

# IndigiPolitics: Native American Voters and the 2024 U.S. Presidential Election

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In 2024, the power of the Native Vote holds the potential to swing elections and shape history not just for Native people, but for everyone in the United States for generations.

– Mark Macarro (Pechanga Band of Luiseño Indians), President of the National Congress of American Indians<sup>1</sup>

Every vote in our communities is not just crucial; it's a powerful catalyst for change. Native voices are increasingly becoming decisive factors in local elections, shaping the political future at every level. Our engagement in the United States political fabric is not just significant; it's revolutionary . . . We are not only making the invisible visible; we are paving the way for a future where Native representation is undeniable and influential.

– Janeen Comenote (Quinault), Executive Director of National Urban Indian Family Coalition<sup>2</sup>

At the time of my writing, that is, in June 2024, with very few exceptions, non-Native media are keeping silent about the role and impact of Native voters in the upcoming presidential election. An article from *The New York Times* from April 29, 2024, serves as a case in point. When reporting about Arizona, “a 2024 political hothouse,”<sup>3</sup> journalists Jack Healy, Kellen Browning, and Michael

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1 Levi Rickert, “READ NCAI President Mark Macarro’s State of Indian Nations Address,” Native News Online, February 14, 2024, <https://nativenewsonline.net/currents/read-ncai-president-mark-macarro-s-state-of-indian-nations-address>.

2 Kaili Berg, “Native Voters Could Be Key Deciders in 2024 Elections, New Report Says,” Native News Online, February 1, 2024, <https://nativenewsonline.net/currents/native-voters-could-be-key-deciders-in-2024-elections-new-report-says>.

3 Jack Healy, Kellen Browning, and Michael Wines, “With Abortion and the Border, Arizona Becomes a 2024 Political Hothouse,” *The New York Times*, April 29,

Wines delve into the vastly complex and changing demographics in the state, which have made the political landscape ever more unpredictable and led to battles about its political future between a wide array of players. While the journalists talk about the important role that Latinx voters and moderate newcomers from California and other parts of the U.S. are going to play in the election, they fail to mention the twenty-two federally recognized Native nations within Arizona's state borders and the presence of more than 390,000 Native Americans, making up 5.41% of the state's total population.<sup>4</sup>

This oversight of a group of this size is all the more astounding because past elections in Arizona have proven that Native voters have a decisive impact on electoral outcomes. Using precinct-level data, journalists show that voter turnout on reservations helped Joseph Biden carry the state by just 11,400 votes in 2020, making him the first Democratic presidential candidate to win Arizona in more than twenty years.<sup>5</sup> Native Americans in Arizona also went to the polls in large numbers during the 2022 midterm elections, helping Democratic Governor Katie Hobbs secure a win.<sup>6</sup>

Examples such as the article from *The New York Times* suggest that Native political participation tends to be overlooked by non-Native media and political analysts. Native Americans are either not mentioned at all when talking about groups of voters or subsumed under the heading 'Something else,' as CNN did on election night 2020.<sup>7</sup> In a similar vein, both political parties "have been really negligent when it comes to the Native American vote"; generally, they in-

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2024, <https://www.nytimes.com/2024/04/29/us/arizona-abortion-border-2024-election.html?smid=nytcore-android-share>.

- 4 World Population Review, "Native American Population by State 2024," n.d., <https://worldpopulationreview.com/state-rankings/native-american-population/>.
- 5 Anna V. Smith provides maps showing that in some precincts of the Tohono O'odham Nation, Biden and Kamala Harris won 98% of the vote. At the time of her writing, the three counties that overlap with the Navajo Nation and Hopi Tribe were won by Biden at a rate of 57%, as opposed to 51% statewide. Voter precincts on the Navajo Nation were won by Biden at a rate of 60–90%. Anna V. Smith, "How Indigenous Voters Swung the 2020 Election," HighCountryNews, November 6, 2020, <https://www.hcn.org/articles/indigenous-affairs-how-indigenous-voters-swung-the-2020-election/>.
- 6 Ximena Bustillo, "Sometimes Overlooked by Campaigns, Native Voters Could Decide Major Elections in 2024," NPR, November 21, 2023, <https://www.npr.org/2023/11/20/1213525361/native-voters-influence-2024-elections-arizona-montana-wisconsin>.
- 7 Katrina Phillips, "It's Time to Recognize the Forgotten Americans Who Helped Elect Joe Biden," The Washington Post, November 9, 2020, <https://www.washingtonpost.com/outlook/2020/11/09/its-time-recognize-forgotten-americans-who-helped-elect-joe-biden/>.

vest neither time nor funds in Indian Country, as Jacqueline De León (Isleta Pueblo), a senior staff attorney and expert on Native voting rights at the Native American Rights Fund (NARF), critically points out.<sup>8</sup>

By contrast, Native Americans – activists, professionals, and organizations – are conscious of the enormous potential and power of the Native vote. De León is just one of many Native activists/professionals in the fight for Native civic engagement and political participation who insist on the ability of Native voters to decide elections in places “where the population of Native Americans is bigger than the vote differentials that decide those races.”<sup>9</sup> In the 2024 State of the Indian Nations Address, Mark Macarro (Pechanga Band of Luiseño Indians), President of the National Congress of American Indians (NCAI),<sup>10</sup> also emphasized “the power of the Native vote” in the upcoming election. The Native vote is “a catalyst for change,” Janeen Comenote (Quinault), Executive Director of the National Urban Indian Family Coalition,<sup>11</sup> said in a recent press release. “Native representation,” Comenote and Macarro argue, is “revolutionary” and “shape[s] history” by moving Native concerns centerstage and by increasing Native leadership in defining the political future of the country.<sup>12</sup>

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e-biden/?bbeml=tp-pck9Q6QNPEiuBt3]myTokQ.j\_A449GHRZU6gsiXEwkqjw.rhpa3D81]Ck2FHErD8XV8wQ.lus4S-howQE-NpNFoKvkIDA.

- 8 Ximena Bustillo and Elena Moore, “In Arizona, These Young Native American Voters Seize Their Political Power,” NPR, February 1, 2024, <https://www.npr.org/2024/02/01/1218630008/native-american-arizona-tribe-navajo-voters-election-2024>.
- 9 Ibid.
- 10 Since its founding in 1944, the NCAI has been the largest and most representative Native-led organization serving the broad interests of tribal governments and communities. See National Congress of American Indians, “About NCAI,” NCAI, n.d., <https://www.ncai.org/about-ncai>.
- 11 Since 2018, NUIFC has sought to mobilize Native Americans living off-reservation, especially those residing in urban centers. These populations represent more than 70% of the total American Indian/Alaska Native population and are usually overlooked by conventional voter turnout campaigns. By channeling money to 24 urban communities, NUIFC has supported a grassroots movement mobilizing Native voters and emphasizing the significance of Native voters for the political process. National Urban Indian Family Coalition, “Democracy Is Indigenous: Five Year Impact Report,” Issue Lab, January 14, 2024, <https://search.issuelab.org/resource/democracy-is-indigenous-five-year-impact-report.html>.
- 12 Bustillo and Moore, “Young Native American Voters”; National Urban Indian Family Coalition, “Democracy Is Indigenous.”

In what follows, I offer reflections on facets of what citizen of the Navajo Nation and political correspondent Pauly Denetclaw calls “IndigiPolitics” in her eponymous Indian Country Today (ICT) newscast dedicated to Indigenous politics and policy.<sup>13</sup> IndigiPolitics implies a focus on Native American voters and their political interests, concerns, and voting practices and considers the upcoming elections from the perspective of Native Americans. In order to historically situate Native voting practices, I start this article by engaging with the manifold barriers to political participation that Native Americans have been facing up to the present day. I then think about the Democratic and Republican presidential candidates, Joseph Biden and Donald Trump, from the perspective of Native American voters. Questions I consider include: “Where do the candidates stand on Indigenous issues?” And, “How have they engaged Native concerns during their respective terms as president?” Finally, I offer predictions about the political alignment of Native American voters in the 2024 presidential election. I ask, “What issues are central to Native Americans voters, especially young voters?” “How are they politically aligned?” And, “In which states other than Arizona could Native voters make a difference?”

