

**UCLA**

**American Indian Culture and Research Journal**

**Title**

All That Glitters . . . The Rise of American Indian Tribes in State Political Behavior

**Permalink**

<https://escholarship.org/uc/item/54962121>

**Journal**

American Indian Culture and Research Journal , 29(4)

**ISSN**

0161-6463

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**Publication Date**

2005-09-01

**DOI**

10.17953

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# All That Glitters . . .

## The Rise of American Indian Tribes in State Political Behavior

**TRACY A. SKOPEK, RICH ENGSTROM, AND KENNETH HANSEN**

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Within the last twenty years legalized gambling on American Indian reservations has become a major source of economic development for many tribes and nations. What is not well known is that a concomitant level of political power has manifested itself as Native Americans seek to preserve their recent economic gains. As a result of this development, Indian tribes and nations have engaged in a form of venue shopping that moves the political conflict over gaming from the courtroom to the statehouse. Recent evidence shows that when defending their gaming activities, American Indian tribes are behaving less like nations in a dispute with states in a federal context and more like organized interests seeking to influence state policy makers. Catalyzed by the substantial economic gains at stake in gaming, tribes are seeking access to non-Indian political institutions, such as state governments, as never before. Increasingly, tribal leaders are adopting interest-group behavior and employing sophisticated political strategies to gain access to the very institutions (state legislatures) that ultimately decide gaming issues. A recent multimillion-dollar lobbying scandal involving at least six Indian tribes from across the country highlights the stakes and importance of political influence for tribes. Several tribes, including the Tigua Indians of Texas, utilized Washington lobbyists to facilitate millions in tribal donations to important members of Congress. According to the investigation few of the donations reached their intended target.<sup>1</sup> It appears tribes are having more success at the state level.

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We use the examples of the Alabama-Coushatta tribe and the Ysleta del Sur (hereafter known as the Tigua tribe) in Texas to explore this new level of tribal political sophistication. We find that both of these groups have rewarded with campaign contributions those candidates in Texas state election campaigns who were sympathetic to Indian casino gambling. In addition, we explore how the tribes sought to pressure state legislators by pursuing a public relations campaign centered on issues of economic interest and sovereignty. Though they have been unsuccessful in recent legislative sessions, there is evidence of a growing sophistication in how Texas Indian tribes implement interest group strategies to influence policy. We theorize that tribes will engage in learning behavior and continue to engage in more complex political behavior at the state level.

### AMERICAN INDIANS AND SOVEREIGNTY

One might think that sovereignty is an added bonus for tribes. However, subnational sovereignty is a continually evolving concept in American politics. Over time states have lost a great deal of their own self-determination through reliance on federal spending, federal enforcement of the interstate commerce clause, and unfunded mandates.<sup>2</sup> The status of tribal sovereignty has also evolved. Supreme Court rulings (for example, *Johnson v. McIntosh* and *Worcester v. Georgia*) have restricted state dealings and authority with indigenous tribes and nations, supporting the notion that Indian affairs were the dominion of the federal government as “domestic dependent nations.”<sup>3</sup>

While the court did prevent states from unduly infringing on tribal rights, the doctrine of “domestic dependency” did not prevent the federal government from expropriating tribal lands, resources, and wealth.<sup>4</sup> This culminated in the termination policy of the 1950s, under which about 120 reservations, mostly small ones, lost their sovereign status as tribes and also lost a good portion of their tribal lands.<sup>5</sup> Furthermore, the loss of their special status meant that the tribe members were no longer exempt from certain state laws and taxation, and as a result many had to rely on state assistance to provide relief for social welfare problems.<sup>6</sup>

In 1953 Congress passed legislation that increased the jurisdiction of the states in Indian issues. Public Law 83-280 transferred criminal and civil jurisdiction over Indian affairs to the governments of affected states. The law mandated that five states (California, Minnesota, Nebraska, Oregon, and Wisconsin) assume responsibility in criminal and civil Indian matters, and it allowed other states to assume this jurisdiction if they chose.<sup>7</sup>

