)	-0.69*** (0.22)	-0.72*** (0.22)	-0.85*** (0.23)
Republican ID	-1.45*** (0.07)	-1.55*** (0.08)	-1.63*** (0.08)	-1.73*** (0.08)
Constant	3.40*** (0.10)	3.02*** (0.10)	3.38*** (0.10)	3.32*** (0.10)

Observations

964

Note:

* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$

Table: Conditional Average Treatment Effects (OLS) – By Race (Binary)

Survey 1 (UGA SAMPLE)

	DV1 General	DV2 Name	DV3 Logo	DV4 Chop
Native Cue	0.27 (0.27)	0.32 (0.27)	0.06 (0.28)	0.29 (0.29)
White Cue	0.43 (0.27)	0.44 (0.28)	0.21 (0.29)	0.32 (0.29)

Democrat Cue	0.09 (0.34)	0.48* (0.27)	0.35 (0.28)	0.48 (0.37)
Republican Cue	0.31 (0.26)	0.32 (0.35)	0.53 (0.36)	0.36 (0.28)
White (Nonwhite)	-0.42** (0.21)	-0.58*** (0.21)	-0.60*** (0.22)	-0.63*** (0.22)
Native Cue x White ID	-0.03 (0.31)	0.04 (0.31)	0.20 (0.33)	0.06 (0.33)
White Cue x White ID	-0.31 (0.31)	-0.24 (0.32)	-0.11 (0.33)	-0.27 (0.33)
Republican Cue x White ID	-0.01 (0.38)	-0.20 (0.38)	-0.48 (0.40)	-0.48 (0.41)
Democrat Cue x White ID	-0.26 (0.31)	0.48 (0.31)	-0.43 (0.32)	-0.48 (0.33)
Constant	3.46*** (0.18)	3.09*** (0.18)	3.47*** (0.19)	3.39*** (0.19)

Observations

929

Note:

* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$

**Table: Conditional Average Treatment Effects (OLS) – By Partisan ID
Survey 1 (UGA SAMPLE)**

	DV1 General	DV2 Name	DV3 Logo	DV4 Chop
Native Cue	0.33** (0.15)	0.46*** (0.15)	0.17 (0.16)	0.38** (0.16)
White Cue	0.28* (0.15)	0.33** (0.15)	0.15 (0.16)	0.09 (0.16)
Democrat Cue	0.03 (0.18)	0.16 (0.18)	0.18 (0.17)	0.18 (0.17)
Republican Cue	0.25 (0.16)	0.38** (0.16)	0.14 (0.18)	0.09 (0.18)
Republican (ID)	-1.42*** (0.15)	-1.44*** (0.15)	-1.23*** (0.47)	-1.73*** (0.16)
Native Cue x Republican ID	-0.17 (0.23)	-0.23 (0.23)	0.001 (0.24)	-0.15 (0.24)

White Cue x Republican ID	-0.22 (0.23)	-0.22 (0.23)	-0.08 (0.24)	-0.01 (0.24)
Republican Cue x Republican ID	0.14 (0.25)	0.06 (0.25)	0.02 (0.26)	0.03 (0.26)
Democrat Cue x Republican ID	-0.24 (0.23)	-0.46* (0.23)	-0.31 (0.24)	-0.24 (0.24)
Constant	3.80*** (0.11)	3.33*** (0.11)	3.80*** (0.11)	3.73*** (0.11)
Observations	935			
<i>Note:</i>	<i>*p<0.1; **p<0.05; ***p<0.01</i>			

Part III: Survey 2 (CES SAMPLE)

A. Survey Instrument

Informational Cue:

[Information provided to all respondents except BASELINE]

The information provided on the following screen pertains to a controversy surrounding the use of Native American symbols, names, and imagery in professional sports.

TREATMENT #1: Native Cue

Please read the following excerpt from a statement made by Fawn Sharpe (Quinault Indian Nation), President of the National Congress of American Indians (NCAI) regarding the use of Native American imagery in professional sports:

“Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. It’s time for all professional sports teams to end the use of Native imagery and names in their marketing.”

TREATMENT #2: White Voice

Please read the following excerpt from a statement made by Betty White, well known celebrity and actress, before she passed regarding the use of Native American imagery in professional sports:

“Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. It’s time for all professional sports teams to end the use of Native imagery and names in their marketing.”

CONTROL (UNATTRIBUTED):

Please read the following excerpt from a statement regarding the use of Native American imagery in professional sports:

“Tribes have made it clear for over five decades that removing Native-themed mascots is the right thing to do. Cleveland changed; Washington changed. It’s time for all professional sports teams to end the use of Native imagery and names in their marketing.”