My contribution builds primarily on available journalistic pieces from leading Native news outlets and on reports by Native-led organizations seeking to mobilize Native voters and amplify Native concerns in political discourse. I also draw on the scant political science scholarship on contemporary Native American politics.<sup>14</sup> Like politicians and non-Native media sources, political

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- 13 Pauly Denetclaw, “IndigiPolitics: ICT’s Indigenous Politics, Policy Newsletter,” Indian Country Today, September 21, 2022, <https://ictnews.org/newsletters/indigipolitics-its-indigenous-politics-policy-newsletter>; David E. Wilkins and Heidi Kiiwetinepinesiiik Stark speak of “American Indian Politics” in their eponymous monograph. David E. Wilkins and Heidi Kiiwetinepinesiiik Stark, *American Indian Politics and the American Political System* (Lanham: Rowman & Littlefield, 2017).
- 14 The most extensive publication to date is Daniel McCool, Susan M. Olson, and J. L. Robinson’s 2007 *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote*. See also Wilkins and Stark, *American Indian Politics*; Gabriel R. Sanchez and Raymond Foxworth, “Social Justice and Native American Political Engagement,” *Public Opinion Quarterly* 86, no. 51 (2022): 473–498; Radka Štroblová, “The Power of the Native Vote: Evaluation of the Influence of Native Americans on the Outcome of the 2020 Presidential Elections in the United States – A Case Study of Arizona,” Master’s Thesis (Charles University, 2021); Rebekah Herrick and Jeanette Mendez, “American Indian Party Identification: Why American Indians Tend to Be Democrats,” *Politics, Groups, and Identities* 8, no. 2 (2018): 275–292; Jeonghun Min and Daniel Savage, “Why Do American Indians Vote Democratic?” *Social Science Journal* 51, no. 2 (2014): 167–180; Eileen M. Luna,

analysts need to engage more thoroughly with IndigiPolitics. American Indians and Alaska Natives constitute one of the fastest growing populations in the United States. Indigenous people will be key players in future elections.<sup>15</sup> Hence, the NARF's campaign slogan seems trenchant indeed: "Democracy is Native."<sup>16</sup>

## "Obstacles at Every Turn": Barriers to Native Political Participation

Present-day Native voting rights and practices can only be understood in light of the historical fight about Native citizenship and suffrage and ongoing attempts to hamper Native Americans from voting. Many people assume that the Indian Citizenship Act, passed one hundred years ago on June 2, 1924, automatically enabled Native Americans to vote. However, this is far from true, as a multitude of state laws, constitutional clauses, and court decisions barred Native Americans from voting.<sup>17</sup> In "Obstacles at Every Turn: Barriers to Political Participation Faced by Native American Voters," a report released by the NARF in 2020, the contributing authors outline the strategies that were employed by many states, especially Western states, to prevent Native American political participation. Some of them implemented voting restrictions in their constitutions. Minnesota's Constitution, for instance, originally prohibited Native Americans from voting unless they "adopted the language, customs, and habits of civilization."<sup>18</sup> Each potential Native American voter had to appear before a district court to prove that they met those requirements. Other states, such as New Mexico and Utah, argued that Native Americans were not residents of the state and hence ineligible to vote. In line with Minnesota's Constitution, several states passed laws that barred Native Americans from voting as long

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"Mobilizing the Unrepresented: Indian Voting Patterns and the Implications for Tribal Sovereignty," *Wicazo Sa Review* 15, no.1 (2000): 91–115.

- 15 The 2020 census saw an 86.5% increase in the American Indian and Alaska Native population. Native American Rights Fund, "Obstacles at Every Turn: Barriers to Political Participation Faced by Native American Voters," NARF Comprehensive Field Hearing Report, 2020, [https://vote.narf.org/wp-content/uploads/2020/06/obstacles\\_at\\_every\\_turn.pdf](https://vote.narf.org/wp-content/uploads/2020/06/obstacles_at_every_turn.pdf), 11; Berg, "Native Voters Key Deciders."
- 16 Native American Rights Fund, "Democracy is Native," NARF, n.d., <https://vote.narf.org/native-american-democracy/>.
- 17 McCool, Olson, and Robinson, *Native Vote*, 8.
- 18 NARF, "Obstacles," 11.

as they maintained tribal relations. “[S]ever[ing] their tribal relations,” adopting Christianity and “liv[ing] the same as white people,” as the North Dakota Supreme Court phrased it in 1920, became a litmus test for voting.<sup>19</sup>

Another popular argument that has been used by states to deny Native Americans the right to vote was the idea of “Indians not taxed.” Native Americans pay some taxes but not all. For instance, they do not pay property taxes on reservation homes. Even though Native voters won several court cases affirming their right to vote despite not paying property taxes,<sup>20</sup> some local jurisdictions and non-Native voters have argued that Native Americans living on reservations should not be allowed to vote.<sup>21</sup> Another way to keep Native Americans from exerting their right to vote are arguments advanced by single states about guardianship. Being “under guardianship” of the federal government, Native Americans have often been placed by states into the same category as other individuals “under guardianship” – people considered mentally incompetent or formally judged to be insane – “a truly imaginative twisting” of the notion of guardianship, as the authors of the “Obstacles” report aptly phrase it.<sup>22</sup> Another way to bar Native voters from the polls was the use of literacy tests, which became notorious in the South before the passage of the Voting Rights Act (VRA) in 1965 and the 1970 amendments. Testing a person’s literacy drastically reduced the number of Native voters, especially in tribal communities with a great number of Indigenous-language speakers.<sup>23</sup>

Daniel McCool, Susan M. Olson, and Jennifer L. Robinson have offered the first detailed analysis of both the VRA and its positive impact on Native voter registration, turnout, representation, and access to government. The VRA and its amendments prohibit practices or procedures that result in the denial and curtailment of voting rights, such as literacy tests. The Act also enabled the litigation of Native claims of voting rights abuses. Lawsuits abounded, especially in states where Native Americans are numerous enough to exert political influence (Arizona, South Dakota, New Mexico). Many of these cases ended with

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19 Ibid., 11–12.

20 See, for instance, the New Mexico court case of *Trujillo v. Garley* (1948).

21 NARF, “Obstacles,” 12. For an elaborate treatment of the tension between, as Glenn A. Phelps puts it, “claims of tribal sovereignty and immunity from state and local processes” and “the responsibilities incumbent upon citizenship and suffrage in state and local governments,” see Wilkins and Stark, *American Indian Politics*, 210.

22 NARF, “Obstacles,” 13.

23 Ibid., 13–14.

victories for the plaintiffs. The cases engaged not with “complete disenfranchisement” (states do no longer openly deny Native Americans the right to vote) but with “discriminatory treatment in the application of general voting rules and procedures” – a practice that persists until the present day.<sup>24</sup>

Native American political influence continues to be curtailed through gerrymandering districts, as well as through failing to provide information about the voting process, adequate opportunities to register and to vote, and adequate language assistance where needed.<sup>25</sup> Examples of such structural barriers include: placing polling booths a several-hour drive away from tribal lands, providing an insufficient number of ballots in predominantly Native precincts, using the state police to intimidate voters, not accepting tribal identification cards as valid forms of identification,<sup>26</sup> and failing to provide a sufficient number of satellite offices on reservations that facilitate access to early voting and same-day registration services.<sup>27</sup>

Despite successes in litigation, there still exist “obstacles at every turn,” as the eponymous report suggests. New obstacles are constantly devised by states and local jurisdictions to minimize Native political influence, particularly in places where Native Americans are numerous enough to have a political impact. In March 2024, for instance, in *Western Native Voice et al. v. Jacobsen et al.*, the Montana Supreme Court overruled two laws, House Bill 176 and House Bill 530 that would have ended Election Day registration and prohibited third-party ballot assistance. Montana Native populations number among the rural communities in the state that heavily rely on ballot assistance and Election Day registration and whose voting rights were severely curtailed by these bills.<sup>28</sup>

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24 McCool, Olson, and Robinson, *Native Vote*, 47–67, 72, 88, 155–175; Wilkins and Stark, *American Indian Politics*, 209.

25 McCool, Olson, and Robinson, *Native Vote*, 73–74; Luna, “Mobilizing the Unrepresented,” 96–97.

26 Recent scholarship has demonstrated that North Dakota’s photo-ID law disproportionately harmed Native American voters in that state. Sanchez and Foxworth, “Social Justice,” 474.

27 Chrissie Castro, Anatheo Chino, and Laura Harris, “Advance Native Political Leadership,” *Advance Native Political Leadership*, October 2016, <https://advancenativepl.org/wp-content/uploads/2021/03/ANPL-Political-Power-09-22-16.pdf>, 19.

28 ACLU of Montana, “Montana Supreme Court Strikes Down Voting Laws Intended to Disenfranchise Indigenous Voters,” American Civil Liberties Union, March 27, 2024, <https://www.aclu.org/press-releases/montana-supreme-court-strikes-down-voting-laws-intended-to-disenfranchise-indigenous-voters>.

The “Obstacles” report establishes a link between Native resurgence and the persistence of voting barriers. Native Americans “pulled themselves out of the deep pit of near-extinction to become a potent political force,” the report’s authors argue. Such “Native resurgence” has encouraged the continuous crafting of legal strategies that undermine Native power.<sup>29</sup> Additionally, tribes operating casinos have financially contributed to political campaigns, with their contributions (and hence their political influence) having increased tremendously over the past years.<sup>30</sup> De León establishes an inextricable link between “a flux of [Native] political power” and “a corresponding backlash that makes attempts to make it more difficult to vote.”<sup>31</sup>

The ongoing infringement of Native voting rights has spawned numerous measures and initiatives in- and outside the realm of politics. The Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native American Voting Rights Act (NAVRA), which has been introduced in every Congress since 2021, is a bipartisan political measure that has grown out of the conviction that federal intervention is needed “to establish baseline, consistent standards for voting in Indian Country.”<sup>32</sup> Ever since 2013, when the U.S. Supreme Court in *Shelby County v. Holder* held that jurisdictions with a history of voting discrimination no longer had to submit voting changes for advance review (“preclearance”), strategies and schemes to restrict voting have picked up speed.<sup>33</sup>

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29 NARF, “Obstacles,” 14.

