

2003

Native State Lawmakers: Minimizing the Tribal Disadvantage

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Recommended Citation

Wilkins, David E. "Native State Lawmakers: Minimizing the Tribal Disadvantage." *Indian Country Today* 23, no. 11 (August 2003): A5.

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Native state lawmakers: Minimize the tribal disadvantage

Wilkins, David. **Indian Country Today; Oneida, N.Y.** [Oneida, N.Y]27 Aug 2003: A5.



Abstract

Not surprisingly, most of these lawmakers are serving in western states where more than 80 percent of indigenous peoples live - Alaska is home to 11 Native lawmakers; Montana has elected seven; New Mexico's legislature now has five Indian legislators; Oklahoma, Arizona, and South Dakota each have three Indian representatives; Washington has two; and Colorado and North Dakota have one each. Eastern states also have indigenous representation: Maine has two representatives - a Penobscot and a Passamaquoddy; North Carolina's Lumbee tribe has a member in the state legislature; and Vermont has a lone Native member.

Our preliminary results give us reason to be moderately optimistic. For example, in response to a question about how they respond in situations pitting tribal interests against state interests, we received some interesting comments: "tribal rights are paramount;" "I always support and vote for tribal sovereignty issues;" and that "my position as a state legislator is to recognize the sovereignty of tribes."

These lawmakers are under no illusion, however, about the harsh world that is state politics. In response to a question about how their non-Native state colleagues view the doctrine of tribal sovereignty we received dismaying responses like "they don't understand or have much respect for tribal sovereignty" they are "afraid of tribal sovereignty;" and they express a "strong distrust of Indian motives, ideas, and attitudes."

Full Text

Ask a cross-section of Native or informed non-Native folk who comes to mind when you mention American Indian politicians, and the most likely name you'll hear, if you hear any name at all, is Ben Nighthorse Campbell (Northern Cheyenne), the Republican Senator from Colorado. Campbell is the first U.S. senator of Indian descent since Charles Curtis of Kansas completed his term in 1929.

Campbell has received a fair amount of national attention because he is the Chairman of the Committee on Indian Affairs - the only permanent standing congressional committee directly charged with dealing with indigenous issues and policies - and for his stunning switch in 1995 from the Democratic to the Republican party. There is one other self-identified American Indian in Congress, Representative Brad Carson (Cherokee Nation of Oklahoma), a Democrat, who has a much lower profile than Campbell on national Indian issues.

While First Nations struggle to retain some presence and prestige at the national level, and are under daily assault by the Bush Administration, the Supreme Court, and a finicky Congress, a credible argument could be made that the 40 Native politicians representing 26 tribal nations who are currently serving in 12 state legislatures - as of spring 2003 - are serving an equally, if not more critically valuable role than the two national Indian congressmen. I say this given that the balance of power on indigenous issues has shifted dramatically in the direction of state governments as the federal courts and the Bush Administration continues to delegate or defer increasingly to states in certain fields, including Indian affairs.

I believe these 40 Native state lawmakers may well constitute one of the last ramparts who have strategically embedded themselves in state government and are therefore in a critical position to protect what is left of Aboriginal sovereignty, tribal jurisdictional authority, and Native resources.

Not surprisingly, most of these lawmakers are serving in western states where more than 80 percent of indigenous peoples live - Alaska is home to 11 Native lawmakers; Montana has elected seven; New Mexico's legislature now has five Indian legislators; Oklahoma, Arizona, and South Dakota each have three Indian representatives; Washington has two; and Colorado and North Dakota have one each. Eastern states also have indigenous representation: Maine has two representatives - a Penobscot and a Passamaquoddy; North Carolina's Lumbee tribe has a member in the state legislature; and Vermont has a lone Native member.

Given the palpable racism and geographic uniqueness that is Indian country, the fact that these individuals were elected or in a large number of cases re-elected in frequently mixed-racial districts is in itself a major feat. A colleague, Franke Wilmer, and I have embarked on a study to determine how these

Native state lawmakers navigate the often conflicted political, economic, and cultural waters that still largely divide indigenous nations and state governments.

One of the principle questions we are interested in exploring is how do these individuals respond when there is a direct conflict between their tribal nation's position on a specific issue and that of the state - say taxation, natural resources, environmental regulation, or gaming? What decisionmaking calculus do they use to resolve the often profound difference of opinions on such contentious topics?

We're also interested in exploring whether these individuals believe that having an indigenous presence in the state's legislature facilitates or impedes tribal sovereignty? If the answer is positive, should tribal governments at some future point consider having some positions set aside for state officials in the hopes of improving intergovernmental relations?

Our preliminary results give us reason to be moderately optimistic. For example, in response to a question about how they respond in situations pitting tribal interests against state interests, we received some interesting comments: "tribal rights are paramount;" "I always support and vote for tribal sovereignty issues;" and that "my position as a state legislator is to recognize the sovereignty of tribes."

Issues that appear high on these lawmakers agenda also resonate with indigenous goals and values: jobs, education, counteracting county and state attacks on tribal sovereignty, developing institutional mechanisms in state government to provide opportunities to improve Native/non-Native political, economic, and cultural relations.

These lawmakers are under no illusion, however, about the harsh world that is state politics. In response to a question about how their non-Native state colleagues view the doctrine of tribal sovereignty we received dismaying responses like "they don't understand or have much respect for tribal sovereignty" they are "afraid of tribal sovereignty;" and they express a "strong distrust of Indian motives, ideas, and attitudes."

So, while Senator Campbell continues to receive the lion's share of political attention because of the important work done by the Committee on Indian Affairs, and the U.S. Supreme Court and its rulings continue to cause First Nations great consternation, it appears that this unheralded group of Native state lawmakers may prove to be one of the most critical segments protecting and even enhancing the rights and resources of First Nations, working to improve the lives of their non-Native constituency, and by extension creating more amicable relations between tribal governments and state governments.

Let's give them our full support. They'll need it as the political and cultural dynamics of coping with mixed-racial districts deepens, as conflicting federal policies continue, as tight budgetary restraints worsen, as tribal councils vie for their allegiance, as county and municipal officials push their own agendas, and, of course, as competitive state and federal lawmakers tussle with the meaning of federalism and the ongoing existence of First Nations.

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