Indian nations lose in the United States Supreme Court over 75% of the time. As a result, many lawyers and advocates in Indian country have encouraged Indian nations to pursue legislation rather than litigate problems plaguing Indian country. Yet scholars, community leaders, and activists know very little about Indian nations in the political process. Historical records indicate that Indian nations have long petitioned Congress, but the empirical research on legislative advocacy by Indians remains limited. How frequently do Indians lobby Congress? How do they lobby? How successful are their lobbying efforts? How can tribes use legislative advocacy to change the law? Knowing the answers to these questions is essential to any tribal leader, in-house counsel, or advocate because sometimes Indian nations have to look to Congress to solve a problem or issue. Answering these questions will help Indian nations craft successful legislative strategies and become more informed consumers of lobbying services.

This draft report is an initial attempt to answer some of these questions. It presents preliminary findings on when, why, and the extent to which the 566 Indian nations in the United States engaged in legislative advocacy on different kinds of issues from 1978 through 2012.

I. Overview of Tribes and Lobbying

This part presents a basic overview of reported lobbying by American Indian tribes from 1978 through 2012. It draws on evidence from primary data collected on

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2 See, e.g., Getches, supra, at 276–77 (suggesting that the legislative process has advantages over adjudication).


4 This time period was selected because Congress adopted its latest official federal Indian policy, the Self-Determination Policy in 1975 and continued to adhere to this policy through 2012. A focus on this time period allows for consistency in terms of Congress’s stated federal Indian policy and an evaluation of
Indian nations and their legislative advocacy from several sources, including a database of all Indian-related bills,5 congressional hearings on Indian-related bills, and Lobbying Disclosure Act (LDA) reports.6

The next two sections use lobbying disclosure reports to reveal trends in reported lobbying by tribes, tribal consortiums, and Indian advocacy groups from 1978 to 2012. This data provides information on who reported lobbying by year, including name of the organized interest. The data, however, only includes reported lobbying, and thus, it may underrepresent lobbying by American Indian organizations as some groups may not conduct enough lobbying to report such activities under the Lobbying Disclosure Act of 1995. Starting in 1997, the data includes reported spending on lobbying by organization by year, but like the lobbying data, this information is limited to reported spending and may underrepresent actual spending by American Indian organizations. A final limitation of the lobbying disclosure data is that the reports do not consistently or reliably report the issues upon which American Indian organizations lobby.7 As a result, they cannot be used to determine on what issues American Indians organizations report lobbying or how successful American Indian organizations were in lobbying on that issue.

Due to the limitations in the lobbying disclosure data, the last section (and the next part) utilizes primary data collected from 315 hearings held on Indian-related bills8 and involving Indian witnesses during the 97th, 103rd, and 109th Congresses to identify some of the issues upon which Indian nations advocate legislatively.9 Congressional hearings on Indian-related bills allow for identification of the issues on which Indian

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6 The Lobbying Disclosure Act of 1995, 2 U.S.C. § 1601, requires organizations spending at least $20,000 on lobbying during any six-month period to register as a lobbyist with the House or Senate and report bimannually the amount spent on lobbying, the issue areas in which they lobbied, and the specific bill and regulations on which they lobbied. I collected data on tribes and Indian organizations reporting lobbying from the serial, Washington Representatives, for the years 1977-1996. I identified tribes and Indian organizations with lobbyists by searching the subject matter index. For the years 1977-1992, I used the subject matter category “minorities” to identify Indian tribes and organizations (none of the other subject matter indices seemed relevant). For 1993-1996, I used both the minorities and Native American subject matter categories. Most of the tribes and Indian organizations were identifiable by name, but occasionally, I looked up an entity on line. If I could not tell if an organization was made up of American Indians and advocated for their benefit, I did not include it on the list. I excluded charitable organizations that appeared to be non-Indian friends of the Indians, such as the Bureau of Catholic Indian Missions. I collected data on tribes and Indian organizations lobbying from the Open Secrets website run by the Center for Responsive Politics for the years 1997-2012. I used the “Indian/Native American Affairs” issues index to identify tribes, tribal organizations, etc. lobbying before Congress in a given year from the Open Secrets website. I then cross-referenced this list with the “Gaming” issues index.
7 The LDA does allow lobbyist to self-report what issues they lobby on, and the Center for Responsive Politics reports this information from 1997-2012. The self-reporting makes it difficult to discern what any given category includes and whether lobbyists agree on that definition. Despite my skepticism about the usefulness (and accuracy) of this self-reporting, I did collect this data. The majority of tribes in the dataset report lobbying on “gaming” or “human rights.”
8 Indian-related bills are defined as congressional bills with provisions involving American Indians, Native Americans, Native Hawaiians, Alaska Natives, and their respective governments or organizations. For a more thorough discussion of Indian-related bills, see Carlson, supra.
9 The congressional sessions selected are evenly spaced over time and reflect variation in several important variables, including the party in control of Congress, enactment rate, and enactment rate by bill type.
nations testified during the three congressional sessions studied. In turn, this identification of issues in particular legislative proposals facilitates the evaluation of the influence of Indian testimony on the bill’s enactment. The data is limited to three congressional sessions, and thus, may not be generalizable across congressional sessions. Moreover, committee hearings may reflect more the preferences of the committee than the advocacy of the witness. To address this concern, the dataset includes both solicited and unsolicited testimony.

