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Chapter Thirteen

Two Polls Show Media and Government Out of Step with the Public

— By Ronald D. Smith —

It makes for an interesting and unusual image—public opinion marching down the path of social progress; government and the news media on the other side, out of step with the people who make up the media-using citizenry.

The specifics of this report deal with taxation proposals in New York State, but close your eyes and you'll see the obvious parallels throughout the country in dozens of situations in which states tell Indian tribes and nations what they should or should not do, or what the state would like to do to them. Because fundamentally, this report deals with the issue of Indian sovereignty. It focuses on two polls released within last year that documented the high level of public opinion for so-called Indian issues—one by college students, the other by a professional polling organization.

Student Research: The Public Gets It; Media, Not So Much

Students at Buffalo State College conducted a four-part research project during Spring 2005. Their project had two goals: to identify and understand public opinion toward Indian issues, and to correlate this with how the mainstream news media report about those issues.

The study was conducted by students in the college's Communication Department as part of a senior-level course, Applied Communication

Research, conducted by three professors: Dr. Rik Whitaker, Dr. Marian Deutschman, and Professor Ronald D. Smith. The latter is project director for the school's American Indian Policy and Media Initiative.

The students began with a literature review concerning various Indian issues—sovereignty, treaty rights, and New York State's then-current public policy brawl over taxation of goods sold on Native lands.

The twenty-six-student class then conducted a series of focus groups that yielded a generally positive profile of a citizenry that can best be described as friendly and open toward Indian issues. Some of the findings:

- Non-Indian citizens show a widespread posture of interest in and support for Indian issues, though amid an environment that is relatively uninformed.
- A positive link exists between personal familiarity with Indians and support for Indian issues. Familiarity most often is based on patronization of vendors and services on Indian reservation land. Some people believe that it is unfair to Indians to take advantages of their untaxed goods and services because outsiders don't deserve them.
- The concept of treaties evokes two responses: (1) that they should be respected; (2) that perhaps they should be updated.
- Likewise, the concept of sovereignty yields two opinions: (1) that Indian self-government should be respected; (2) that the state should be able to intervene for the good of the larger public.
- Peripheral issues such as the establishment and management of gaming venues sometimes cloud the more central issues of treaty obligations and sovereignty rights.

The next part of the semester-long study was a survey of 426 adult respondents in Western New York; 87% were from Erie, Niagara and Monroe Counties (which comprise the Buffalo, Niagara Falls and Rochester metropolitan areas). The study achieved a 95% confidence level for a 4.75 plus-or-minus margin of error. This polling echoed the general support observed in the focus groups and added the following specifics.

- Current public opinion seems decidedly pro-Indian on many of the issues investigated through these research projects,

particularly respect for treaty provisions.

- Concurrently, public opinion seems decidedly against some of the positions proposed or taken by state government on many of the tax-related issues. Surprisingly absent from the research findings was any significant we-all-should-pay-taxes notion. Additionally, the feeling was strong that, if sales on Reservation lands were to be taxed, tribal governments should receive the tax revenues.
- Gender is not a significant factor in support or rejection of what would commonly be considered a pro-Indian position on various issues.
- Surprisingly, neither is political leaning a significant factor in most situations. At least two-thirds of political liberals, moderates and conservatives each supported the notion that treaty provisions prevent state taxation of all sales on Indian lands.
- Predictably, higher levels of education are associated with greater support for Indian issues, though not at a significant level. But even people with lower educational achievement were in the majority with support for Indian issues.
- Ethnicity is not a significant factor in support of Indian issues. An exception to this generality is that there is notably more support for maintaining treaties in their original form among ethnic minorities (56%) than among Caucasians (48%).
- Age is not a serious dividing point in support for Indian issues, with significant support throughout each age group. Continuing availability of untaxed sales to non-Indians is favored by people under thirty years-old (83%) only slightly more than those thirty to forty-five years (77%) and those over forty-five years-old (75%). Additionally, persons over age forty-five years were slightly more likely to support keeping treaties in their original form rather than updating them.
- However, age is a potential factor, since younger people reported having less information about Indian issues, though no less support for Indian issues. Concurrently, younger people expressed openness to knowing more about Indians.

Finally, the students conducted a content analysis of five daily metropolitan newspapers in Upstate New York: Albany, Buffalo, Rochester, Syracuse and Watertown. The study focused mainly on

the then-current public policy issue of the state's efforts to attempt to collect sales tax on goods sold on Indian lands.

Research coordinators at the college concluded that the study revealed a journalistic environment somewhat out of step with the generally pro-Indian public opinion observed in the previous two research projects.