To put further strain on the tribal-federal-state relationship, those reservations that did not lose their official status as tribes were feeling the effects of the cutbacks in programs and, going into the 1970s and 1980s, were also feeling additional stress from a sagging economy. The federal government’s policy in the 1970s and 1980s was a continuation of previous cutbacks in Bureau of Indian Affairs (BIA) programs and a desire to further distance itself from the Indian issue. A slow economy in the 1970s led some tribes to seek alternative funding sources for their reservations. In 1979 the

Seminole Indians in Hollywood, Florida, opened the first reservation high-stakes bingo operation.<sup>8</sup>

The bingo operation was a successful venture for the Seminoles, and several other tribes followed suit shortly thereafter. The federal government thought gambling operations of these sorts were basically a good idea since it was believed that they led to tribal independence and helped reduce federal costs associated with many tribes.<sup>9</sup> However, the gambling operations did not go without controversy at the state level. Some states feared that the increase in tribal bingo games would end in full-scale casino gambling and thus opposed them from the outset. State opposition and tacit approval by the federal government led to a series of legal battles between tribes and state governments.

The state of Florida sought to close the high-stakes bingo operation on the Seminole reservation in Hollywood, Florida. The Seminole tribe sued the state to keep the gambling operation open. In *Seminole Tribe of Florida v. Butterworth* (1981) the US Fifth Circuit Court of Appeals made a ruling that would have a huge impact on future reservation gambling. The court ruled "that bingo fell under statutes classed as regulatory rather than prohibitory."<sup>10</sup> The state of Florida regulated bingo halls for charity and thought that Indian bingo should fall within the restrictions placed on charity bingo operations, which would effectively eliminate the high-stakes bingo operations on the reservation. Since the appeals court ruled that bingo limitations by the state were regulatory in nature, the Seminole tribe did not fall under the prohibition of bingo as a moneymaking venture as prescribed by Florida law.<sup>11</sup>

The ruling in *Seminole Tribe v. Butterworth* was further reinforced by *California v. Cabazon Band of Mission Indians* (1987). In the Cabazon Band case the state of California, like Florida, sought to prevent the playing of bingo on the Cabazon and Morongo bands of Mission Indians' reservation, near Palm Springs. Under its penal code California law prohibits bingo games unless conducted for charitable purposes. The US Supreme court ruled that the California law, like the Florida law, was regulatory in nature and not prohibitory and thus did not apply to Indian reservations.<sup>12</sup> The Court's ruling helped pave the way for other tribes seeking to cash in on reservation gaming. As a result of the apparent success of bingo gambling operations, several tribes began developing plans for additional types of gaming operations.

The increasing trend in reservation gaming spurred Congress to begin developing a policy to deal with it. At issue was the regulation of existing and newly proposed reservation gambling operations, as well as state concerns over tribal sovereignty. For many, "Indian sovereignty was . . . viewed as a threat to state policy preferences in those jurisdictions where public referenda had opposed the institution of casino gambling."<sup>13</sup> In reaction to these issues Congress passed the Indian Gaming Regulatory Act of 1988 (IGRA).

The IGRA recognized Indian gaming rights and provided for a set of rules consisting of a legislative compromise between the demands of state governments to regulate and control gaming and those of Indian tribes to allow more gaming.<sup>14</sup> The specific rules set forth by the act include dividing gaming into three separate categories or activities. Class I gaming includes social

and ceremonial games that have prizes of little value. This type of gaming is under exclusive jurisdiction of the tribe and falls outside the provisions of the IGRA.<sup>15</sup> Class II gaming, which does fall under the federal IGRA provisions, consists of bingo and similar types of games that are not already prohibited by state law. The tribes maintain jurisdiction over Class II games if they comply with IGRA regulations.

