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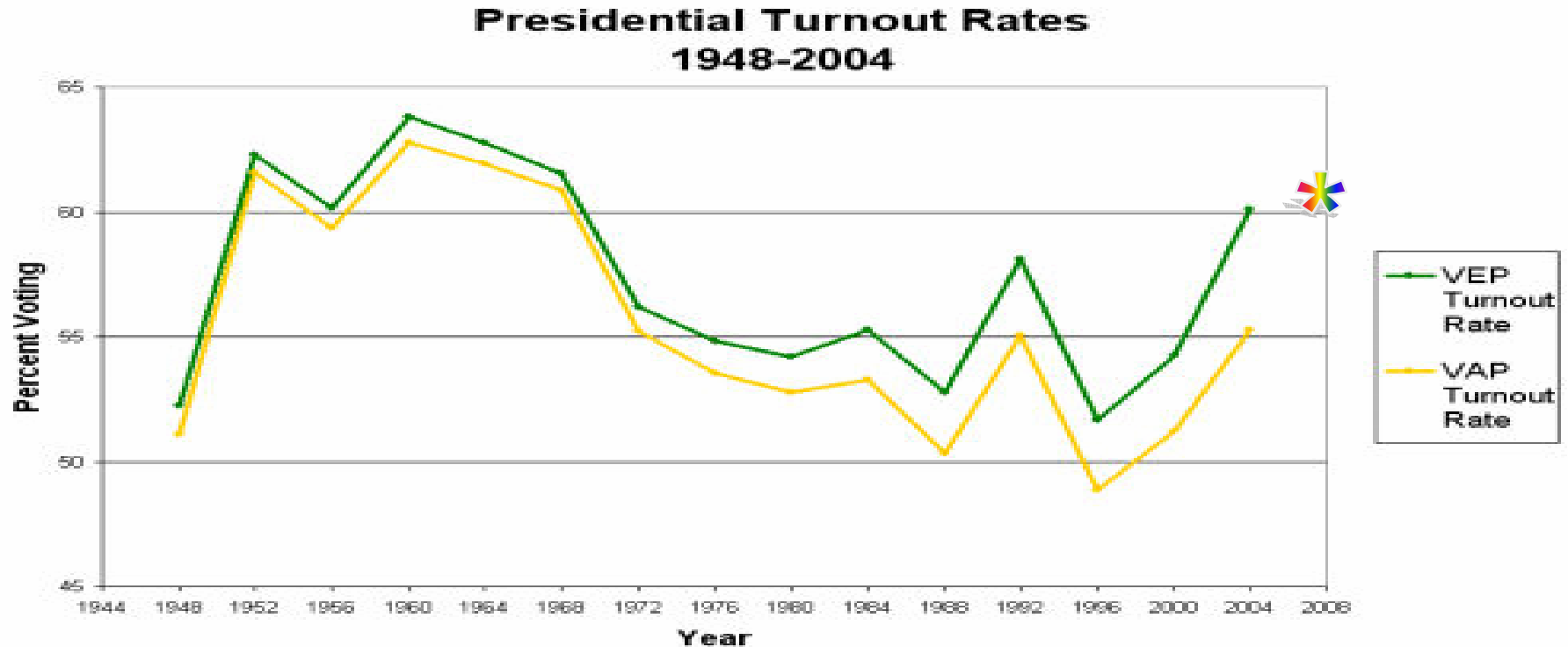
Federal Indian Policy Trends In The Obama Administration

Self-Governance Tribal Strategy Session

November 19, 2008

Philip Baker-Shenk

TURNOUT -- Between 60.7% and 61.7 % of the 208.3 million eligible voters cast ballots in 2008, compared with 60.6 percent in 2004 – Curtis Gans, American University.



Native Vote efforts resulted in record-high Indian turnout. For example, the Red Lake Political Education Committee reported the highest voter turnout ever on the Reservation in 2008, with 2,249 members casting ballots, an increase of 125 over the last presidential election in 2004 and an 800-voter increase over 2000.