A. How Many Tribes Lobby?

American Indian legislative advocacy grew significantly from 1978 to 2012. Six times as many American Indian organized interests reported lobbying in 2012 as in 1978. Figure 1 depicts the frequency of reported lobbying over time by American Indian interest organizations, including Indian nations, tribal consortiums, American Indian non-profit organizations, Alaska Native for and nonprofits under the Alaska Native Claims Settlement Act, Alaska Native villages, and Native Hawaiian groups.

![Figure 1. American Indian organizations reporting lobbying over time, 1978-2012.](image)

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10 Some have suggested that committee hearings reflect more the preferences of the committee chair and members than the advocacy of the witness. While Committee members select the Indian witnesses testifying orally, my data includes unsolicited, written testimony as well. Moreover, committee hearings present an opportunity for targeted advocacy on a specific legislative proposal. As a result, “individuals and organizations invited to testify at congressional hearings may legitimately feel that their testimony will have an impact.” PAUL BURSTEIN, AMERICAN PUBLIC OPINION, ADVOCACY, AND POLICY IN CONGRESS: WHAT THE PUBLIC WANTS AND WHAT IT GETS 104 (2014). By linking advocacy to a particular legislative proposal, the hearings data allow for evaluation of the impact of that advocacy on the legislative outcome (enactment or non-enactment) of the legislative proposal.

11 These numbers only represent American Indian organizations reporting lobbying. They may, therefore, underrepresent lobbying by American Indian organizations as some groups may not conduct enough lobbying to report such activities under the Lobbying Disclosure Act of 1995.
Of the American Indian interest organizations reporting lobbying during this time, Indian nations filed the vast majority, 71 percent, of the reports. Figure 2 displays reported lobbying by Indian nations over time. Over half, a total of 325 Indian nations or 57.4 percent of the 566 federally recognized tribes in the United States, reported lobbying during this time period. While the overall trend for Indian nations indicates an increase in the number of tribes lobbying, it has varied some over time. From 1990 to 1995, the number of tribes reporting lobbying steadily increased. It declined in the late 1990s, surged in the early 2000s, decreased with the economic recession of 2007, and may be on rebound in the past few years.

![Figure 2. Indian nations reporting lobbying over time, 1978-2012.](image)

Not all Indian nations reported lobbying during this time period, and the tribes that do report lobbying vary in the frequency of their lobbying. Some tribes reported lobbying almost every year, such as the Makah Indian Tribe and Quinault Indian Nation, while others reported lobbying only once or twice during the time period studying. On average, tribes reported lobbying during 11 of the 34 years in the data set. A quarter,

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12 I generated this number by dividing the number of tribes filing reports by the total number of reports filed by American Indian organizations from 1978 to 2012. American Indian organizations filed a total of 5,111 annual reports from 1978 to 2012, but some of these organizations filed more than one report. Indian nations filed 3,646 of these reports.

13 I generated this percent by dividing 325 by 566.

14 I have not tried to explain these lobbying patterns. Several factors could influence tribal decisions to lobby, including the growth of gaming in the early 1990s and changes in party alignments in Congress and the Executive Branch.