Class III gaming involves all other forms, typically those considered “casino”-style games. These include slot machines, craps, banking games such as blackjack and baccarat, pari-mutuel horse racing, dog racing, and lottery games such as keno.<sup>16</sup> For a Class III gaming facility to be opened on a reservation, several provisions as provided for under the IGRA must be met. Tribes wishing to operate Class III gaming facilities must first adopt a tribal resolution agreeing to its creation, which must then be approved by the chairperson of the National Indian Gaming Commission. Furthermore, the casino’s location must be within a state that already permits or will permit such types of gaming. Finally, tribes must negotiate “compacts” with the state that spell out the regulation of such a facility.<sup>17</sup>

However, many states resent the presence of legalized gambling on reservations either because gambling conflicts with the state constitution or because the states do not feel they receive a sufficient share of the benefits, such as taxes and revenue. Some tribes view the requirement of negotiating a compact with the state as a violation of their sovereign status, arguing that only the federal government has the authority to negotiate with Indian tribes.<sup>18</sup> However, the recent trend in federal policy toward devolving a myriad of programs, including Indian affairs, to the states has given rise to state authority in negotiating gaming arrangements. In some cases the negotiations have gone fairly smoothly between the compact-seeking tribe and the state. In other cases, however, there have been problems, such as in New Mexico and Texas, where the states did not want to negotiate compacts to allow casino gambling on reservations for fear of losing current or future revenue from state-owned gaming operations.<sup>19</sup> According to the IGRA, states must negotiate in “good faith” with tribes, or they may be subject to litigation. However, forcing states to negotiate in “good faith” through legal avenues has resulted in very little action at the federal level, thus forcing tribes to find alternative roads.

#### AMERICAN INDIANS AS INTEREST GROUPS

The political reality of devolution, especially since the passage of the 1988 IGRA, has forced a new dynamic between tribes and states. This has been a difficult adjustment for some of the institutions involved. Our analysis of the political dealings between the state of Texas and the Alabama-Coushatta and Tigua tribes fits such a mold. Devolution of the regulation of Indian gaming is a transformation much like that described by Frank Baumgartner and B. D. Jones, where old patterns of political interaction are replaced with new situations.<sup>20</sup> With the substantial economic interest in gaming as a catalyst, tribes are seeking access to non-Indian political institutions, such as state

governments, as never before. The question is, can Indian tribes find favorable access points in this new environment, and, if so, what kind of political tools will they use to pursue their political goals? We theorize that tribes will employ strategies similar to other groups that lobby state governments, moving away from the more traditional avenue of court action at the federal level employed in the past. In essence, the stipulations of the IGRA, through state-tribal compact negotiations, have effectively caused tribes to move the conflict over gaming from federal to state government. Tribes, then, as E. E. Schattschneider suggests, must seek favorable policies from state governments.<sup>21</sup> The change in status from sovereign nation to economic developer requires a shift in political strategy. As American Indian groups can rely less and less on the argument that their sovereign status legally protects gaming on their land, they must adopt the strategies employed by other interest groups seeking favorable policies from state governments. As Eileen Luna has suggested, tribal involvement in political behavior of the dominant society does not necessarily result in the suppression of culture and traditional values.<sup>22</sup> Instead, through the gains in economic development via gaming and the political system, tribes can protect their culture and assert their voice on various policy issues facing them, instead of allowing others to make those decisions.