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NATIVE AMERICAN INDIAN CANDIDATES

- Dozens of Native candidates ran in State elections
 - At least 16 Natives on the ballot in Montana and Oklahoma and Alaska
 - At least 7 in New Mexico and South Dakota
- U.S. Congress: Tom Cole (R-OK) (*Chickasaw*) re-elected
- Washington Governor: Dino Rossi (*Tlingit*) lost
- Montana Superintendent of Public Instruction: Denise Juneau (*Hidatsa Mandan*) won

TRANSITION TO A PRESIDENT OBAMA ADMINISTRATION

- A candidate of some becomes President of all
 - Shift from partisan campaign to governance
- Transition teams
 - President elect's DOI transition team
 - **Leshy, John -- University of California, Hastings College of Law**
 - **Hayes, David -- Latham & Watkins**
 - **Harper, Keith -- Kilpatrick Stockton LLP**
 - **Echohawk, John -- NARF**
 - **Anderson, Robert -- University of Washington, School of Law**
 - Medina, Monica -- Pew Charitable Trusts
 - Wood, Christopher -- Trout Unlimited
 - Archuleta, Deanna -- Wilderness Society
 - Farquhar, Edward -- Natural Resources Defense Fund
 - McUsic, Molly -- Wyss Foundation
 - Stone, Renee -- Pillsbury Winthrop Shaw Pittman
 - van Putten, Mark -- Conservation Strategy LLC
 - Neff, Shirley -- Assn of Oil Pipelines
 - Gips, Don -- Level 3
 - Brown, Lisa -- American Constitution Society
 - Terrell, Louisa -- Yahoo!

TRANSITION TO PRESIDENT OBAMA ADMINISTRATION

- Nominations and appointments
- Update: www.hklaw.com/id16048/mpgid4854/
- Timing

- 2008 Plum Book

www.gpoaccess.gov/plumbook/2008/2008_plum_book.pdf

- White House (Rathod; Binney; Allen; Harper; Kendall; Chase; Johnson Pata; Trudell; Zell)
 - Interior Department (Inslee; Knowles; Richardson; Hayes)
 - E.P.A. (RFK Jr.)
 - Health & Human Services (Daschle)
 - U.S.D.A. (Forest Service) (Vilsak; Peterson)
- FY 2009 and FY 2010 Appropriations

INITIAL NATIONAL PRIORITIES OF THE OBAMA ADMINISTRATION

- *Economy*

- Economic stimulus (up to \$500 billion new money)
 - Tax relief for 95%
 - Extension of unemployment benefits
 - Medicaid relief to state governments
 - Infrastructure (quick construction) projects
 - Further bail-outs (autos; cities; AIG sale-lease back transit)
- Expand health care coverage (uninsured and SCHIP)
- Revamp energy development (alternative energy; restrict fossil)
- Affordable education (rewrite of No Child Left Behind Act)
- Slow climate change (cap & trade)
- Promote labor unions (card check)

INITIAL INDIAN COUNTRY PRIORITIES OF THE OBAMA ADMINISTRATION

- Indian Health Care Improvement Act Reauthorization
- Other Priorities
 - Tribal tax exempt bond authority
 - Tribal Law & Order Act
 - PEPFAR funding (\$2 billion authorized for health, public safety, water settlements)
 - Trust reform and *Cobell* lawsuit settlement
 - Tribal Consultation and Coordination Act
 - Self-governance reform (DoI)
 - Land reacquisition and economic development

NEW SENATORS FROM INDIAN COUNTRY

- ID Jim Risch (R) - succeeds *Larry Craig (R)*
- CO Mark Udall (D) - succeeds *Wayne Allard (R)*
- NE Mike Johanns (R) - succeeds *Chuck Hagel (R)*
- NC Kay Hagan (D) – succeeds *Elizabeth Dole (R)*
- NM Tom Udall (D) – succeeds *Pete Domenici (R)*
- VA Mark Warner (D) – succeeds *John Warner (R)*
- OR Jeff Merkley (D) – succeeds *Gordon Smith (R)*
- AK Mark Begich (D) – succeeds *Ted Stevens (R)*
- Races uncertain as of November 19, 2008:
 - MN Norm Coleman (R)
 - GA Saxby Chambliss (R)

SENATE LEADERSHIP

- Floor and Policy Conferences
- Committees
 - Appropriations
 - Inouye (D-HI) & Cochran (R-MS)
 - Indian Affairs
 - Dorgan (D-ND) > Johnson (D-SD)? Coburn (R-OK)
 - Commerce
 - Rockefeller (D-WV) or Dorgan (D-ND)?
 - Energy and Natural Resources
 - Bingaman (D-NM) or Dorgan (D-ND)? Murkowski (R-AK)
 - Environment and Public Works
 - Boxer (D-CA) & Inhofe (R-OK)