30 For detailed data, see Wilkins and Stark, *American Indian Politics*, 199–201.

31 Bustillo, “Sometimes Overlooked by Campaigns.”

32 Native American Rights Fund, “NARF Voting Rights Actions in Congress,” NARF, June 10, 2024, <https://vote.narf.org/native-american-voting-rights-act-navra/>; ICT Opinion, “Protecting the Sacred Right to Vote for Native Americans,” ICT News, July 20, 2023, <https://ictnews.org/opinion/protecting-the-sacred-right-to-vote-for-native-americans>. For the key provisions of NAVRA, see the explainer flyer at NARF, “Native American Voting Rights Act (NAVRA),” 2024, [vote.narf.org/wp-content/uploads/2024/02/navra-brief-overview-draft\\_small\\_1.pdf](https://vote.narf.org/wp-content/uploads/2024/02/navra-brief-overview-draft_small_1.pdf). As early as 2015, Senator Jon Tester (D-MT), vice chairman of the Indian Affairs Committee, introduced a Native American Voting Rights Act. Castro, Chino, and Harris, “Advance Native Political Leadership,” 19.

33 Civil Rights Division, “The *Shelby County* Decision,” Justice.gov, November 17, 2023, <https://www.justice.gov/crt/shelby-county-decision>; The Leadership Conference on Civil and Human Rights, “The Leadership Conference Celebrates Reintroduction of John R. Lewis Voting Rights Advancement Act to Protect the Freedom to Vote,” [civilrights.org](https://civilrights.org), February 29, 2024, <https://civilrights.org/2024/02/29/reintroduction-of-john-r-lewis-voting-rights-advancement/#>.

“We really need the Native American Voting Rights Act,” as NARF Executive Director John Echohawk (Pawnee) emphasizes. “We all have to get involved in the political process in Washington, D.C. This is our only hope . . . We need to get Congress to act on this now.”<sup>34</sup> But NAVRA has yet to be approved by Congress despite its endorsement by the Interagency Steering Group on Native American Voting Rights, which was founded as part of President Biden’s Executive Order 14019 on Promoting Access to Voting with the task of researching barriers to Native political participation and recommending measures to reduce or eliminate these barriers.<sup>35</sup>

Native American non-profit organizations, grassroots groups, and activists have worked hard to facilitate and increase Native political participation. In 2004, the NCAI took the lead in organizing Native voters by initiating a nationwide registration drive called “Native Vote 2004.” They gave out bumper stickers and lapel buttons (“I’m Indian and I Vote” and “Native Vote”), provided toolkits, set up a website ([www.nativevote.org](http://www.nativevote.org)), and organized rallies.<sup>36</sup> Besides the NCAI, one of the best-known groups is the NARF, which works toward bringing together voting rights advocates, lawyers, civil rights experts, and tribal advocates to develop measures against Native voting restrictions. One of their most impactful projects was the formation of the Native American Voting Rights Coalition in 2015, in which the organizations involved pool their expertise and experience and devise strategies in the areas of “legislation and policy issues,” “litigation,” and “capacity building and education issues.”<sup>37</sup> The 2020 “Obstacles” report and its continuous updates result from the work of the coalition.

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34 NARF, “NARF Voting Rights Actions in Congress.”

35 Interagency Steering Group on Native American Voting Rights, “Report of the Interagency Steering Group on Native American Voting Rights,” The White House, 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/03/Tribal-Voting-Report-FINAL.pdf>.

36 McCool, Olson, and Robinson, *Native Vote*, 177–78. For an example of such a toolkit, see National Congress of American Indians, “Voter Action Kit,” NCAI, 2022, <http://www.nativevote.org/wp-content/uploads/2022/10/Native-Vote-Toolkit.pdf>.

37 The Native American Voting Rights Coalition includes, for instance, the NARF, the NCAI, the American Civil Liberties Union, Voting Rights Project, the Lawyers Committee for Civil Rights, the Fair Elections Center, Western Native Voice, and Four Directions. Native American Rights Fund, “Native American Voting Rights Project,” NARF, n.d., <https://narf.org/cases/voting-rights/>.

While doing research for this article, I came across a multitude of other Native-led groups – the majority of which are non-partisan – that seek to inform and mobilize Native voters on tribal lands and in urban areas, to increase Native voter registration and turnout, and to raise awareness of the power of the Native vote: Native American Voters Alliance, National Voice, Native Action Network, Native Organizers Alliance, Native Youth Leadership Alliance, Advance Political Leadership, Arizona Native Vote, New Mexico Native Vote, Wisconsin Native Vote, National Urban Indian Family Coalition – a plethora of other groups could be added.<sup>38</sup> They are doing this work with incredible success: The 2020 Election Eve Survey stated that 57% of Native American voters were contacted before the election by a community organization, campaign, or political party to ask them to register to vote.<sup>39</sup>

These groups also engage with Native Americans who “see a tension between participating in U.S. elections and maintaining their political commitment to tribal sovereignty.”<sup>40</sup> Voting in state and local elections, some Native Americans believe, will impact questions of tribal sovereignty negatively. They see voting as tacitly consenting to be governed from outside and, hence, stay away from the polls.<sup>41</sup> As the late Ray Cook (Akwesasne Mohawk) put it:

To vote as Americans sends a mixed message. If we strive to live a free and independent existence, does voting as Americans surrender that existence? Certainly as governments of real nations it does. After that act of voting do we still remain a sovereign and distinct people, or do we become dark Amer-

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- 38 Some initiatives are strictly partisan, such as the Native Americans for Trump coalition. Štroblová, “The Power of the Native Vote,” 37. The Democrats and Republicans have also begun to create infrastructures inclusive of Native Americans. There are, for instance, active Democratic Native American caucuses in New Mexico, California, Washington, Minnesota, South Dakota, and Wisconsin. As Advance Political Leadership writes in its 2016 report, the Republican Party did not have the same degree of internal infrastructure. Castro, Chino, and Harris, “Advance Native Political Leadership,” 16.
- 39 Gabriel R. Sanchez, “What Might We Expect from Native American Voters in the Upcoming 2022 Election?” Brookings, December 16, 2021, <https://www.brookings.edu/articles/what-we-might-expect-from-native-american-voters-in-the-upcoming-2022-election/>.
- 40 Kevin Bruyneel, “Native Vote: American Indians, the Voting Rights Act, and the Right to Vote. By Daniel McCool, Susan M. Olson, and Jennifer L. Robinson,” *Perspectives on Politics* 7, no. 3 (2009): 664–65.
- 41 McCool, Olson, and Robinson, *Native Vote*, 194.

icans, a minority in a sea of many? . . . A price comes with American citizenship and voting in American elections.<sup>42</sup>

Voting, Cook suggests, in another piece, is like “Inviting the Wolf into the Hen House.”<sup>43</sup> Mark Trahan (Shoshone-Bannock) disagrees. For him, “voting is the surest route to change. I’ve seen it happen. Again and again.”<sup>44</sup>

Like Trahan, the Native groups and organizations involved in the fight for the Native vote, and a multitude of individual Native activists and journalists, are convinced of the significance of Indigenous political participation and work hard to get Native voters to the polls. The little scholarship available provides data that confirms their convictions. As McCool and his co-authors demonstrate, the Native vote became a prominent topic of political conversation in the early 2000s. Political races, ranging from county sheriff to Congress, began to be determined by the Native vote, and various politicians openly acknowledged that they owed their elections to Native voters.<sup>45</sup> In the years to come, the power of the Native vote continued to be a topic of conversation. However, as the NARF put it, the “Native voter impact” remained “a potent but untapped political force.”<sup>46</sup>

42 Ray Cook, “Beware the Voices of Political Assimilation,” ICT News, September 12, 2018, <https://ictnews.org/archive/beware-the-voices-of-political-assimilation>.

43 Ray Cook, “Inviting the Wolf into the Hen House: Tribal Citizens and American Elections,” ICT News, September 12, 2018, <https://ictnews.org/archive/inviting-the-wolf-into-the-hen-house-tribal-citizens-and-american-elections>. Wilkins and Stark also elaborate on many Native Americans’ hesitation or even refusal to vote. Wilkins and Stark, *American Indian Politics*, 202. For a scholarly treatment of Native fears of political participation in non-Native elections, see also Luna, “Mobilizing the Unrepresented,” 95–96.

44 Mark Trahan, “Yes, It’s an Imperfect System but the Native Vote Is Worth Counting,” ICT News, September 12, 2018, <https://ictnews.org/archive/yes-its-an-imperfect-system-but-the-native-vote-is-worth-counting>.