15 Other Indian nations that report lobbying frequently include, but are not limited to, the Standing Rock Sioux Tribe, the Tulalip Tribes of Washington, the Three Affiliated Tribes of the Fort Berthold Reservation, the Navajo Nation, the Miccosukee Tribe of Indians of Florida, the Menominee Tribe of Wisconsin, the Lummi Indian Nation, and the Hoopa Valley Tribe.

It is not clear whether this variation is simply a function of the reporting requirements or whether it reflects true variation among the advocacy strategies used by Indian nations.
however, reported lobbying during 5 years or less, and another quarter reported lobbying for 18 years or more. Of the Indian nations reporting lobbying, the majority—60%—operated gaming establishments at the time they reported lobbying. The number of Indian nations engaged in gaming and reporting lobbying increased dramatically over the time period studied. As Figure 3 shows, Indian nations engaged in gaming have exceeded nongaming Indian nations in reporting lobbying since 1995.

![Figure 3. Reported lobbying by gaming and nongaming tribes over time, 1978-2012.](image)

B. How Much Do Tribes Spend on Lobbying?

The amount of money American Indian organizations reported spending on lobbying also varied over time. Unlike reported lobbying, the money spent by American Indian organizations did not consistently increase over time. Figure 4 reports the amount of money spent on lobbying by American Indian organizations over time, starting in 1997 (the first year in which the amount spent is available). American Indian organizations

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16 In terms of congressional sessions, on average, tribes reported lobbying 6 congressional sessions. A quarter of tribes reported lobbying 3 or fewer congressional sessions, and a quarter reported lobbying 9 or more congressional sessions.

17 The median year that tribes in the dataset started gaming was 1995. A tribe was coded as operating a gaming establishment if it engaged in gaming the year(s) in which it reported lobbying. To code tribes as gaming or nongaming, data was collected from public sources (e.g., Tiller’s Guide, tribal websites, etc.). Tribes were coded as gaming for years in which they operated a gaming establishment and as nongaming for years in which they did not.

18 Like the lobbying data, these numbers only include reported spending. They may underrepresent the amount spent on lobbying by American Indian organizations as some may choose to lobby on their own behalf or not conduct enough lobbying to report such activities under the Lobbying Disclosure Act of 1995.
reported spending a particularly high amount in 1999, but then spending leveled off at a much lower level until 2004 when it decreased dramatically. The most significant decrease, however, mirrors the economic downturn in 2007. Since then, reported spending has increased inconsistently, but appears to be on the rise generally.

![Figure 4. Amount of money spent on lobbying by American Indian organizations over time, 1997-2012.](image)

American Indian organizations reported spending on average $94,411 a year with a median of $40,000.\(^{19}\) A quarter of all organizations did not report spending any money on lobbying.\(^{20}\) Another quarter reported spending over $112,000 with the top spender reporting spending $3,205,000 in a single year.

Indian nations reported spending significant amounts of money on lobbying. On average, Indian nations spent $109,408 on lobbying per year, but this number conceals significant variation among tribes. A quarter of all tribes did not report spending any money on lobbying, half reported spending $40,000, and another quarter reported spending $120,000 or more. The Mississippi Band of Choctaw Indians topped the list of high spenders and reported spending over $3 million in 1999. While a few tribes annually reported spending over $200,000 a year on lobbying,\(^{21}\) most did not consistently report spending high amounts of money on lobbying, but tended to increase spending in a

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\(^{19}\) While the mean is $94,411, there is a large standard deviation (201.644).
\(^{20}\) Tribal consortiums reported the lowest levels of spending of the American Indian organizations.
\(^{21}\) Tribes consistently reporting spending over $200,000 annually on lobbying include the Agua Caliente Band of Cahuilla Indians, the Jicarilla Apache Nation, the Gila River Indian Community, the Mashantucket Pequot Tribal Nation, the Mississippi Band of Choctaw Indians, the Oneida Indian Nation, the Pechanga Band of Luiseno Mission Indians, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Viejas Band of Kumeyaay Indians.
particular year. For example, the Osage Nation reported spending over $2 million dollars in 2011, but returned to its much lower regular spending level (under $100,000) in 2012.

Indian nations engaged in gaming reported spending more on lobbying than nongaming ones. On average, Indian nations engaged in gaming reported spending twice as much—almost $135,000—on lobbying per year as Indian nations not engaged in gaming, which reported spending only $51,500 on lobbying per year. Holding region constant, Indian nations engaged in gaming reported spending on average $92,000 more per year than Indian nations not engaged in gaming.