Interest groups seek to influence government policy on behalf of their members. In order to organize and survive, they rely on three types of incentives: solidary (social), purposive (normative or ideological), and material (economic).<sup>23</sup> The question is, can American Indian tribes be considered in the same light? Theoretically it would seem so. Indian tribes and nations already exist for solidary reasons, have purposive ideals, and have particular material interests to defend.<sup>24</sup> In addition, Native American groups interested in gaming laws and regulations have the advantage of not relying on solidary and purposive incentives. As has been demonstrated in much of the literature, economic interests are advantaged by the interest group system.<sup>25</sup> American Indian tribes across the country, empowered by gaming revenue in many cases, are beginning to contribute significant amounts of money to political parties and candidates at the national level. This activity can be evidenced, for example, by the large amount of money the Tigua Indians, as well as others, such as the Coushatta tribe of Louisiana (not to be confused with the Alabama-Coushatta tribe of Texas), tried to contribute to various US congresspersons and national political parties in recent years, as uncovered by the Abramoff-Scanlon investigation (\$4.2 million by the Tigua Indians).<sup>26</sup> We are just now beginning to see the same activity at the state level, with specifically placed contributions and the employment of lobbyists and consultants for the tribes.

Jack Walker argues that the numerous political strategies employed by interest groups can be broken down into "inside" and "outside" strategies.<sup>27</sup> An inside strategy is "based primarily upon close consultation with political and administrative leaders, relying upon their financial resources, substantive expertise, and concentration within certain congressional constituencies as a basis for influence."<sup>28</sup> In other words, an interest group will employ an inside

strategy when it seeks a connection to one or more inside political actors. An outside strategy involves appealing to the public through the mass media and broad-scale attempts at mobilizing citizens at the grassroots level.<sup>29</sup> W. Dale Mason, in his study of New Mexico and Oklahoma, suggests that tribes can utilize several of these types of strategies in their pursuit of economic issues like gaming, including litigation, inside and outside lobbying, and electoral pressure.<sup>30</sup> We contend that the behavior of tribes such as those in Texas battling the state over gaming are best understood as developing interest groups using both inside and outside strategies. Inside and outside strategies are congruent with the goals of tribal governments, including gaming issues, regaining tribal lands, maintaining a favorable regulatory environment, and preserving tribal sovereignty.

### NATIVE AMERICAN GAMING IN TEXAS

The Alabama-Coushatta Indian tribe opened its Entertainment Center with casino-style gambling on 24 November 2001 on its reservation, seventy miles north of Houston, in Livingston, Texas. The Entertainment Center was subsequently shut down by a court order from the Fifth Circuit Court of Appeals on 25 July 2002 after a series of legal battles between the Alabama-Coushatta tribe and the state of Texas. The fight over casino gambling on the tribe's reservation came on the heels of a similar fight involving the Ysleta del Sur Pueblo (the Tigua Indian tribe) and their Speaking Rock Casino near El Paso, Texas, which was closed by a court order in January 2002.

Texas attorney general John Cornyn filed suit against the Tigua tribe's Speaking Rock Casino in September 1999, prior to the Alabama-Coushatta tribe's vote to have gambling on its reservation. The attorney general's suit challenged the legality of the casino. On 27 September 2001 a US district judge issued an injunction and ordered the Speaking Rock Casino shut down. The judge ruled that the casino violated Texas law, and after losing on appeal, the Tiguas shut down the casino in February 2002. In an effort to prevent the same problem faced by the Tigua tribe, the Alabama-Coushatta filed a lawsuit in US district court against the state of Texas on 21 November 2001, seeking entitlement to pursue various forms of gaming on their reservation.<sup>31</sup> The tribe's suit was filed just two days before its Entertainment Center was scheduled to begin operations. The suit argued that the Alabama-Coushatta is a sovereign nation with the power to govern its own activities and that it falls under federal jurisdiction and guidelines, not guidelines issued by the state of Texas. On 25 June 2002 the US district court found for the state of Texas and forced the Entertainment Center to close. At the time of the closing the Alabama-Coushatta tribe and the Tiguas were each beginning to show profits in excess of \$1 million per month.<sup>32</sup>

Interestingly, both Texas tribes were following a new strategy parallel to the legal defenses of their gaming interests. Beginning in 1999, members of the Texas legislature began receiving substantial campaign contributions from the Alabama-Coushatta and Tigua tribes. In addition, the Tigua Indians had been contributing money at the national level, as evidenced by

the Abramoff-Scanlon investigation. An analysis of the state contributions shows that they target influential members of the legislature and that the changes in contribution patterns from the 2000 to the 2002 election cycle demonstrate that they have honed their approach in attempting to influence gaming legislation.