45 McCool, Olson, and Robinson, *Native Vote*, 177.

46 Native American Rights Fund, “Native Voter Impact: A Potent but Untapped Political Force,” NARF, n.d., [https://vote.narf.org/wp-content/uploads/2020/06/obstacles\\_vote\\_r\\_impact\\_summary.pdf](https://vote.narf.org/wp-content/uploads/2020/06/obstacles_vote_r_impact_summary.pdf). After the publication of McCool, Olson, and Robinson’s monograph in 2007, scholarly analyses of Native voting patterns were curiously absent in political science scholarship for many years. By contrast, Native journalists and activists continued to report on the power of the Native vote, as the NARF report and other journalistic pieces demonstrate. See, for instance, Tristan Ahtone, “Election 2008 – The World Is Watching: Paying Attention to the Native American Vote,” *Frontline World*, November 4, 2008, <https://www.pbs.org/frontlineworld/election2008/2008/11/paying-attention-to-the-n.html>.

COVID-19 contributed to what NCAI President Jefferson Keel in the 2019 State of the Indian Nations Address called “Indian Country’s resurgence,” and this radiated into the field of electoral politics.<sup>47</sup> I have argued elsewhere that the pandemic operated like a magnifying glass that threw deficient, unjust, and discriminatory structures into relief and highlighted the necessity and inevitability of legal-political change. It empowered Native Americans across the nation and fostered Native protest and resistance.<sup>48</sup> Focusing specifically on electoral politics, Gabriel R. Sanchez and Raymond Foxworth argue that the pandemic “was a catalyst for Native American political engagement.”<sup>49</sup> In the wake of the pandemic, many Native Americans began to (re-)conceptualize voting as a practice of resistance. The importance of political participation was emphasized across Native media and art. Thus, during the 2020 presidential election campaigns, Apache artist Douglas Miles stated: “Native people need to look at [voting] as a weapon of the colonizer that they can use to alleviate some of the systemic oppression that we’re dealing with.”<sup>50</sup>

The 2022 report “From Protests, to the Ballot Box and Beyond: Building Indigenous Power” by IllumiNative, the Native Organizers Alliance, and the Center for Native American Youth at the Aspen Institute suggests that Miles’ view was shared by many other Native Americans: according to a survey, Native Americans across the nation increasingly viewed the ballot box as a potent means of “building indigenous power.”<sup>51</sup>

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47 Damon Scott, “NCAI’s Keel Sees Strong, Resurgent Indian Country; PECS’ Joy Prescott Mentioned in Address,” *The Seminole Tribune*, March 1, 2019, <https://civilrights.org/2024/02/29/reintroduction-of-john-r-lewis-voting-rights-advancement/>.

48 Sabine N. Meyer, “COVID-19 as a Magnifying Glass: Native America Between Vulnerability and (Self-)Empowerment,” in *In the Realm of Corona Normativities II – The Permanence of the Exception*, eds. Werner Gephart and Jure Leko (Frankfurt am Main: Vittorio Klosterman, 2022), 223–50.

49 Sanchez and Foxworth, “Social Justice,” 477.

50 Casey Quackenbush, “Voting as a ‘Weapon of the Colonizer,’” *Contra Post*, November 3, 2020, <https://contrapost.substack.com/p/voting-as-a-weapon-of-the-colonizer>.

51 IllumiNative, Native Organizers Alliance, and Center for Native American Youth at the Aspen Institute, “From Protests, to the Ballot Box, and Beyond: Building Indigenous Power,” 2020, [https://illuminative.org/wp-content/uploads/2022/06/indigenous\\_Futures\\_Survey\\_report\\_FINAL.pdf](https://illuminative.org/wp-content/uploads/2022/06/indigenous_Futures_Survey_report_FINAL.pdf).

## **“A Repeat of Four Years Ago”: Trump, Biden and the Native Electorate**

When Native journalists, such as Denetclaw, report about the 2024 U.S. presidential election, they often use terms such as “repeat” or “rematch,” alluding to the identical constellation of Democratic and Republican presidential candidates.<sup>52</sup> In order to gauge political affinities of Native voters in the upcoming election, it is worthwhile to compare Trump’s and Biden’s respective records on Native affairs and to analyze how Native Americans voted in the 2020 election.

The 2016 Republican platform, which Republicans decided to abide by in 2020 as well, includes a long section titled “Honoring Our Relations with American Indians.” But Donald Trump struck a different note upon entering the Oval Office. It all began with a symbolic act that must have chilled the blood of many Native Americans. In January 2017, Trump selected a work of art for the Oval Office: a portrait of his predecessor Andrew Jackson, whom Trump reveres as “an amazing figure in American history – very unique [in] so many ways.”<sup>53</sup> Jackson is certainly unique in that he is known as a long-time proponent and the eventual executioner of Indian Removal. He signed into law the Indian Removal Act on May 28, 1830, which authorized the forced relocation of the Cherokee, Chickasaw, Choctaw, Creek, and Seminole to the West – to what later became known in settler jargon as Oklahoma.<sup>54</sup>

Trump’s affront to Native Americans soon left the realm of symbolism. Upon taking office, he discontinued the White House Tribal Nations Conference that President Barack Obama had hosted annually over eight years, and which had brought together tribal leaders from federally recognized tribes and leading administration officials in order to discuss issues of importance in Indian Country. Native leaders held these conferences in high esteem, as they embodied a nation-to-nation relationship between the federal government and tribal nations. Moreover, Obama, who gave the closing address at all these conferences, gave Native leaders the feeling that his administration took them

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52 Pauly Denetclaw, “Presidential Race Repeat,” ICT News, May 3, 2024, <https://ictnews.org/newscasts/05-03-24-newscast,%200,06:35-13:49>.

53 Olivia B. Waxman, “5 Things to Know About the President Whose Portrait Donald Trump Chose for the Oval Office,” TIME, January 25, 2017, <https://time.com/4649081/andrew-jackson-donald-trump-portrait/>.

54 Sabine N. Meyer, *Native Removal Writing: Narratives of Peoplehood, Politics, and Law* (Oklahoma City: University of Oklahoma Press, 2022), 24–49.

seriously and listened to their concerns. Until the fourth year of his term, Trump also failed to reestablish President Obama's White House Council on Native American Affairs despite tribal leaders' requests. Trump's decision to end the White House Tribal Nations Conference and the late reinstatement of the White House Council on Native American Affairs were clear signs that Native issues did not have priority for Trump.<sup>55</sup> And this is precisely how journalists and politicians recapitulated Trump's impact on Indian Country after four years in office.

Writing for the Indigenous Affairs desk of *High Country News* in December 2020, Anna V. Smith emphasized the negative effects of the Trump administration on Indian Country. Besides ceasing to meet with and listen to Native leaders on a regular basis, Trump left vacant many leading positions in the Bureau of Indian Affairs and the Department of the Interior or filled them with appointees who were not vetted by Congress. Trump's "America First" energy policy facilitated projects such as the Keystone XL and Dakota Access pipelines.<sup>56</sup> Trump also reduced the size of the Bears Ears National Monument in southeastern Utah by 85%, which was perceived as an attack on tribal sovereignty by Native Americans across the United States.<sup>57</sup> During the Trump presidency,

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55 Levi Rickert, "Biden's Promise to Reinstate the White House Tribal Nations Conferences Is Good for Indian Country," Native News Online, October 27, 2020, <https://nativenews online.net/opinion/biden-s-promise-to-reinstate-the-white-house-tribal-nations-conferences-is-good-for-indian-country>; The United States Senate Committee on Indian Affairs, "MEMO: Fact Checking the Trump Administration's Attempt to Re-write Its Native American Record, False Promises to Tribes," Indian Affairs Committee, October 17, 2023, <https://www.indian.senate.gov/newsroom/press-release/democratic/memo-fact-checking-trump-administration-s-attempt-re-write-its-native-american/>.

56 The Dakota Access Pipeline is an underground pipeline transporting crude oil and stretching across 1,172 miles through four states (North Dakota, South Dakota, Iowa, Illinois). The pipeline poses a danger to the water reservoir and sacred sites of the Standing Rock Indian Reservation. Proposed by TC Energy in 2008, the Keystone XL pipeline extension was designed to transport 830,000 barrels of Alberta tar sands oil per day to refineries on the Gulf Coast of Texas. Biden revoked the permit of the pipeline after taking office. Shelia Hu, "The Dakota Access Pipeline: What you Need to Know," NRDC, June 12, 2024, <https://www.nrdc.org/stories/dakota-access-pipeline-wh-at-you-need-know>; Melissa Denchak and Courtney Lindwall, "What Is the Keystone XL Pipeline?" NRDC, March 15, 2022, <https://www.nrdc.org/stories/what-keystone-xl-pipeline>.