C. On What Issues Do Tribes Lobby?

Unlike the previous two sections, which rely on lobbying disclosure reports, this section uses primary data collected from 315 hearings held on Indian-related bills and involving Indian witnesses during the 97th, 103rd, and 109th Congresses to identify some of the issues upon which Indian nations advocate legislatively. Hearings were held on 24% (315/1294) of the bills introduced in Congress during these three congressional sessions. Thirty-six percent (112/315) of the bills subject to a hearing had a hearing before a committee or subcommittee with jurisdiction over Indian affairs (e.g., the Senate Committee on Indian Affairs, the House Committee on Natural Resources, or the House Subcommittee on Indian, Insular and Alaska Native Affairs).

Indian witnesses testified at almost half, 48% (154/315), of the hearings held on Indian-related bills and at 64% of the hearings held by a committee or subcommittee with jurisdiction over Indian affairs. Representatives from 203 Indian nations testified on

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22 ANOVA tests indicate that this difference in spending between gaming and nongaming tribes is significant at the 0.00 level.

23 The median amount of money reported as spent on lobbying was significantly less for both gaming and nongaming tribes. The median amount reported as spent by gaming tribes was $60,000 per year and $20,000 per year for nongaming tribes.

24 For a definition of Indian-related bills, see supra.

25 The 97th Congress held hearings on 45% of Indian-related bills with 26% including Indian witnesses. The 103rd Congress held hearings on 32% of Indian-related bills with 51% including Indian witnesses. The 109th Congress held hearings on 15% of Indian-related bills with 40% including Indian witnesses.

26 I developed a database including all legislative hearings held by Congress on each bill to measure Indian advocacy, including tribal support and opposition. First, the hearings were coded to determine whether any Indian witnesses testified. I defined an Indian witness as any witness explicitly identifying as an Indian or testifying on behalf of an Indian tribe, an Indian nonprofit organization, a tribal consortium, a tribal business, and/or an Alaska for profit or nonprofit corporation. Representatives of state, local, or federal agencies (e.g., BIA) were not counted as Indian witnesses even if the witness identified as Indian and spoke to the Indian issues in the bill because the witness was not representing Indians. For similar reasons, I also excluded friends of the Indians, e.g., non-profits that seek to assist Indians but are not made up of Indians such as the Friends Committee on National Legislation. When a hearing included at least one Indian witness, I coded all the testimony in the hearing. If the hearing did not include any Indian witnesses, it was not coded.

Hearings including Indian witnesses were coded to measure Indian support for and opposition against the bill. I measured support for the bill based on congressional testimony by Indian witnesses, who favored enactment of the bill. I measured tribal opposition to the bill based on congressional testimony by Indian witnesses, who opposed enactment of the bill. I coded each legislative hearing, including the oral statements, responses to questions, and written statements, by the witness’s affiliation; the witness’s
Indian-related bills during the time period studied. Indian nations testified at 85% (131/154) of the hearings held on Indian-related bills.

Indian witnesses were more likely to testify on some types of bills than others. Building on the work of previous scholars, I divided Indian-related legislation into three types: (1) pan-tribal legislation, which has an overriding purpose of developing federal Indian policy by addressing specifically an issue faced by all Indian nations or members of Indian nations; (2) tribe specific legislation, which does not seek to establish general federal Indian law or policy but addresses a specific issue for one or a few but not all tribes; and (3) general legislation, which has a main substantive focus other than Indians (such as health, education, employment, etc.) but specifically mentions Indians or Indian tribes. Of the hearings held on Indian-related bills, 35% (109/315) were on tribe specific bills, 16% (51/315) on pan tribal bills, and 49% (155/315) on general bills. Indian witnesses were more likely to testify on tribe-specific and pan tribal bills than general bills related to Indians. Indian witnesses testified at 70% of the hearings held on tribe-specific bills (77/109), 96% of the hearings on pan tribal bills (49/51), and 18% of the hearings on general bills. Almost 70% (368/532) of witnesses representing an Indian nation testified on a pan tribal bill.

Indian nations have testified before congressional committees on a range of issues, including agriculture, children/youth, claims, courts, culture, economic development, education, employment, energy development, environmental regulations, federal recognition, gaming, health care, housing, hunting and fishing, intergovernmental relations, land (including land into trust), law enforcement, military, natural resources, self-government, taxation, and welfare. Similar to previous studies, I found that some issues generated more witness testimony than others. During the congressional sessions studied, Indian tribes testified most frequently on bills relating to claims, housing, federal recognition, lands, natural resources, and gaming.