HOUSE LEADERSHIP

- Floor and Policy Conferences
- Committees
 - Natural Resources
 - Rahall (D-WV) & Don Young (R-AK)
 - Commerce
 - Dingell (D-MI) vs. Waxman (D-CA)
 - IHCIA
 - Native contracting
 - Tobacco

ELEVATING TRIBAL ISSUES – THE PSYCHOLOGY OF PERSUASION

- Master the art of persuasion
 - Tell a compelling story
- Romancing the next Interior Secretary
- Avoid bad news
 - Are Indian tribes mostly a “problem”? Tribal issues usually a “headache”?
- Spread good news
 - Jobs, care, diversity, recovery, self-help, boot-straps

ELEVATING TRIBAL ISSUES – THE POWER OF A NARRATIVE

- What is the Tribal story-line? Our narrative?
Our campaign slogan?
 - Tribal Sovereignty
 - Federal trust responsibility
 - Best government
 - Closest to those served culturally, geographically, politically

ELEVATING TRIBAL ISSUES – THE PSYCHOLOGY OF CONNECTION

- Connect Tribal objectives with national objectives we hold in common
 - Security
 - Energy independence and sustainability
 - Diversity
 - Efficiency
- Connect what is good for a Tribe with what is good for neighbors

ELEVATING TRIBAL ISSUES – THE POLITICS OF PERSONNEL

- Appointments make or break policy
 - Tribal Leaders have the knowledge, experience, attitude, aptitude required to execute a successful Federal Indian policy
 - If we don't insist on this, who will?
- Indian "Slate"
 - Secretary of the Interior; E.P.A. Administrator; Deputy OMB Director; Director of White House Office of Intergovernmental Affairs
 - AS-IA, Special Trustee, IHS Director, HUD, DoEd, DoE
 - Federal judges; U.S. Attorneys

ELEVATING TRIBAL ISSUES – In a year of Unprecedented Presidential Positioning

- Each presidential campaign released Indian statements
- Each counted tribal leaders and advisers among their supporters
- Each had a record on Indian issues
- Each promised spending increases and tax cuts to key constituencies
- WHY IS THIS NO TIME TO CELEBRATE?