57 The monument had been established by Barack Obama by presidential proclamation in 2016. Trump's revocation was seen by the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe as an attack on their sovereignty. Pres-

federal laws like the National Environmental Policy Act, Clean Water Act and Endangered Species Act, which had endowed tribes with regulatory powers, were considerably weakened. “The total onslaught of federal rule rollbacks under environmental laws was like nothing we’ve ever seen. It was dizzying,” says Gussie Lord (Oneida Nation of Wisconsin), managing attorney of tribal partnerships at Earthjustice.<sup>58</sup>

And then came COVID-19. Of all the COVID-19 bills passed by Congress during the first year of the pandemic, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which was signed into law by Trump on March 27, 2020, was by far the largest legislative initiative. While tribal governments were relieved to receive funds at all, the CARES Act only allocated 5% of the \$2.2 trillion in aid to them. Through the Coronavirus Relief Fund that the act established, tribal governments were supposed to receive \$8 billion in direct assistance. In addition, the Indian Health Service (IHS) received \$1.032 billion to fund IHS, Tribal, and Urban Indian Organization programs. Besides pointing out the insufficiency of the funding, Native leaders and non-partisan policy institutes criticized the government’s management of the allocated funds. The Treasury Department neither disbursed any money until well after the deadline determined by Congress had passed, nor did it allocate the full amount of funds (instead only \$4.8 billion). Moreover, the CARES Act was set up without proper input from and consultation with Native Americans. Federal legislation, critics of the act argued, should be grounded in Native sovereignty and allow tribal governments more self-determination in how to use funding. And as the leaders of some tribal communities argued, the Corona-relief funds in the CARES Act were also used, on some occasions, to whip tribal governments into compliance with federal ideas about the extent of Native sovereignty.<sup>59</sup>

Just two weeks before the 2020 presidential election, the White House apparently became cognizant of the potential impact of Native voters. It released the Trump administration’s policy agenda for Indian Country, entitled “Putting America’s First Peoples First: Forgotten No More!” This prompted Vice

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ident Biden reinstated protections for the Bears Ears Monument in October 2021. For more information, see Native American Rights Fund, “Protecting Bears Ears National Monument,” NARF, n.d., <https://narf.org/cases/bears-ears/>.

58 Anna V. Smith, “Trump’s Impact on Indian Country Over Four Years,” High Country News, January 24, 2024, <https://www.hcn.org/articles/indigenous-affairs-trumps-imp-act-on-indian-country-over-four-years/>.

59 Meyer, “COVID-19 as a Magnifying Glass,” 228–30.

Chairman of the Senate Committee on Indian Affairs, Senator Tom Udall (D-NM), to speak up. He published a memo in which he proceeds to “fact-check” the Trump administration’s attempt “to re-write President Trump’s abysmal record [on Native issues] with misleading propaganda.” “This administration’s record is one of repeated failures for Native communities,” Udall argued. The White House “is actively undermining Tribal sovereignty across the country and mishandling a once-in-a-century pandemic that is disproportionately hurting Native communities.”<sup>60</sup> Navajo Nation President Jonathan Nez positioned himself in a similar vein in his speech to the Democratic National Convention. “Tribes have been pushed aside by this administration,” he said. According to Nez, the difference between the Obama and Trump administrations was “night and day.”<sup>61</sup> Former Walker River Paiute Tribe Chairwoman Amber Torres evaluates the Trump years in a similar vein: It was a “destructive era” for Native Americans, during which “the doors of access were closed to tribes” and Native “spiritual health and wellness” were under “a constant assault.”<sup>62</sup>

Just like Trump, Joseph Biden and Kamala Harris addressed and sought to appeal to Native voters before Election Day. In October 2020, they released the Biden-Harris Plan for Tribal Nations, a fifteen-page document that communicated to Native voters that they stood for change. They intended to rebuild “trust, good faith and respect” by reinstating the annual White House conferences, appointing Native Americans to leadership positions in law and politics, tackling health disparities, providing economic opportunities for tribal nations, restoring tribal lands, improving infrastructure, education, and health in Native communities, and by devising strategies to address the crisis of missing and murdered Indigenous women. The plan also promised to ensure equal access of Native Americans to voter registration and polling sites and the establishment of a Native American Voting Rights Task Force.<sup>63</sup>

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60 The United States Senate Committee on Indian Affairs, “MEMO.”

61 Smith, “Trump’s Impact on Indian Country Over Four Years.”

62 Amber Torres, “Trump’s Tribal Record: The Destructive Era,” Native News Online, August 22, 2023, <https://nativenewsonline.net/opinion/trump-s-tribal-record-the-destructive-era>.

63 Aliyah Chavez, “Biden-Harris Campaign Announces Tribal Nations Plan,” Indian Country Today, October 8, 2020, <https://ictnews.org/news/biden-harris-campaign-announces-tribal-nations-plan>. For the entire plan, see Indianz, “Biden-Harris Plan for Tribal Nations,” n.d., <https://indianz.com/News/wp-content/uploads/2020/10/bidenharrisplanfortribalnations.pdf>.

The combination of the pandemic and Trump's overall negative record concerning Native affairs, against the backdrop of the promises embedded in the Biden-Harris Plan, led to a "record-breaking [Native] voter turnout in 2020," as the "Indigenous Futures Survey" phrased it. Moreover, in that election, six Native American and Native Hawaiian candidates were elected to Congress, an all-time record so far.<sup>64</sup> There are as yet few analyses of Native voting patterns in the 2020 election. Sanchez and Foxworth found that young Native voters, Native Americans living on or near a reservation, and those living in tribal communities greatly affected by COVID-19 were less likely to vote for Trump.<sup>65</sup> They also argue that the palpable discrimination against Native Americans during the Trump years greatly mobilized Native voters in 2020.<sup>66</sup>

As I mentioned in the introduction, Native voters helped Biden to win Arizona in 2020. Native American voters voted in larger numbers in that state than in 2016, and over 80% of their ballots went to Biden. Wisconsin had a larger Native voter turnout than in 2016 as well, and it has been demonstrated that the Red Cliff and Bad River Bands of Lake Superior Chippewa, the Menominee Indian Tribe, and the Stockbridge-Munsee Band of Mohican Indians helped to secure a Democratic majority.<sup>67</sup>

The 2020 presidential election taught an important lesson: in times of political polarization and close elections, Native voters are able to make a difference, especially in battleground states and so-called "impact states," that is, states featuring large Native populations.<sup>68</sup> Additionally, surveys that year revealed the high percentage of Native voters not firmly attached to either the Re-

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64 IllumiNative, Native Organizers Alliance, and Research for Indigenous Social Action and Equity (RISE) Center, "2021 Indigenous Futures Survey," n.d., <https://nativeorganizing.org/wp-content/uploads/2024/03/IFS-2.0-Survey-Results.pdf>," Phillips, "Recognize the Forgotten Americans."

65 Sanchez and Foxworth, "Social Justice," 486.

66 Ibid., 489.

67 Radka Štroblová analyzed Native voting in Arizona in the 2020 election and found that after rounding, in seven out of eleven selected counties, the precincts with a predominantly Native population cast over 80% of ballots for Biden. Similarly, the most populous Arizona tribal nations, the Navajo and Hopi tribes, San Carlos Apache, and Gila River Indian Tribes, gave more than 80% of their votes to Biden. Štroblová, "The Power of the Native Vote," 110. See also Anna V. Smith's analysis of the Native impact in Arizona and Wisconsin. Smith, "How Indigenous Voters Swung the 2020 Election."

68 IllumiNative, Native Organizers Alliance, and Center for Native American Youth at the Aspen Institute, "From Protests, to the Ballot Box, and Beyond," 44–46, 48–50.

publican or Democratic Parties.<sup>69</sup> The 2020 election provided evidence of the long-held dictum that many Native voters care less about party affiliation but are more interest-focused: they vote for candidates who take their concerns seriously and represent and support their communities.<sup>70</sup>

On November 8, 2020, less than a week after Election Day, the NCAI held its annual meeting, during which President Fawn Sharpe of the Quinault Indian Nation demanded “a new era, a new chapter” of Indian Country’s advancement and growth – a demand that was certainly directed at President-elect Biden. Reconciliation, Sharpe argued, was of utmost importance. “We have to reconcile this country to those foundational principles of social justice, of economic justice and certainly of environmental justice.” She did not mention but certainly alluded to Trump’s (mis)handling of Native affairs. Sharpe and other tribal leaders also clarified that they wished to see a Native person in Biden’s cabinet, circulating a letter written to the White House to that effect.<sup>71</sup>

Once in office, Biden followed suit and nominated Deb Haaland, a member of New Mexico’s Laguna Pueblo, who consequently became the first Native American cabinet secretary in U.S. history. Haaland’s nomination faced severe opposition by Republicans who criticized her stance on environmental issues and frequent criticisms of economic inequalities, but it was celebrated by Native Americans across the country.<sup>72</sup> Haaland has used her position to represent Native interests. An outstanding example of her work is the Federal Indian Boarding School Initiative that she launched in 2021 to explore the violent history of federal Indian boarding schools and the legacies of these schools for Native communities till today. Besides investigative reports and a “Road to

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69 The 2020 report “From Protests, to the Ballot Box and Beyond: Building Indigenous Power” presents estimates of Native voting patterns: While the majority of Native Americans identify as Democrats (51%) or as Democratic Socialists (9%) and 7% define as Republicans, 26% of Native voters identify as independent and 7% as “Other”; IllumiNative, Native Organizers Alliance, and Center for Native American Youth at the Aspen Institute, “From Protests, to the Ballot Box, and Beyond,” 17. For further analysis of Native party identification, see Herrick and Mendez, “American Indian Party Identification”; Wilkins and Stark, *American Indian Politics*, 210–215.