The majority of Indian witnesses—85%—testified in favor of the bill subject to the hearing while 45% testified against the proposed legislation. Few legislative proposals generated both support and opposition from Indian witnesses, and even fewer provoked support and opposition from witnesses representing Indian nations. As with the majority of Indian witnesses, the majority—59%—of witnesses representing an Indian nation testified in favor of the proposed bill.

Some Indian nations testify before Congress more frequently than others. On average, Indian tribes testified 3.2 times, and half of the tribes testifying testified only twice during the three congressional sessions studied. Other tribes appear to be repeat...
players, making appearances at multiple hearings and before various committees. By far, the Navajo Nation testified at more hearings (41) than any other tribe. The Cherokee Nation of Oklahoma and the Confederated Salish and Kootenai Tribes were also represented at several hearings.

The majority of Indian nations testifying before Congress did not engage in gaming at the time of their testimony. Only 28% of all tribal witnesses represented a tribe operating a gaming facility at the time. Moreover, Indian nations engaged in gaming testified more frequently than non-gaming tribes on bills related to employment, gaming, and health care.32

Some tribes reported lobbying Congress and testifying on a legislative proposal during the same congressional session. Fifty-five percent (294/532) of tribes testifying on a bill also reported lobbying during that congressional session.33

II. Does Indian Lobbying Contribute to Legislative Success?

Identifying and tracing legislative advocacy by Indians over time begs the questions: does this advocacy have any impact? Tribes want to invest in advocacy strategies that increase their chances of legislative success. Many kinds of advocacy, including lobbying and spending money on lobbying generally, cannot be easily linked to a specific policy, making it hard to determine their influence on policymaking. Tribal testimony on specific legislative proposals, however, are directly tied to bill, and their influence on legislative outcome can be evaluated. This part reveals new evidence about the extent to which Indian advocacy on a specific legislative proposal contributes to its legislative success. Employing the data collected on congressional hearings in the 97th, 103rd, and 109th Congresses, it presents preliminary statistical analysis of the factors influencing the legislative enactment of Indian-related bills.

Social scientists have developed several theories about legislative outcomes and public policymaking.34 Public choice theorists suggest that Congress is more likely to enact statutes that concentrate benefits on special interests while distributing the costs of those benefits to the general public and is less likely to enact statutes that distribute benefits broadly.35 Under public choice theory, Congress should enact more tribe-specific and pan-tribal bills, which would concentrate benefits either on a specific tribe or

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32 Using a Pearson’s chi square test, subject matter correlated with testimony by a gaming tribe at the 0.00 significance level.

33 Of the congressional sessions studied, the 109th Congress is the only one for which I have data on testimony, reported lobbying, and the amount spent on lobbying. In the 109th Congress, tribes that testified on a bill and also lobbied during the same congressional session reported spending more on lobbying, an average of $312,569 with a median of $180,000. Among these tribes, gaming tribes reported spending more on lobbying than nongaming tribes. Tribes reported spending slightly more on lobbying when they testified against a legislative proposal during the same congressional session. In the 109th Congress, tribes reported spending on average $337,333 on lobbying when they testified against a legislative proposal and $30,514 when they testified for a legislative proposal.

34 See William N. Eskridge Jr., ET AL., CASES AND MATERIALS ON LEGISLATION STATUTES AND THE CREATION OF PUBLIC POLICY 47-80 (4th ed. 2007) (discussing the political science theories about legislative outcomes).

35 See, e.g., id. at 59.
Indian nations more generally, than general bills related to Indians, which are more likely to have diffuse benefits and costs.\textsuperscript{36}

Empirical studies have identified several other factors, which may influence legislative enactment.\textsuperscript{37} These factors include, but are not limited to: (1) the role of individual, influential legislators; (2) the role of committees; (3) party in control of Congress; (4) the role of interest groups; (5) presidential support; (6) public salience; and (7) scope and urgency of the legislation.\textsuperscript{38} Scholars conducting studies on the relationship between interest groups and legislative outcomes find that interest group influence depends upon the context, with interest groups enjoying more success in opposing rather than enacting legislation.\textsuperscript{39} Interest groups succeed more frequently in enacting legislation on issues that are not salient to the larger public and that are perceived as narrow, technical, or nonpartisan.\textsuperscript{40} These findings suggest a higher enactment rate for tribe-specific bills and possibly some pan-tribal bills that do not affect or garner the attention of the larger public.\textsuperscript{41}