BASELINE:

Please read the following statement provided by the National Wildlife Federation:

“Tree frogs are found on every continent except Antarctica, but they’re most diverse in the tropics of the western hemisphere. About 30 species live in the United States, and over 600 can be found in South and Central America. Not surprisingly, lots of tree frogs are arboreal, meaning they live in trees. Special adaptations like toe pads and long legs aid them in climbing and jumping.”

Dependent Variable (all respondents):

Please indicate to what extent you agree or disagree with the following statement:					
	Strongly Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Strongly Agree
Native American <i>team names</i> should be					

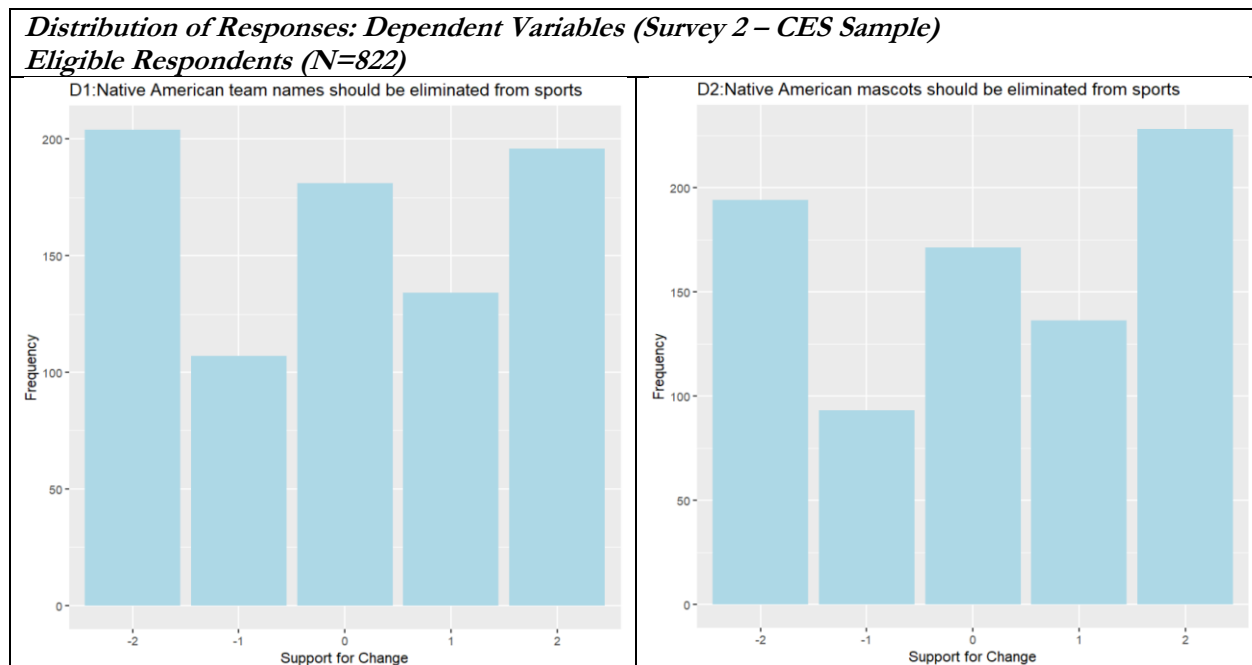
eliminated from sports.					
Native American <i>mascots</i> should be eliminated from sports.					
Native American <i>images and logos</i> should be eliminated from sports.					