70 Sanchez, “American Voters in the Upcoming 2022 Election.”

71 Kolby KickingWoman, “Tribal Leaders Call for Truth, Healing,” ICT News, November 14, 2020, <https://ictnews.org/news/tribal-leaders-call-for-truth-healing>.

72 Nathan Rott, “Deb Haaland Confirmed as 1st Native American Interior Secretary,” NPR, March 15, 2021, <https://www.npr.org/2021/03/15/977558590/deb-haaland-confirmed-a-s-first-native-american-interior-secretary>.

Healing” tour, the Initiative also launched an oral-history project with the aim of documenting the stories of Native children forced to attend these schools.<sup>73</sup>

Haaland is only one example of Biden’s nominations of Native Americans to leading positions in the federal government; his appointment of Marilynn “Lynn” Malerba (Mohegan Tribe) as the Treasurer of the United States is another. Biden has also continuously nominated Native Americans to the federal bench. In April 2024, he made his fifth nomination, Danna Jackson (Confederated Salish and Kootenai Tribes). However, her nomination was blocked by Montana Republican senator Steve Daines at the end of May 2024.<sup>74</sup>

Upon taking office, Biden also sought to revitalize the government’s relations with tribal nations by bringing Native Americans back to the table and by speaking and listening to them. He re-introduced the annual White House Tribal Nations Conference, now called White House Tribal Nations Summit, with both the reintroduction and the name change emphasizing the nation-to-nation relationship between the United States and tribal nations. In 2021, Biden became the first president to commemorate Indigenous Peoples’ Day with a presidential proclamation.<sup>75</sup>

The 2022 and 2023 White House Tribal Nations Summit Progress Reports outline in great detail the positive impact of the Biden administration regarding Indian Country. Successful interventions include the signing of

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73 U.S. Department of The Interior, “Federal Indian Boarding School Initiative,” n.d., <https://www.doi.gov/priorities/strengthening-indian-country/federal-indian-boarding-school-initiative>.

74 Kolby KickingWoman, “Joe Biden Nominates Native Woman to Federal Bench,” ICT News, April 24, 2024, <https://ictnews.org/news/joe-biden-nominates-native-woman-to-federal-bench>; Associated Press, “Republican Blocks Confirmation of First Native American Federal Judge for Montana,” AP News, May 30, 2024, <https://apnews.com/article/native-american-judge-blocked-montana-daines-904c8d41fa9c1ec81617f705f115f59>. For further examples of Biden’s nominations of Native American federal officials and his nomination and appointment of Native Americans to serve on federal boards, commissions, and independent agencies, see the White House Tribal Nations Summit Progress Reports 2022 and 2023 at Domestic Policy Council, “The White House Tribal Nations Summit Progress Report,” The White House, 2022, [https://www.whitehouse.gov/wp-content/uploads/2022/11/2022\\_11\\_23-WH-Tribal-Nations-Summit-Progress-Report-Final.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/11/2022_11_23-WH-Tribal-Nations-Summit-Progress-Report-Final.pdf); Domestic Policy Council, “2023 Progress Report for Tribal Nations,” The White House, 2023, <https://www.whitehouse.gov/wp-content/uploads/2023/12/2023.12.04-TNS-Progress-Report.pdf>.

75 Domestic Policy Council, “2023 Progress Report,” 9–10; Torres, “Trump’s Tribal Record.”

agreements with tribal nations to co-steward and co-manage lands and waters of importance for tribal communities, as well as efforts to protect and expand tribal lands and to electrify tribal homes.<sup>76</sup> President Biden has also issued several executive orders and presidential memoranda with the objectives of reforming existing federal processes for tribal nations, facilitating access for tribal nations to federal funding programs, and promoting economic independence and self-determination.<sup>77</sup>

It is beyond the reach of this article to evaluate the Biden administration's numerous interventions or the precise degree of their success. Reporting of Native media outlets suggests that, with some exceptions, such as Biden's approval of the controversial Willow Project – a massive oil-drilling project on Alaska's North Slope<sup>78</sup> – or, his stance on the Israel-Palestine conflict, Native journalists, political leaders, and activists judge the Biden administration positively in various areas of governance. In May 2024, in an interview on ICT, Troy Heinert (Sicangu Lakota), Executive Director of the Intertribal Buffalo Council, assessed Biden's term in office as follows: "I tell you what, I, you know, I thought Obama was good for Natives. The Biden administration – I can't think of an Administration that has actually truly listened and then said: 'All right, how do we do it.' And, you know, that's – those are big things."<sup>79</sup> Several months earlier,

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76 Domestic Policy Council, "2023 Progress Report," 17–18, 19–20, 28. Native American leaders evaluate "Bidenomics" and its impact on Indian Country positively. Torres, "Trump's Tribal Record"; Native News Online Staff, "Native News Weekly: D.C. Briefs," Native News Online, May 5, 2024, <https://nativenewsonline.net/currents/native-news-weekly-may-5-2024-d-c-briefs>; Sanchez, "What Might We Expect from Native American Voters in the Upcoming 2022 Election."

77 Domestic Policy Council, "2023 Progress Report," 10; The White House, "Executive Order on Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination," December 6, 2023, <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/12/06/executive-order-on-reforming-federal-funding-and-support-for-tribal-nations-to-better-embrace-our-trust-responsibilities-and-promote-the-next-era-of-tribal-self-determination/>; Cecily Hilleary, "Native American News Roundup Dec. 3–9, 2023," Voice of America, December 9, 2023, <https://www.voanews.com/a/native-american-news-roundup-december-3-to-9-2023/7389690.html>.

78 Ella Nilsen, "The Willow Project Has Been Approved. Here's What to Know About the Controversial Oil-drilling Venture," CNN, March 14, 2023, <https://edition.cnn.com/2023/03/14/politics/willow-project-oil-alaska-explained-climate/index.html>.

79 Free Speech TV, "Indian Country Today | Native Rights Under Biden Administration," May 21, 2024, <https://www.youtube.com/watch?v=K7PUby4zb-k>, 05:48–06:05.

NCAI President Mark Macarro struck a similarly laudatory note. In the State of Indian Nations Address, he emphasized the “the meaningful changes” that President Biden had made for Native Americans:

Under this presidency, there are more Native Americans in the highest levels of the government than ever before, from the White House to so many agencies in government . . . Substantial efforts have been made to enhance government-to-government dialogue and to seek consultation with us. We've seen improvements in fee-to-trust processes, NAGPRA, and environmental standards. This Administration has also worked with us to restore stewardship over our ancestral homelands . . . President Biden's commitment to improving justice and public safety in Indian Country remains paramount, alongside the need to address the fentanyl and opioid epidemic . . . This Administration has set a powerful precedent – collaboration grounded in respect for sovereignty, fueled by Indian Country's unified voice.<sup>80</sup>

The idea of a unified voice in Indian Country making itself heard is a powerful image steeped in hope and suggestive of power. The power of the Native vote, McCool and his coauthors argue, depends on cohesion. In situations like 2024, when “the electorate is divided roughly equally,” resulting in many close elections, “the Indian vote can make the difference between victory and defeat, but only if it too is not divided.”<sup>81</sup>

However, there seems to be fear of a division of votes. Amber Torres summons her readers to compare both Trump's and Biden's records on Native affairs before going to the polls in 2024: “With all the progress that we have made under the Biden administration to uphold the government's responsibility to tribal nations, why do we want to reopen the gates to power for people whose hearts are full of xenophobia and lies? This election matters. The presidency matters. The actions of a president matter.”<sup>82</sup> With the possibility of a divided Native vote on the horizon, can the Native vote make a difference in this year's presidential election?

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80 Rickert, “Macarro's State of Indian Nations Address.”

81 McCool, Olson, and Robinson, *Native Vote*, 194.

82 Torres, “Trump's Tribal Record.” Similar fears of division are carefully voiced by Holly Cook Macarro in a conversation with Denetclaw. ICT, “Indigenous Voting Rights Still on the Line,” June 5, 2024, <https://ictnews.org/newscasts/06-05-2024,%2004:04:09-14:50>.

## The Power of the Native Vote in the 2024 Presidential Election

At the moment of my writing, reporting and scholarship on Native political orientations and Native Americans' impact on the 2024 presidential election remain scarce. Journalists and analysts generally agree that if the turnout of Native American voters is on par with the election cycles of 2018, 2020, and 2022, this group will once again have a considerable impact.<sup>83</sup> Based on Native Americans' partisan affiliations, recent voting patterns, and the Trump and Biden administrations' starkly different records on Native affairs, it can be expected that Native American voters will, once again, lean heavily Democratic in 2024. However, as scholars and Native political analysts convincingly argue, the Native vote "is not monolithic."<sup>84</sup> As the quote above by Torres suggests, some Native Americans still lean Republican. They emphasize the positive effects of Trump's term in office, such as his nomination of U.S. Supreme Court Justice Neil Gorsuch, who was turned out a staunch defender of tribal rights, or his focus on border security. Many Native Americans cite inflation having hit 20% since Biden took office as the reason why they favor Trump and are worried about the incumbent's mental health.<sup>85</sup>

Moreover, in this year's election, "it is the middle ground that matters often times Indian Country," as Holly Cook Macarro (Red Lake Band of Ojibwe), said in a recent interview with Denetclaw. Native Americans, especially young Native voters, look closely at the issues at stake and the records of all candidates on these issues. Thus, according to Macarro, fighting for both the moderate

83 See, for instance, Berg, "Native Voters Key Deciders"; Bustillo, "Overlooked by Campaigns."

84 Štroblová, "The Power of the Native Vote," 111.