Building on this existing literature, I sought to determine the causal effects of several factors on the enactment of Indian-related bills. Using policy outcome (enactment or non-enactment) as the dependent variable, I considered the effect of: (1) the party in control of Congress; (2) advocacy by tribes (as measured by their testimony

\textsuperscript{36} See, e.g., \textit{id.} at 54–63 (discussing public choice theories).

\textsuperscript{37} \textit{id.} at 47–8.

\textsuperscript{38} \textit{id.} Some of these factors are probably not playing a significant role in the enactment of Indian-related bills. These factors include: public salience and the role of individual legislators.

The low public salience of most Indian issues suggests that public salience does not affect the enactment rate. \textsc{Charles C. Turner}, \textsc{The Politics of Minor Concerns: American Indian Policy and Congressional Dynamics} (2005). While the data does not allow for full evaluation of the impact of public salience on the enactment of Indian-related bills, most Indian-related bills probably do not garner much media attention. Thus, the traditional way of measuring public salience by looking at the New York Times Index probably would not provide much information on why Indian-related bills pass at a higher than average rate.

While a few influential legislators have most likely played a key role in the enactment of specific legislation related to Indians (e.g., the role played by Senator Dorgan in the passage of the Tribal Law and Order Act), the existence of one or a few champions of Indian nations does not by itself seem to explain the higher rate of enactment of Indian-related legislation. Further, the multitude of studies on the effectiveness of individual legislators “offer very little consensus regarding the ‘keys to legislative success.’” \textsc{E. Scott Adler} \& \textsc{John D. Wilkerson}, \textsc{Congress and the Politics of Problem Solving} 2 (2013). For this reason, the studies that focus on the relationship between individual legislators and legislative success are not seen as producing hypotheses that could help us to understand the relationship between Congress and Indians.

\textsc{EsKrIdge et al.}, supra, at 62 (“Groups defending the status quo need to prevail at only one stage in the convoluted legislative process.”); \textsc{Frank R. Baumgartner et al.}, \textsc{Lobbying and Policy Change: Who Wins, Who Loses, and Why} 6–7 (2009) (“One of the single best predictors of success in the lobbying game is not how much money an organization has on its side, but simply whether it is attempting to protect the policy that is already in place.”).

\textsc{EsKrIdge et al.}, supra, at 62 (explaining that “[c]lient politics is easier when it occurs outside the glare of publicity, and members are willing to trade support on minor issues in backroom deals.”).

For example, tribe-specific bills that only affect the tribe, such as bills on historic preservation on tribal lands, and pan-tribal bills, such as legislation promoting Indian arts and crafts, would be expected to pass easily because they do not affect the general public. By contrast, bills like the Indian Gaming Regulatory Act or the VAWA Reauthorization would be harder to pass because of their possible impact on the general public.
on the bill); (3) the influence of a congressional committee with Indian affairs jurisdiction (e.g., did the hearing take place before SCIA or another Indian focused committee); and (4) type of bill. 42 I expected tribal advocacy, a hearing before a committee with Indian affairs jurisdiction, and a Democratically controlled Congress to make enactment of a bill more likely. I also anticipated that pan-tribal and tribe-specific bills would be more likely to be enacted than general bills.

As expected, tribal advocacy on a particular legislative proposal influenced the enactment of Indian-related legislation in the 97th, 103rd, and 109th Congresses. 43 Figure 5 shows that tribal advocacy increased the likelihood of enactment in the congressional sessions studied. 44 Other things being equal, when an Indian tribe did not advocate on a legislative proposal, the likelihood of enactment was 5.7% [1%-23%]. 45 That likelihood increased to 23% [16%-31%] when an Indian nation advocated on the legislative proposal.

42 Originally, I intended to include presidential support as an independent variable, measured by testimony by the Executive Office of the White House on the bill, and coded the hearings accordingly. The presidential support variable occurred infrequently in the data, and I did not have sufficient numbers to include it in the analysis. I ran several kinds of analysis to determine the causal effects, if any, of these independent variables on the dependent variable (enactment). Tests performed included Chi Square, Fisher’s exact test, and logistic regression.