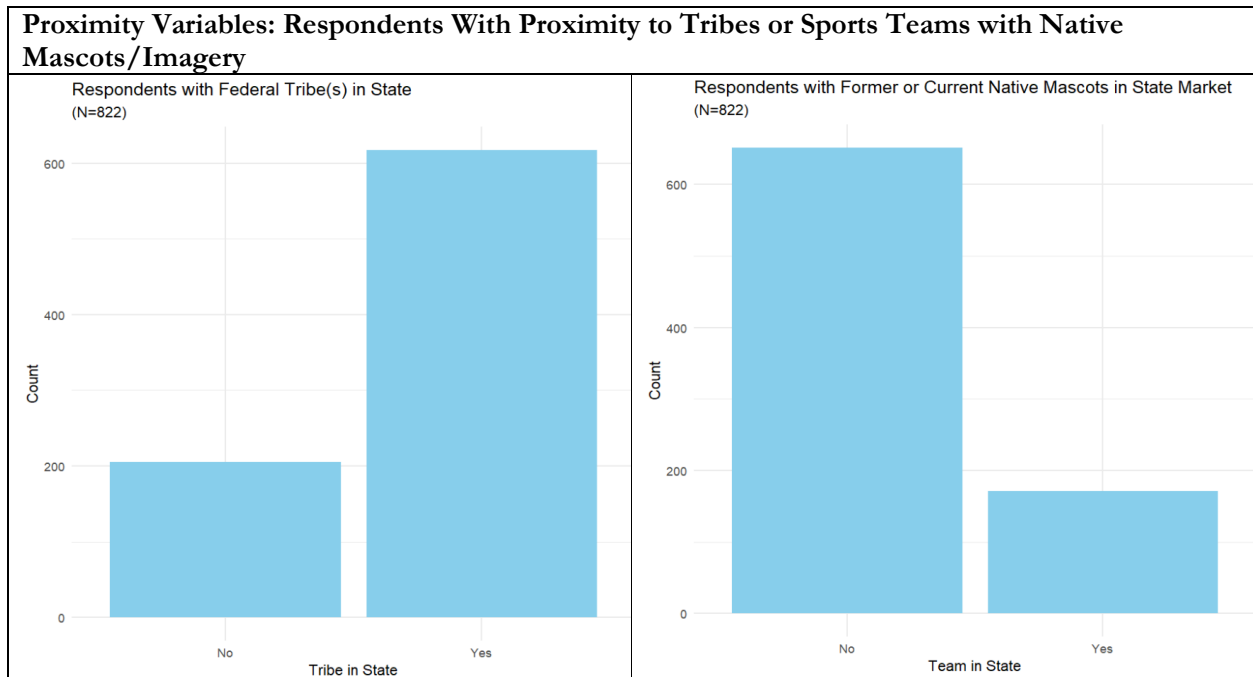
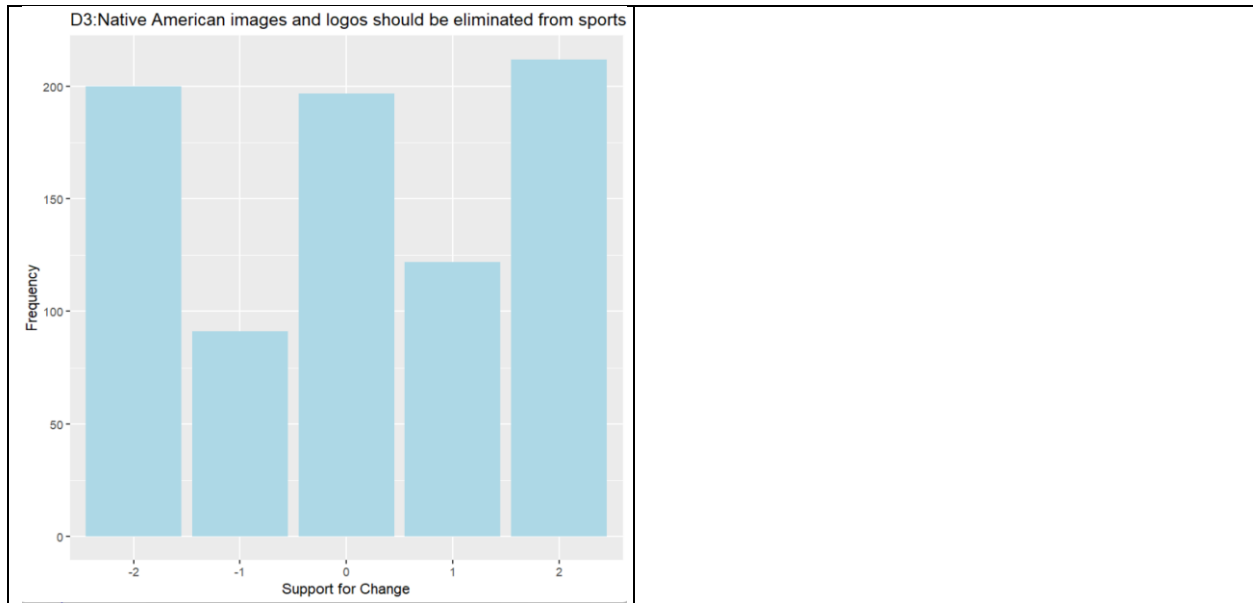
B. Descriptive Statistics

<i>Respondent Race + Partisanship</i>										
	Republican		Democrat		Independent		Unknown Party		Total	
White	177	22%	224	27%	167	20%	45	5%	613	75%
Black	6	1%	58	7%	12	1%	5	1%	81	10%
Asian	2	0%	13	2%	7	1%	4	0%	26	3%
Hispanic	16	2%	22	3%	14	1%	5	1%	57	7%
Native American	1	0%	1	0%	1	0%	3	0%	6	1%
Other/Unknown Race	2	0%	5	1%	8	1%	3	0%	18	2%
TOTAL	208	25%	325	40%	221	27%	68	8%	N=822	

<i>Respondent Race x Partisanship by Treatment Group (n=822)</i>				
Respondent Race x Partisanship	Control	Native Cue	White Cue	Baseline