85 See Denetclaw's conversation with Michael Stopp (Cherokee), and John Tahsuda (Kiowa). ICT, "Native Family Represents in the House," ICT News, March 20, 2024, <http://ictnews.org/newscasts/native-family-represents-in-the-house,%20,08:07-12:03>; Pauly Denetclaw, "IndigiPolitics: Border Security and Conflicts in Middle East," ICT News, February 1, 2024, <https://ictnews.org/news/indigipolitics-border-security-and-conflicts-in-middle-east,00:25-05:00>. Oklahoma's Governor Kevin Stitt, himself Cherokee, endorsed Trump in February 2024, also mentioning border security as a significant motivating factor. Katrina Crumbacher, "Oklahoma's Kevin Stitt Endorses Donald Trump for President," ICT News, February 26, 2024, <https://ictnews.org/news/oklahomas-kevin-stitt-endorses-donald-trump-for-president>. See also Kalle Benallie and Jourdan Bennett-Begay, "What Do Indigenous Voters Want in the 2024 Election," ICT News, June 12, 2024, <https://ictnews.org/news/what-do-indigenous-voters-want-in-the-2024-election-..>

and independent voters in Indian Country, who are not “dug in on either side,” becomes significant especially in battleground states with large Native populations.<sup>86</sup> As of my writing, neither of the candidates have explicitly addressed Native voters. In 2020, they issued their policy agendas for Indian Country only a few weeks before the election. One would hope that the candidates’ engagement with Native voters will be more substantive this year, including visits to tribal nations and direct communication with Native voters.

Media outlets and commentators consistently mention Arizona, Montana, and Nevada in reports on the 2024 presidential election. As in 2020, much is at stake in Arizona in 2024. The NCAI estimates that Arizona has more than 315,000 Native Americans who are old enough to vote, which is one of the largest populations of Native voters in the country. Not only are Native voters able to once again swing the presidential race in Arizona, but they can also help elect former Navajo president Jonathan Nez, who is running for the 2<sup>nd</sup> Congressional District, which covers about 60% of Arizona, including large areas of tribal land. Nez would be the first Native candidate from Arizona in the U.S. House of Representatives.<sup>87</sup>

A second significant race in Arizona is that of U.S. Representative Ruben Gallego, a Democrat who is running for the U.S. Senate seat currently held by Kyrsten Sinema who is not seeking re-election. His Republican competitor is Kari Lake. Gallego is highly conscious of the power of the Native vote. As early as October 2023, *The New York Times* reported that he had already visited half a dozen tribes, aiming to visit all of Arizona’s federally recognized tribal nations before election day. He intended to “go everywhere and talk to everyone,” he explained when asked about his ambitious outreach plans. Lake has realized the importance of the Native vote as well, having hosted events on Native issues and organized a Natives for Kari Lake group.<sup>88</sup>

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86 ICT, “Indigenous Voting Rights Still on the Line,” 04:09–14:50.

87 Bustillo and Moore, “Young Native American Voters”; Shondiin Silversmith, “Former Navajo Nation President Launches Bid to Flip AZ’s Largest Congressional District,” Source New Mexico, October 19, 2023, <https://sourcenm.com/2023/10/19/former-navajo-nation-president-launches-bid-to-flip-azs-largest-congressional-district/>; Jasmin Ulloa, “To Win a Senate Seat in Arizona, He’s Visiting All 22 of Its Tribes,” *The New York Times*, October 12, 2023, <https://www.nytimes.com/2023/10/12/us/politics/ruben-gallego-arizona-senate.html>.

88 Ulloa, “Senate Seat in Arizona”; see also Chris Lomahquahu, “Taking Back Native Voting Rights,” ICT News, May 17, 2024, [https://ictnews.org/news/taking-back-native-voting-rights?utm\\_source=ICT&utm\\_campaign=64bee743a0-The+Weekly%2C+2](https://ictnews.org/news/taking-back-native-voting-rights?utm_source=ICT&utm_campaign=64bee743a0-The+Weekly%2C+2)

In Montana, where, according to the U.S. Census, about 6.5% of the state's population identify as American Indian or Alaska Native, tribal voters could “determine the makeup of the Senate” and also its control, as Natalie Fertig recently phrased it in *Politico*. Democratic Senator Jon Tester is up for re-election in this solidly Republican state, facing a race against six other candidates, the majority of whom are Republicans. Conscious of the importance of Native voters in Montana, the state's Democrats are currently preparing an extensive Native voting initiative called “Big Sky Victory” with the aim to invest over \$1 million to mobilize Native voters and get them out to the polls.<sup>89</sup> “The Native American vote is being courted very aggressively in the state,” says political analyst Tom Rodgers, an enrolled member of the Blackfeet Nation in Montana. “The path forward for the Republicans to take control of the Senate again looks like [it] would go through Montana”; hence, Rodgers thinks that the issues Native voters care about – most notably, continued access to Medicaid and Medicare, support in fighting crime and resources to preserve their Native culture and language – cannot be ignored by Democrats.<sup>90</sup>

Nevada's Native population of more than 62,000 (3.5% of the state's population) has been credited with having contributed to Democratic victories in recent elections. In 2020, Native voters in the state had the highest turnout of all demographic groups; turnout that year was up 25% compared to the 2016 presidential election. “That is the largest increase of any subpopulation in the state of Nevada,” said Stacey Montooth, citizen of the Walker River Paiute Tribe and Executive Director of the Nevada Indian Commission. “I think it is likely due to voter choice or the ability for our people to vote by whatever method they

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%2F16\_COPY\_01&utm\_medium=email&utm\_term=0\_5e3432615c-64bee743a0-362185351. For Kari Lake's efforts, see Kari Lake, “Kari Lake Hosts Roundtable on Native American Heritage,” November 29, 2024, video, <https://www.youtube.com/watch?v=9JHDrpwwNro>; Bustillo and Moore, “Young Native American Voters.”

89 Fertig, “Montana's Tribal Voters Could Determine the Makeup of the Senate,” *Politico*, May 12, 2024, <https://www.politico.com/news/magazine/2024/05/12/letter-from-montana-00155737>; Bustillo, “Overlooked by Campaigns.”

90 Fertig, “Montana's Tribal Voters”; Natalie Fertig, “Tester Campaign Plans Seven-figure Push to Bring Out Montana Tribal Voters,” *Politico*, March 18, 2024, <https://www.politico.com/live-updates/2024/03/18/congress/montana-push-for-tribal-votes-tester-senate-00147312>.

wanted: in person, early, by mail, or via drop boxes.”<sup>91</sup> In 2024, Native voters residing on reservations in Nevada can, for the first time, vote electronically with “EASE,” the state’s Effective Absentee System for Elections.<sup>92</sup> Encouraged by such measures, the Native Voters Alliance Nevada has inaugurated its campaign to evaluate and endorse candidates based on their record on Native affairs, with the ultimate goal to amplify Native voices.<sup>93</sup>

Besides Arizona, Montana, and Nevada, Midwestern swing states such as Wisconsin and Michigan are also mentioned by journalists and analysts as places where Native voters could tip the scales for one or the other candidate.<sup>94</sup> Moreover, attention needs to be paid to the numerous Native Americans running for public office in local, state, and federal elections across the nation, whose (re-)election could make a difference in the U.S. political landscape. As of June 11, 2024, the 2024 ICT’s Indigenous Candidates Database lists 174 persons.<sup>95</sup>

I want to conclude with some thoughts on young Native voters who are increasingly moving to the center of “IndigiPolitics.” In the 2024 presidential election, young Native voters will again be of key importance, as Native and non-Native journalists and analysts argue across the board.<sup>96</sup> The 2020 presidential election turned out to be a pivotal moment for young Native Americans, who felt that they were heard for the first time. The experience of having an impact has energized Native youth. As twenty-five-year-old Alec Ferreira, from the San Carlos Apache Tribe, puts it: “Remember who is running the table

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91 Jennifer Solis, “Nevada Tribes Taking Advantage of Improved Voting Access,” Nevada Current, March 31, 2022, <https://nevadacurrent.com/2022/03/31/nevada-tribes-taking-advantage-of-improved-voting-access/>.

92 Jennifer Solis, “Tribal Citizens in Nevada Can Now Vote with Ease,” Nevada Current, February 5, 2024, <https://nevadacurrent.com/2024/02/05/tribal-citizens-in-nevada-can-now-vote-with-ease/>.