#### DATA AND METHODOLOGY

The cases chosen for this analysis involve two of the three American Indian tribes in the state of Texas: the Alabama-Coushatta tribe and the Tigua of the Ysleta del Sur Pueblo. The Texas tribes were chosen based on a variety of factors, including their recent ventures into the gaming industry and subsequent litigation with the state of Texas. We also take advantage of the fact that these tribes appear to be only at the beginning of the process in terms of conventional interest-group behavior, having pressing economic interests due to the closing of their reservation gaming centers.

The data for our analysis of Native American campaign contribution activity in Texas were compiled from several sources. We measured the amount and number of campaign contributions made by the Tigua and Alabama-Coushatta tribes, both of which were engaged in a fight with the state of Texas over gaming operations on their reservations. Contribution data were collected for two time periods, corresponding to two state election cycles (1999–2000 and 2001–2). These two election cycles represent the first state elections in which significant contributions (\$1,000 or more) were made in Texas by Indian tribes to individual candidates. Information on campaign contributions to individual candidates made by the tribes in each election was furnished by the Institute on Money in State Politics, a nonprofit campaign watchdog group.<sup>33</sup> Those amounts were corroborated with published reports by the Texas Ethics Commission, which requires candidates and registered state lobbyists to report their donations.<sup>34</sup>

Since the focus of our research is state political learning, the data compiled were for contributions to specific Texas legislators or candidates for statewide office. Data for any national campaign contributions, such as US Congress or presidential campaign, are not included nor are contributions to political parties at the state or national level. Furthermore, although we wished to include most recent data on the 2004–5 Texas election and legislative cycle, complete data are still unavailable because deadlines for reporting by candidates were fairly recent, and the state of Texas requires lobbyists to file monthly reports. As of this writing, most recent data on 2004–5 state campaign contributions have yet to be fully compiled and made available.

In addition to campaign contributions for each election, data for each candidate receiving money were also compiled, including election outcomes, party affiliation, offices sought, and voting districts. Data were also collected on each member of the Texas legislature for the session following each election cycle (2001 and 2003), as the legislature meets biannually in odd numbered years. Data for each member of the Texas House and Senate were compiled



using the Legislative Reference Library of Texas.<sup>35</sup> Information included committee membership and chairpersonship, voting district, gender, years in office as a measure of seniority, and party affiliation. An additional variable was also added to include data on legislative member voting behavior for specific bills during the seventy-seventh and seventy-eighth legislative sessions in 2001 and 2003. The Texas legislature ended the seventy-ninth (2005) session in June, and we include a discussion in our analysis of gaming bills from that session as well.

The Texas legislature publishes voting records and complete bill texts in its legislative journal.<sup>36</sup> During the seventy-seventh legislative session in 2001, HB 514 was submitted for a floor vote in the Texas House of Representatives. The bill was in support of Native American gaming activities and would allow tribes to operate reservation casinos. The bill passed the House, and each member's vote was listed as a voting variable since it is our contention that tribal interest-group activity, such as campaign contributions, would be targeted toward gaming-friendly legislators or toward the opponents of antigaming politicians. Unfortunately, Senate data are unavailable for the companion bill since it never made it out of committee (under the threat of a veto from Governor Rick Perry).

With its defeat in 2001 a similar bill was reintroduced in the House in 2003 (HB 809) for the seventy-eighth legislative session. Again, data were collected regarding authorship of the bill. HB 809 survived committee and was scheduled for a floor vote toward the end of the legislative session. However, the bill was never voted on since the Democrats staged a (now famous) walkout in protest of Republican redistricting attempts on the day it was scheduled for the vote. The bill died as a result. But these events do not invalidate the earlier data supporting the connection between Indian gaming and interest-group behavior. In the analysis we find evidence for tribal learning in relation to 2001 legislative voting behavior and contributions in the 2001–2 state election campaign.