White x Republican	53	6%	40	5%	38	5%	46	6%
White x Democrat	53	6%	60	7%	57	7%	54	7%
White x Independent	35	4%	52	6%	37	5%	43	5%
Non-white x Republican	10	1%	6	1%	11	1%	4	1%
Non-white x Democrat	22	3%	23	3%	27	3%	29	4%
Non-white x Independent	11	1%	6	1%	18	2%	19	2%





C. Estimated Treatment Effects - Survey 2 (CES SAMPLE)

**Table: Average Treatment Effects (OLS)
Survey 2 (CES SAMPLE)**

	DV1 Names	DV2 Mascots	DV3 Logos
Native Cue	0.37*** (0.13)	0.44*** (0.14)	0.41*** (0.13)
White Cue	0.36*** (0.13)	0.45*** (0.14)	0.34** (0.13)
Baseline	0.12 (0.13)	0.21 (0.14)	0.21 (0.14)
Woman	0.24** (0.10)	0.25** (0.10)	0.27*** (0.10)
Tribe in State (1)	-0.11 (0.11)	-0.07 (0.11)	-0.09 (0.11)
Independent ID	-0.93*** (0.11)	-0.88*** (0.12)	-0.90*** (0.12)
Republican ID	-1.77*** (0.12)	-1.73*** (0.12)	-1.71*** (0.12)
Constant	3.53*** (0.15)	3.54*** (0.15)	3.51*** (0.15)

Observations 754

Note: * $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$

†Note: n=68 responses removed that did not provide a partisan ID

††For the regression tables, the order of the dependent variables are:

(1) *strongly disagree* (2) *somewhat disagree* (3) *somewhat disagree* (4) *no opinion* (5) *somewhat agree* (6) *strongly agree*

**Table: Conditional Average Treatment Effects with Interaction Terms for
Race/Ethnicity (OLS)
Survey 2 (CES SAMPLE)**

	DV1 Names	DV2 Mascots	DV3 Logos
Native Cue	0.43*** (0.15)	0.50*** (0.16)	0.46*** (0.15)

White Cue	0.32** (0.16)	0.44*** (0.16)	0.31* (0.16)
Baseline	0.17 (0.15)	0.27* (0.16)	0.27* (0.16)
Woman	0.26*** (0.10)	0.26*** (0.10)	0.28*** (0.10)
White (Nonwhite)	-0.12 (0.21)	-0.01 (0.22)	-0.02 (0.21)
Tribe in State (1)	-0.11 (0.11)	-0.07 (0.11)	-0.09 (0.11)
Independent ID	-0.95*** (0.11)	0.89*** (0.12)	-0.91*** (0.12)
Republican ID	-1.80*** (0.12)	-1.75*** (0.12)	-1.73*** (0.12)
Native Treatment x White	-0.38 (0.32)	-0.36 (0.33)	-0.28 (0.33)
White Treatment x White	0.13 (0.29)	0.06 (0.30)	0.10 (0.30)
Control x White	-0.24 (0.31)	-0.24 (0.32)	-0.28 (0.31)
Constant	3.57*** (0.16)	3.54*** (0.16)	3.52*** (0.16)

Observations

754

Note:

p<0.1; **p<0.05; *p<0.01*

Table: Conditional Average Treatment Effects with Interaction Terms for Partisan ID (OLS) - Survey 2 (CES SAMPLE)

	DV1 Names	DV2 Mascots	DV3 Logos
Native Cue	0.47** (0.20)	0.47** (0.21)	0.46** (0.20)
White Cue	0.80*** (0.20)	0.80*** (0.20)	0.73*** (0.20)

Control	0.11 (0.21)	0.18 (0.21)	0.21 (0.21)
Woman	0.23** (0.10)	0.24** (0.10)	0.27*** (0.10)
Tribe in State (1)	-0.10 (0.11)	-0.06 (0.11)	-0.08 (0.11)
Independent ID	-0.64*** (0.22)	-0.53** (0.22)	-0.56** (0.22)
Republican ID	-1.59*** (0.23)	-1.81*** (0.24)	-1.68*** (0.23)
Control x Independent ID	0.02 (0.32)	-0.14 (0.33)	-0.16 (0.33)
Native x Independent ID	-0.31 (0.31)	-0.31 (0.32)	-0.29 (0.31)
White x Independent ID	-0.85*** (0.31)	-0.95*** (0.32)	-0.93*** (0.31)
Control x Republican ID	0.03 (0.32)	0.28 (0.33)	0.18 (0.32)
Native x Republican ID	-0.01 (0.33)	0.28 (0.34)	0.17 (0.33)
White x Republican ID	-0.71** (0.33)	-0.23 (0.33)	-0.44 (0.33)
Constant	3.39*** (0.17)	3.44*** (0.18)	3.39*** (0.18)

Observations

754

Note:

p<0.1; **p<0.05; *p<0.01*