93 Dana Gentry, “Nevada 5<sup>th</sup> in Home Price Increase Year-to-year,” Nevada Current, October 13, 2021, <https://nevadacurrent.com/2021/10/13/nevada-5th-in-home-price-increase-year-to-year/>; see also Native Voters Alliance Nevada, “Native Voters Alliance Nevada Launches Influential Endorsement Process,” NVA, April 15, 2024, <https://nativevotesnv.org/2024/04/15/2024-endorsements/>.

94 Bustillo, “Overlooked by Campaigns.”

95 “2024 Indigenous Candidates Database,” Google Docs, n.d., <https://docs.google.com/spreadsheets/d/1ZBA6CCfmEGafT6gLpijJAVK9NuocSBcsFDAYHs5IUeg/edit?pli=1#gid=667112351>.

96 See, for instance, Bustillo and Moore, “Young Native American Voters”; ICT, “Indigenous Voting Rights Still on the Line.”

right now. It's our time. Native people, we decided at the last election. We can very well decide the next one." In a similar vein, Dillon Chavez, citizen of the Navajo Nation, considers voting the "greatest form of resistance" that young people can practice as "the Indigenous warriors of the contemporary era."<sup>97</sup>

Even more than older Native voters, young Native voters identify as independent or nonaffiliated.<sup>98</sup> While hesitant to vote for Trump, they are critical of Biden's record. In particular, they have been disappointed over Biden's handling of the Israel-Hamas war, specifically his support for the Israeli military offensive. While recent polls suggest that the Israel-Hamas war "is far down the list for young Americans," it is a top priority for young Native voters with the power to drive them to the polls.<sup>99</sup> Young Native voters highlight the similarities between the U.S. government's historic and ongoing treatment of Native Americans and Israel's treatment of Palestinians. Kianna Pete (Diné), who was part of the student protests at Columbia University, said in an interview with ICT that she and other Native American students were in solidarity with both Palestinians and the pro-Palestinian movement at Columbia. She views Israel's actions and their effect on Palestinians in light of "settler-colonial projects we've experienced here in the United States as Indigenous peoples – that being the justification of land grabs and that is done through stealing Indigenous land and displacing them, (we are) being super highly surveilled [sic]."<sup>100</sup>

The Israel-Hamas war and ensuing student protests have mobilized young Native voters. The war and the protests have generated intense conversations about experiences and structures of settler colonialism and human rights violations in North America and elsewhere. "Settler colonialism is alive and

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97 Dillon Chavez, "The Margin of Error: Young Native Voters Have the Power to Tip the Scales," Native News Online, October 30, 2020, <https://nativenewsonline.net/opinion/the-margin-of-error-young-native-voters-have-the-power-to-tip-the-scales>. For an analysis of the voting patterns of young Native Americans in 2018, see Sanchez, "Native American Voters in the Upcoming 2022 Election."

98 Wilkins and Stark, *American Indian Politics*, 213.

99 Geoffrey Skelley, "Young People Disapprove of Biden's Israel Policy. It May Not Mean Much for November," ABC News, May 3, 2024, <https://abcnews.go.com/538/young-people-disapprove-bidens-israel-policy-november/story?id=109875950>.

100 Renata Birkenbuel, "Native Students Join pro-Palestine Campus Protests," ICT News, April 26, 2024, [https://ictnews.org/news/native-students-join-pro-palestine-campus-protests?utm\\_source=ICT&utm\\_campaign=be8d674c0b-The+Weekly%2C+2%2F16\\_COPY\\_01&utm\\_medium=email&utm\\_term=o\\_5e3432615c-be8d674c0b-362185351](https://ictnews.org/news/native-students-join-pro-palestine-campus-protests?utm_source=ICT&utm_campaign=be8d674c0b-The+Weekly%2C+2%2F16_COPY_01&utm_medium=email&utm_term=o_5e3432615c-be8d674c0b-362185351).

well. . . we are still occupied by a settler colonial regime. . . we are still fighting for our rights and our liberation,” one Native student argued in a podcast. The protest on campuses “sparked an interesting conversation of what we consider resistance and whether resistance is justified or not,” another student said in the same episode.<sup>101</sup>

Conversations about voting as a form of resistance may help mobilize those young Native Americans to vote who have previously refused to participate politically in a system that harms their communities.<sup>102</sup> In addition to older Native Americans who have been mobilized by Native-led groups, these energized young Native voters could swing the battleground states in one or the other direction by voting Democratic (as they have been wont to do) or by casting their votes for independent candidates, which could tip the scales for Trump.

## Concluding Thoughts

As the past few weeks have demonstrated, nothing seems certain in this year’s presidential election, including the roster of candidates. We might end up not witnessing a rematch. A different constellation of presidential candidates will, of course, impact the ways in which Native voters align politically, as they always carefully evaluate each candidate’s record on Native issues. Court convictions, U.S. Supreme Court rulings concerning Presidential immunity, TV debates, as well as politically motivated attacks may mobilize Native voters to go to the polls, or persuade some Native voters that not much can be gained by participating in this election.

No matter how this particular election ends, the significance of “IndigiPolitics” remains. Native American voters and their political interests, concerns, and voting practices are important factors in U.S. politics that deserve the constant attention of politicians, political think tanks, journalists, political analysts, and scholars working in the field of Political Science and Native and In-

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101 Art Hughes, “Friday, May 3, 2024 – Native College Students on the Front Lines of Gaza Protests,” Native America Calling, May 3, 2024, <https://www.nativeamericacalling.com/friday-may-3-2024-native-college-students-on-the-front-lines-of-gaza-protests/>.

102 As Loren Marshall of Northeast Arizona Native Democrats said: “Why would we want to participate or get involved in something that just has not been something that we’ve practiced or something that we’ve done as Natives,” repeating comments she often hears among young Native voters. Bustillo and Moore, “Young Native American Voters.”

digenous Studies. Since the early 2000s, the Native vote has become a topic of conversation among a small circle of academics and journalists. During the same period, Native Americans have also become increasingly conscious of the power of the Native vote. They are no longer willing to be categorized as ‘Something else.’ Instead, they want to be recognized as a formative force in the political landscape of the United States.

Especially since the pandemic, voting has taken on an additional layer of meaning. It has come to be viewed as a practice of resistance, which is why some Native Americans prefer the more active phrase of “casting a ballot.” “You’re casting your ballot with your ancestors and all the people who fought for our right to be here in mind,” as Arizona Native Vote Executive Director Jaynie Parrish has stated.<sup>103</sup> Participating in U.S. elections no longer carries the unmistakable stigma of political assimilationism. Instead, many Native Americans, including Native youths, consider it a right that needs to be honored and fought for and an important pillar in the fight for survival and justice.

The breadth of Native-led grassroots efforts against discriminatory voting policies and practices, the number of organizations and the amount of people working on the ground to increase Native turnout, as well as the many voting rights lawsuits that are continuously filed (and often won) on behalf of Native individuals and tribes: all of these factors demonstrate the power of Native advocacy as well as the tremendous will to ensure Native equal political participation and representation on local, state, and federal levels. As Native activists do not cease to emphasize, the Native vote has the power to effect change and to craft a more just future. Voting is a way to remind the federal government of its trust obligation to Native Americans. Voting is a way to spotlight the flagrant and persistent disparities between Native American communities and non-Native ones with regard to healthcare, education, housing, infrastructure, and the economy.<sup>104</sup>

The conscious infusion of Native voting with notions of power, change, and futurity is visualized in Ernesto Yerena Montejano’s artwork, which was

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103 Shondiin Silversmith, “100 Years after Citizenship, Indigenous Peoples Continue to Fight to Vote,” *Utah News Dispatch*, June 6, 2024, <https://utahnewsdispatch.com/2024/06/06/100-years-after-citizenship-indigenous-peoples-continue-to-fight-to-vote/>.

104 Chris Picciuolo, “The Power of the Native Vote in Arizona – O’odham Action News: Home,” *O’odham Action News: Home*, December 27, 2023, <https://oan.srpmic-nsn.gov/the-power-of-the-native-vote-in-arizona/>.

commissioned by IllumiNative and used by Native campaigners in the 2022 midterm election. On two posters, the phrases “Voting Is One Way We Build Native Power” and “Voting Is One Way We Fight for Our Future – Together We Have Power!” are printed in bold letters.<sup>105</sup> In both posters, a young woman with dark long hair, wearing Native jewelry, looks at viewers. Her facial features suggest an unflinching presence, unwavering determination, and strength of mind. Democracy has indeed become Native. The NARF’s campaign slogan rings loud in my ears as I look at these powerful posters. “Democracy is Native.”<sup>106</sup>

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105 Ernesto Yereña Montejano and IllumiNative, “Voting Is One Way We Build Native Power,” 2022, <https://static1.squarespace.com/static/630f841cef1cf76338b2dfd2/t/6349d250f356c23a7b920428/1665782352776/NATIVE+POWER+FINAL+POSTER+18x24.png>; Laura Zornosa, “A Week from the Election, This Poster Harnesses the Power of Native Voting Rights,” *Los Angeles Times*, October 27, 2020, <https://www.latimes.com/entertainment-arts/story/2020-10-27/indigenous-peoples-day-native-voting-rights-our-future>.

106 Native American Rights Fund, “Democracy is Native.”

