

The following article by Suzan Shown Harjo appeared in the April 27 issue of *Indian Country Today*. The article, which deals with the Abramoff

scandal, quotes liberally from a statement by Forrest Gerard, who served as a valued and respected Washington, D.C., consultant for the Siletz Tribe for

many years. Forrest provides what I believe is an objective perspective on the scandal, very different from the views that have been almost universally un-

fairly represented in the media.

I have recommended it be reprinted here for the benefit of our Siletz readers.

Delores Pigsley

Harjo: Congress Loses Will for Lobbying Reform, Needs to Find it for Indian Rights

by Suzan Shown Harjo

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Not so long ago, members of Congress brayed into every available television camera that Washington's K Street and Gucci Gulch would be swept clean of the debris left in the wake of the Abramoff scandal.

But the reform legislation emerging from the House reveals that Congress locked its resolve, along with all cleaning utensils and disinfectant, in the broom closet and gave the keys to the once and future Abramoffs.

That would be Jack Abramoff, confessed felon and carnivorous lobbyist, whose ongoing testimony in active federal investigations has some congressional members and staffers shaking in their boots.

Other lobbyists brought the Abramoff excesses to light, but not for altruistic reasons. They wanted to get rid of him and get his clients.

So, Washington lobbyists are still feasting off Indian gaming revenue and channeling campaign donations to the campaign finance and lobbying reformers. In the meantime, tribes are out \$88 million in Abramoff fees.

And that's not the end of the costs to Indian country. Poor Indian people are likely to pay the greatest price in lost programs for poor Indians, and the lobbyists who are doing anything about that can be counted on one hand.

Congress has ignored nearly all the recommendations for effective lobbying reform, including those from the American League of Lobbyists, which testified earlier this year that Congress should maintain an ethics office to review reports filed by congressional members and lobbyists, and that the General Accounting Office should oversee it.

Members of Congress are tripping over each other in their rush to return tribal campaign donations, signaling to the general public that there's something wrong with Indian money. Behind the scenes, the same politicians are elbowing each other out of the way to get at tribal monies filtered through the Republican and Democratic national committees.

This means a return to the days of freewheeling, backroom party bosses, which puts Native people further away from the access that would allow time

to explain the complexities of needed solutions to pressing problems in Indian country.

Here's where the high-powered "pay-to-play" lobbyists get their power. They bundle other people's money to give to the campaigns and charities of people on Capitol Hill who can help their clients. The Indian clients pay dearly for the photo ops, and Indians who can't pay don't even get in the door.

Congressional representatives say that campaign contributions can't be banned and use that as an excuse to do nothing or little. But the bundling of donations by lobbyists can be restricted and full disclosure with oversight would go a long way to ridding the system of excesses.

"You can't argue against transparency," says Forrest J. Gerard, who has many legislative victories to his credit. What he calls the "Affair Abramoff" has caused him to reflect on his long experience crafting federal Indian policy as a Senate staffer, as a Carter administration political appointee, and as a lobbyist.

He was one of the first Indians to serve on a B-24 bomber in World War II – flying 35 combat missions over eastern Europe as the engineer/top turret gunner – and one of the earliest Capitol Hill staffers. He was the first assistant Secretary of the Interior for Indian Affairs and the first Indian lobbyist in private practice. Now retired, he lives in Albuquerque, N.M., with his Oglala Sioux wife, Kay, far from his Blackfeet Reservation in Browning, Mont., and their Washington-area home of four decades.

Gerard's lobbying firm was on the cutting edge of negotiated legislative water and land claims that involved "delicate negotiations with the tribes, states where tribes are located, congressional delegations, and federal agencies to achieve settlements acceptable to all parties. The principles we developed in these settlements served as the basis for other tribes to achieve settlements on their land and water claims."

Gerard's firm was "deeply involved in the legislative dynamics that led to the enactment of IGRA," the Indian Gaming Regulatory Act of 1988. While his clients "disagreed vehemently"

with the legislation, they took a "politically practical position: if the legislation is going to be enacted, do all you can to make the final product favorable to tribes."

He recalls that his clients celebrated the Supreme Court's 1987 decision in the *Cabazon* case "that affirmed tribes' sovereign rights to engage in gaming, exclusive of state control and regulation. But there was a hue and cry from the western attorneys general and governors, stating that (tribal gaming is an) uncontrolled activity and will bring crime and prostitution, and they pushed their congressional delegations and that pushed us into IGRA, which eroded sovereign rights."

Gerard fears that the current scandal "may ignite a congressional lobbying reform frenzy that will hurt Indian gaming. Already, the conservative media is pointing to a so-called 'river of Indian gaming money' that fueled the Abramoff lobbying and alleged illegal activities ... What is an Indian gaming tribe to do when even W won't keep our money?"

He says everyone needs to "step back from the Affair Abramoff's attendant dynamics – the frenzy for reform, hand-wringing, self-righteous indignation over Indian sovereignty and Indian gaming and the anti-Indian groups seizing on this as an excuse to modify Indian gaming and to interfere with the tribes' constitutional right to lobby and to petition Congress for redress."

The way he sees it, the tribes with gaming markets gained economic power that translated into political power and sought out lobbying firms that they thought were credible, ethical, and effective.

"The tribes that were really taken to the cleaners by Abramoff were literally duped in their dealings with this guy, who proved to be unscrupulous, unethical, and even illegal in the manner in which he manipulated Indian tribal dealings."

Gerard insists that the tribes that hired Abramoff "were engaged in no wrongdoing. What those tribes were doing was no different than what scores of corporations do every day, which was to protect their economic and business turf. What they were doing was trying

to thwart the efforts of other tribes and protect their economic enterprise.

"Where this runs head-on into our Indian principles is the whole business of sharing, of helping our fellow Indian tribes and members – I don't know if our field wants to get into that kind of introspective exercise. What those tribes (that hired Abramoff) were doing was trying to prohibit or block or frustrate or thwart the sovereign right of other tribes to engage in gaming as affirmed by the Supreme Court and regulated by IGRA. All they were trying to do was to get into gaming."

From that standpoint, said Gerard, the tribes that hired Abramoff "were wrong and one could use one word to describe their motivation: greed. Those tribes that were lobbying to block other tribes were doing quite well in gaming."

But Gerard decries those who want to "make Indians pay a price" for the scandal, saying the justice system will take care of wrongdoing and the "tribes' inherent systems" are making appropriate changes in leadership.

He is concerned that Senate Indian Affairs Committee Chairman John McCain will use Indian rights as a trade bead in order to get the Republican nomination for president in 2008. "He's still not beloved by the crazy religious right Republicans and is showing evidence where he's turning to the right in many areas, including Indian affairs, to try to placate the right," Gerard said.

"We're being played off in the broader political context here."

Instead of using Indians as scapegoats, Gerard says Congress "can best contribute to Indian affairs today by negating the Bush budget cuts on various Indian programs that are vital to the health, social, and economic welfare of many Indian tribes, because not all tribes are rich gaming tribes."

Even though Congress has lost its will for lobbying reform, it needs to find it to uphold Indian rights.

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