These data provide us with an opportunity to investigate the extent to which Native American groups are behaving like interest groups. Knowledge of the characteristics of those receiving contributions will inform us of the extent to which tribes are targeting their contributions to those with the ability to help them meet their goals. Having at least two time-points in the data set gives us some indication of whether or not tribes are becoming more strategic over time—that is, whether contributions are being targeted strategically more in the second time period than in the first. Unfortunately, circumstances do not allow us to test whether or not tribes are successful in their attempts to influence policy (given that the redistricting battle canceled a second vote on an Indian gaming bill). Nonetheless, we are able to highlight how effectively tribes use their resources as an interest group.

#### INSIDE POLITICAL STRATEGY

In our analysis we propose that as American Indian nations transition from a legalistic political approach to an interest-group strategy, their campaign

contribution behavior will reflect a change from a naive view of political influence to a more sophisticated reward-and-incentive legislative strategy. We expect to see evidence of Texas Indian tribes moving away from simple party-based donation patterns and toward patterns that reflect an understanding of how to influence legislative behavior. In particular we expect to substantiate the following hypotheses:

- H1: Texas Indian tribal campaign contributions will reward representatives who have supported Indian gaming legislation in the past.
- H2: Tribal campaign contributions will become less partisan over time.
- H3: Tribal campaign donations will be targeted to relevant committee members.
- H4: Tribal campaign donations will be targeted to more senior legislators.

We theorize that donations should become less partisan as groups realize that it is in their interest to target potential supporters on both sides of the political aisle. Many interest groups play both sides of the political fence, having gained an appreciation for how weak party discipline is in US legislatures and how much autonomy legislators have in determining their support of, or opposition to, legislative proposals. Furthermore, donations should target members of the committees relevant to the groups' interests. The fortunes of most bills are determined in committee, where they can die without further debate or be marked up beyond the original intent of the bill. As tribes become more familiar with the legislative process, the importance of committees will become a factor in their campaign donation decisions. In particular, they should seek to influence members of the committee that will consider specific related legislation. In the Texas legislature the committee most relevant for Native American gaming interests is the Criminal Jurisprudence Committee. Finally, as groups become more involved in the legislative process, they should realize the role seniority plays in the context of the legislature. Seniority affects such important elements of legislative organization as committee assignments, chairpersonships, party leadership positions, and influence on other legislators. Therefore, we expect to see groups target more senior members of the legislature in an attempt to influence those who, in turn, have the ability to influence others in support of their cause.

Over the two election periods we examine, donations to Texas legislators increased, as demonstrated below in Tables 1 and 2. We can also see that the nature of the donations made by American Indian tribes in Texas interested in gaming changed dramatically between the two election cycles. In the 1999–2000 cycle donations made by Native American interest groups were overwhelmingly made to Democratic candidates, with only 13 percent of the donations made to Republican candidates. By the 2001–2 elections, however, the division of donations between Democrats and Republicans was almost equal, with Republicans receiving 54 percent of the donations.

**Table 1**  
**Donations by Party Affiliation**

Election Cycle	Amt. Donated	% to Dems.	% to Reps.
1999–2000	\$173,000	87	13
2001–2002	\$343,700	46	54

*Note:* The use of specific data for state candidates only accounts for some of the variation in the dollar amounts in our tables and the totals in the corresponding Web site databases. Occasionally, online data will be updated as information becomes available, resulting in slightly different totals.

We can also see a dramatic increase in financial attentiveness to members of the jurisprudence committees in the Texas legislature in 2001–2. Whereas only seven donations were made to members of these committees in 1999–2000, twice as many donations were made the next time around. As indicated by our hypotheses regarding interest-group learning behavior by Texas Indian tribes, these initial findings illustrate a pattern that shows a developing sophistication in relation to political activity.