43 Using a Fisher’s exact test, tribal advocacy correlated with enactment at the 0.10 significance level.

44 I ran logistic regression to determine the direction of the correlation between tribal advocacy and enactment. I used enactment as the dependent variable and tribal advocacy, hearing before a committee with Indian affairs jurisdiction, and party in control of Congress as the independent variables. The analysis indicated that tribal advocacy increases the likelihood of enactment and is significant at the 0.10 level (almost the 0.05 level). The relationship here is mild, but consistent with previous studies. BURSTEIN, supra, at 124-28. The logistic regression analysis is available on request.

I also ran Chi square tests to see if correlations existed between tribal support for a bill and legislative outcome and between tribal opposition for a bill and its legislative outcome. Neither tribal support nor tribal opposition correlated at a significant level to legislative outcome.

A weak relationship also exists between the party in control of Congress and the enactment of Indian-related bills in the 97th, 103rd, and 109th Congresses. Indian-related bills had a slightly better chance of enactment when Democrats controlled Congress.\textsuperscript{46} Bill type and a hearing before a committee with Indian affairs jurisdiction did not influence enactment in all three congressional sessions, but did affect enactment in particular congressional sessions. Bill type increased the likelihood of enactment in the 97th Congress (but not the 103rd or 109th). In the 97th Congress, tribe-specific bills were more likely to be enacted than other types of Indian-related bills. Other things being equal, the likelihood of enactment of an Indian-related bill in the 97th Congress was 11.6% [5%-23%].\textsuperscript{47} That likelihood increased to 31% [18%-49%] when the legislative proposal was tribe-specific.

Similarly, a hearing before a committee with Indian affairs jurisdiction made enactment more likely in the 103rd Congress (but not the 97th or 109th). Other things being equal, the likelihood of enactment of an Indian-related bill subject to a hearing in

\textsuperscript{46} Logistic regression analysis indicates that Democrats in control of Congress increases the likelihood of enactment and is significant at the 0.10 level. I could not confirm this relationship with Chi Square tests, which indicated no significant correlation between party in control of Congress and enactment.

\textsuperscript{47} After running the logistic regression analysis, I used CLARIFY to estimate the substantive effects and uncertainty.
the 103rd Congress was 17% [10%-26%]. That likelihood increased to 30% [18%-45%]
when a committee with Indian affairs jurisdiction held a hearing on the bill.

III. Preliminary Conclusions and Implications

Conclusions are difficult to draw because all the data has yet to be collected and analyzed. These preliminary results of the data collection and analysis so far provide useful descriptive information about who reported lobbying in Indian country from 1978 to 2012 and how much they reported spending from 1997 to 2012. American Indian legislative advocacy has increased sixfold since 1978. Moreover, American Indians have engaged in different legislative strategies. Some lobby, others testify before Congress on specific legislative proposals, and a portion do both. The data reveals that the Indian nations that reported spending the most on lobbying were not necessarily the same tribes that reported lobbying consistently over time or that regularly testified at congressional hearings on specific legislative proposals. This research does not attempt to explain these differences (or even identify all of them). Additional research should investigate why these differences occur and how they affect advocacy in Indian country.

Identifying all this legislative advocacy is great, but does it have any impact? Tribes want to invest in strategies that increase their chances of legislative success. While it is difficult to link many kinds of advocacy, such as reported lobbying or spending money on lobbying generally, the influence of tribal advocacy on specific legislative proposals on legislative outcome can be evaluated. The initial analysis presented here shows that tribal testimony on specific legislative proposal had some causal influence on the proposal’s enactment in the 97th, 103rd, and 109th Congresses. Analysis of more congressional sessions may clarify the strength of the causal effects of tribal advocacy, party in control of Congress, bill type, and a hearing before a committee with Indian affairs jurisdiction. It may also reveal additional insights into how much enactment of Indian-related bills depends on the particular congressional session.

The preliminary statistical analysis presented here does not provide any information about the casual mechanisms by which tribal advocacy, and tribal testimony on a specific legislative proposal in particular, influences legislative enactment. Qualitative analysis is needed (and anticipated) to supplement these initial findings and provide insights into the causal processes that link advocacy and legislative enactment.

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48 My research assistants and I are in the process of coding and analyzing the data for the 100th and 106th Congresses.