ELEVATING TRIBAL ISSUES – The Odds Are Stacked Against Us

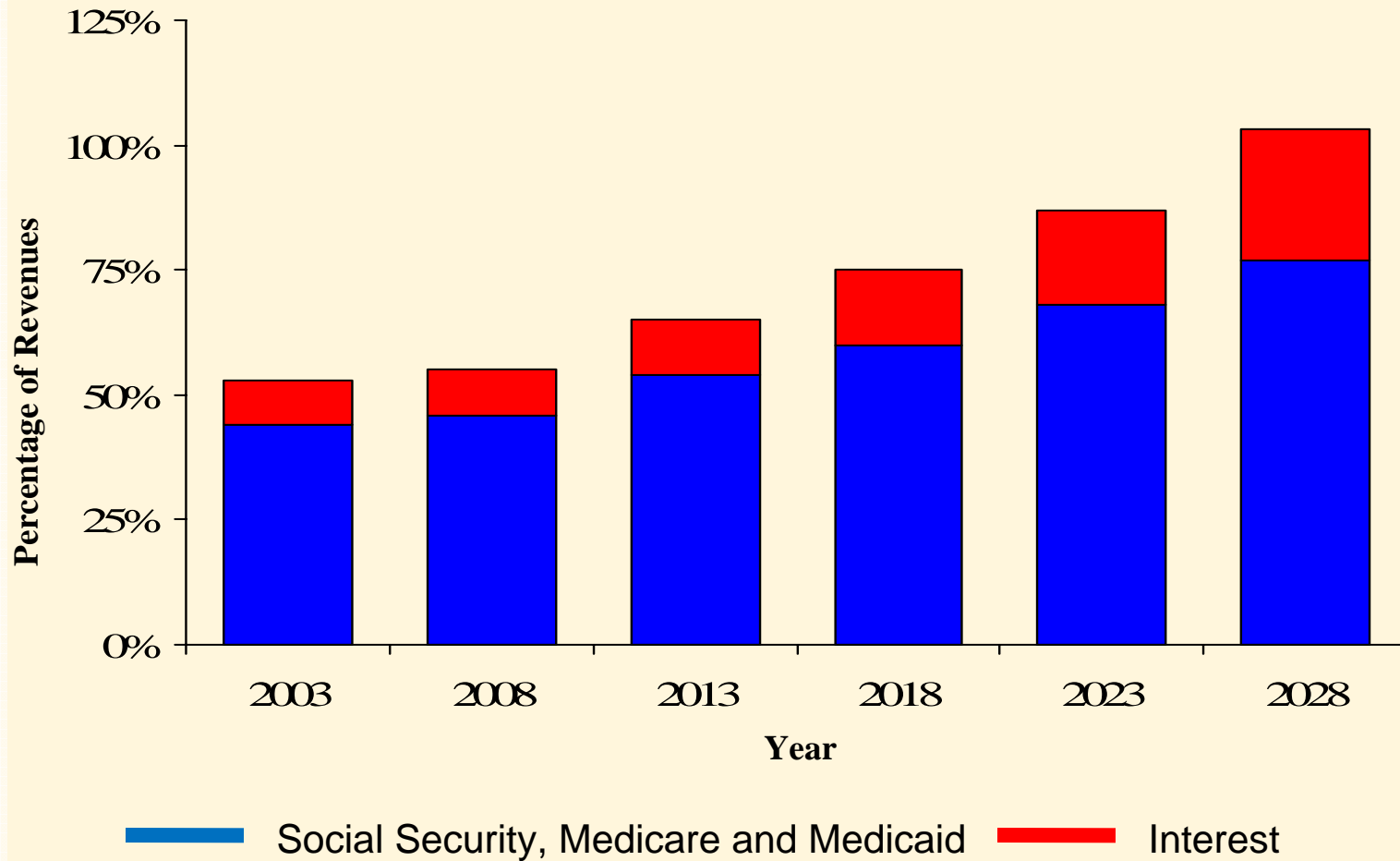
- Biggest Threat: A federal deficit tsunami that threatens to wipe out Indian Country funding
 - At risk is over \$6.5 billion per year
 - (BIA, IHS, HUD, DOT programs)
- Competition for dwindling appropriations will be fierce
 - Financial collapse and pricey bailouts
 - National security/wars
 - Growth in entitlement spending
 - Infrastructure needs
 - State/local government demands for financial relief
 - Costly interest on a swelling national debt
 - Earmark reform

NATIONAL DEBT IS SOARING

- \$ 10,340,000,000,000

- January 2001 national debt was \$5.7 trillion
- Today, it is \$10.34 trillion (over \$31,000 per American)
 - July 30, 2008 debt ceiling raised to \$10.615 trillion
 - October 3, 2008 debt ceiling raised to \$11.315 trillion
- Record annual deficit for FY 2008 -- \$454.8 billion
 - Previous record deficit set in FY 2004 at \$413 billion
 - FY 2009 annual deficit expected to reach or exceed \$1 trillion
 - 1st month deficit reached ¼ trillion
- Deficit spending destroys credit markets, hikes interest rates, cuts consumer spending and business investment.
- Deficit spending devastates federal Indian spending.

Social Security, Medicare, Medicaid and Interest Consume All Federal Revenues in Next Two Decades



Source: GAO. 2008.

DEFICIT SPENDING -- SHORT TERM TACTICS – LONG TERM STRATEGY

- President Obama's likely two year deficit spending plan
 - “We’re going to have to spend money now to stimulate the economy.... And the (consensus is) that we shouldn’t worry about the deficit next year or even the year after. That (in) the short term, the most important thing is that we avoid a deepening recession.” President-elect Obama, November 16, 2008 on CBS “60 Minutes”.
- Two-year Tribal Spending Tactics (FY 2009, 2010)
- Long-term Tribal Spending Strategy (FY 2011 >)

Elevating Tribal Policy – Persuasion, Narrative, Connection, Personnel, Unity

- Recap: Obama presidency promises change on health, trust reform, and energy development
- Recap: Deficit spending will swamp our boat
- Recap: A defense strategy is required involving persuasion, narrative, connection, and personnel
- Shared unity of purpose between Tribes with enterprise revenues and Tribes who substantially rely on Federal funds
 - Without Tribal sovereignty protected by the federal trust responsibility, both groups perish
 - Both groups share a common identity and a common fate
 - If this is true, we may soon see Tribes with enterprise revenues begin to fund a strategic initiative to protect and preserve federal Indian funding for Tribes

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