**Table 2**  
**Donations to Committee Members**

Election Cycle	To Jurisprudence Committee	Total Members
1999–2000	7	16
2001–2002	14	16

Additionally, we find that between the two electoral cycles under investigation here Native American interests became more attentive to longer-serving members. By running a series of bivariate regressions, we find that in the 1999–2000 cycle, length of service in the legislature has a positive, and significant (using a one-tailed test), relationship to size of campaign contributions. The coefficient is 81.01 (standard error: 41.94), indicating that for every year of service in the legislature, the predicted value of a donation from Indian gaming interests goes up by about \$81. In the 2001–2 cycle the relationship is again positive and is again significant. The coefficient of 132.65 (standard error: 44.998) demonstrates that in the later time period, donations from tribal gaming groups had an increased relationship with legislator seniority, increasing by more than \$87 per year of service. Again, this illustrates an increased sophistication in Indian political activities at the state level.

In 2001 a bill (HB 514) was presented in the Texas House of Representatives that would legalize casino gambling on Texas Indian reservations, effectively giving the tribes what they had been unsuccessfully seeking through the courts. House Bill 514 had strong support in the House and was passed by a fairly comfortable margin. Although the bill ultimately failed to pass the Senate, the 2001 vote is important as an illustration of the growing political sophistication

of Texas tribes. As illustrated by the tables, the data support our contention that tribes are learning critical interest-group behavior. In the 1999–2000 election cycle twenty-six of the thirty-seven House members receiving campaign contributions from Texas Indian tribes voted in favor of HB 514 in the 2001 legislative session. In the 2001–2 election cycle, following the House vote on HB 514, of the 121 House members receiving tribal campaign contributions, 54 had voted in support of the earlier bill. This illustrates the beginnings of a dynamic trend in interest-group behavior in that tribes are attempting to branch out politically. It would appear that they at first targeted campaign contributions to those in the 1999–2000 election who were likely to look favorably on a bill legalizing Indian gaming in Texas and then gave money to additional members in the next election cycle. Unfortunately, the lack of a second vote prevents us from measuring how successful tribes became in meeting their legislative goals.

The initial data on 2004–5 Texas election contributions are beginning to show similar indications, even though the data are largely incomplete. The current money totals show already \$51,000 in contributions to state legislators by the Alabama-Coushatta and \$20,500 from the Tigua. Initial analysis of the few contributions reported thus far seems to support the idea of tribal political learning in that each tribe appears to be targeting specific legislators for their contributions. These same state legislators again proposed gaming legislation favorable to the tribes in the 2005 legislative session. Tribes appear to again target those committee members most influential on gaming as well, such as Criminal Jurisprudence. A constitutional amendment to allow casino gambling (Class III) on Indian land was proposed in the House and Senate by five legislators, all of whom received contributions from one or both tribes.<sup>37</sup> In addition, various House bills (HB 1417, HB 1337, and HB 9) were proposed to legalize gaming in the state on Indian land. Again, while none of the bills or amendments were passed during the session, tribes should be encouraged by the increased proliferation of proposed bills benefiting Indian gaming.

The above data suggest that American Indian gaming interests are becoming more sophisticated in their role as interest groups over time. In Texas tribes have moved from a party-dominant contribution strategy to one that pays less attention to party affiliation, while taking committee membership and member seniority into account. In addition, both tribes employ lobbyists and/or political consultants. The Alabama-Coushatta tribes have three lobbyists registered with the Texas Ethics Commission, and the Tigua have one lobbyist and a political consultant.<sup>38</sup> The use of lobbyists and consultants indicates again the growing need by tribes to participate fully in interest-group behavior in order to compete with more established interests within the state. This appears to indicate that tribes are learning to become political insiders on their own, especially in light of being taken advantage of by apparent Washington insiders, who also represented antigaming interests in Texas as well.<sup>39</sup> If these trends continue, there is every reason to believe that tribal gaming interests will grow to be more effective in their ability to assert their interests in the Texas state legislature, as it appears initially to be the case in the most current session. Lobbyists and political consultants help the tribes

with the necessary access to key legislators and advise them on where best to contribute funds strategically.

### OUTSIDE POLITICAL STRATEGY

To help promote the issue of tribal sovereignty and gain support for the Indian casino bill in the Texas legislature introduced by Terry Keel (R-Austin) in 2002, the Alabama-Coushatta organized a 250-mile "Run for Tribal Sovereignty." The run began at the Alabama-Coushatta Reservation near Livingston on 6 January and ended on 14 January 2003 on the steps of the state capitol in Austin, the opening day of the state's biannual legislative session. The event was staged according to Tribal Chairperson Kevin Battiste to draw attention to the tribes' sovereignty issue, as well as to promote the Indian gaming issue in the legislature.<sup>40</sup> In addition, they employed the governor's polling firm to survey east Texans on their approval of a casino on the reservation, published the reports, and strategically placed billboards urging people to contact their local representatives to vote in favor of legalized reservation gaming.

What this behavior demonstrates is that in just a few short years Texas Indian tribes realized that the court system had become an unfavorable venue, so they began a new strategy of lobbying the state legislature. Before a group can lobby successfully, however, it must have access. That is why the campaign contribution strategy is so crucial. Another conclusion that can be drawn from Indian interest-group behavior is the notion that tribes will strategically seek out other governmental venues that might be more favorable to their cause. The sovereignty inherent to Indian reservations enhances this ability, which is why it is such a contentious issue between tribes and states.

### CONCLUSIONS

More work on this issue is clearly needed, with data from more tribes and states. We can, however, make inferences with regard to the following. Indian tribes exhibit elements of all three types of interest groups (solidary, purposive, and material) in pursuit of their goals. Tribal governments shop for favorable institutional venues and have adapted their strategies to employ both inside and outside interest-group strategies. The quantitative data illustrate that tribes utilize adaptive campaign contribution tactics in pursuit of their political aims. Other evidence shows that tribes are willing and able to engage in attention-grabbing events designed to influence public opinion. We believe this will be a growing trend as tribes seek to gain gaming agreements with state governments, many of whom are resistant to allowing gaming in their state. States such as California and New Mexico are already seeing this trend through various antigaming propositions and tribal political efforts to stop them. Collection of data and analysis of tribal contributions and political pressure in states such as California will undoubtedly show the continuance of a trend. In addition, in light of the recent lobbying scandal involving several Indian tribes and gaming issues, tribal governments appear to need to increase their political savvy and keep a tight watch on their money and political activities.

### Acknowledgments

The authors wish to thank several anonymous readers for their helpful comments on earlier drafts of this work.

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30. W. Dale Mason, *Indian Gaming: Tribal Sovereignty and American Politics* (Norman: University of Oklahoma Press, 2000), 124–27.

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33. See Institute on Money in State Politics, <http://www.followthemoney.org> (accessed 10 August 2005). Interested readers can access the campaign contribution data used in this chapter by choosing the state, election cycle date, and contributor information. For example, Texas, 2000, and Tigua Indian Tribe.

34. See Texas Ethics Commission, <http://www.ethics.state.tx.us> (accessed 10 September 2005). Interested readers can access the information used in this research by choosing "Lists and Reports" and then "Lobby List" from the Texas Ethics Commission home page. Lobbyists are listed in alphabetical order for every year.

35. See Legislative Reference Library of Texas, <http://www.lrl.state.tx.us/legis/leaders/lrlhome.cfm> (accessed 20 October 2005). Interested readers can choose the legislative session of interest and view all the biographical and party information for each legislative member.

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