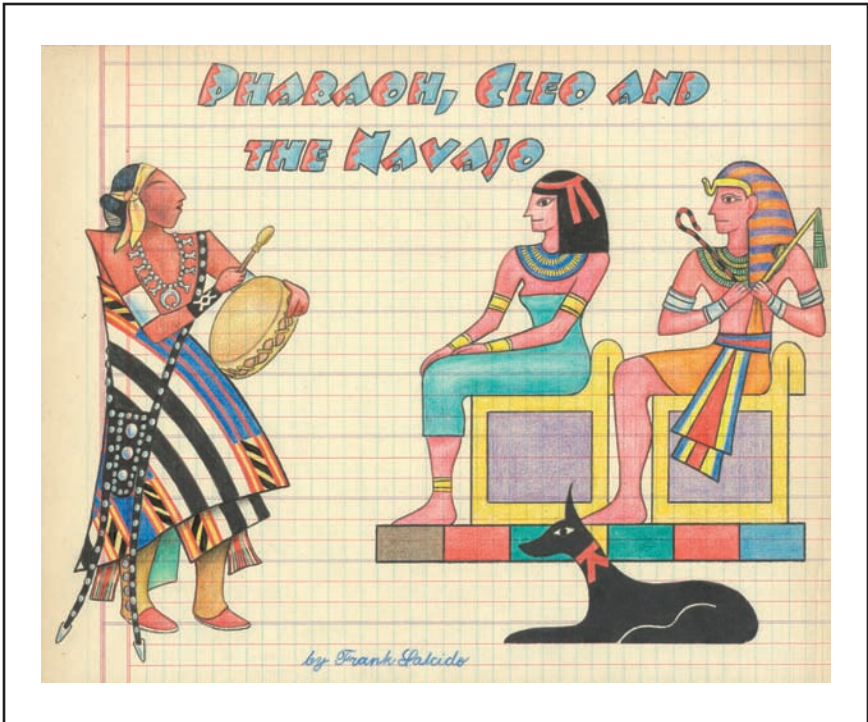
The content analysis observed that newspapers are more likely to accept assertions by New York State public officials that the state has a right and ability to collect taxes on goods purchased by non-Indians on Indian lands. The most common example was that newspapers editorialized in favor of collecting the state tax.

In particular, news articles often used the explicit phrase or implicit indication that the state is "losing money" through non-collection of taxes. The study found no references in news articles to the existing counter proposition: that, because tribal lands are recognized as sovereign by federal treaty, Indians and supporters assert that the state has no legal claim to tax sales on Indian lands.

The one newspaper that was most supportive of Indian sovereignty and the most consistent with a pro-Indian point of view was the *Watertown Daily News*. The study ranked that paper as "fairly neutral," while other newspapers were more consistently adopted a pro-state, anti-Indian perspective on the taxation issue. The research coordinators speculated that Watertown's proximity to the Akwesasne Mohawk Nation at Saint. Regis, the social inter-relationship between Mohawks and non-Indians in the community, and the Mohawk Nation's strong media-relations program were significant factors in that newspaper's reporting.

Zogby Research: Citizens Pro-Indian on Issues

Zogby International is a renowned opinion survey organization based in Utica, N.Y. and in Washington, D.C. It has conducted numerous polls for a prestigious list of clients: corporations such as Microsoft and Chrysler, nonprofit organizations including many hospitals and religious groups, government agencies such as the U.S. Census Bureau and the New York State Labor Department, international organizations including the United Nations, dozens of newspapers and news services, many political candidates of both major parties, and tribal entities including the Oneida Nation Indian. All this



to say: Zogby knows its stuff.

A year after the Buffalo State students conducted their study, the Seneca Business Steering Committee commissioned Zogby to do a similar poll—bigger, on a wider scale, statistically a bit sounder than the college study. Zogby used a sample of 902 interviews of likely voters statewide—twice as big as the student survey—and achieved a margin of error of plus-or-minus 3.3%. The results between the two polls were amazingly similar.

Zogby found that 78% of New Yorkers agreed that the state and federal government “should honor the 1842 treaty,” which the survey identified as the federal agreement with the Seneca Nation that protects “the lands of the Senecas within the State of New York... from all taxes and assessment for roads, highways or any other purposes.” Zogby also found strong opposition (65% disagree to 34% agree) to the idea that the state should attempt to collect sales tax on items sold on Indian reservations. The poll showed support (69%) for Governor George Pataki’s veto in 2003 of a bill authorizing taxation of Indian retail sales.

The Buffalo State survey had asked slightly different questions. Respondents split fifty-fifty on agreement with two statements: “Treaties between the federal government and Indian tribes should be followed as they were written” and “Treaties between the federal government and Indian tribes should be updated.” But if the treaties were to be renegotiated, the largest group of respondents felt it should be initiated by Indian tribes (42%) followed by the federal government (30%) and lastly by the state government (27%).

Additionally, if there were to be a sales tax on products purchased in Indian reservations, respondents overwhelmingly said the tax revenues should go to the tribal government (69%). Only 24% would give the taxes to the state, and only 7% to the federal government. The respondents in the student research project also showed an accurate—though not overwhelming—understanding of the word “sovereign” as meaning self-governing (71%) and of the word “treaty” as a legal contract with the force of law (67%).

Zogby’s report concluded that Indian tribes “seem to have gained a great deal of respect from New Yorkers.” The poll found that 80% of New Yorkers had a favorable view of Indian tribes in the state, and 73% had a favorable view of Indian businesspeople (compared with a 50% favorable rate for Governor Pataki and 44% favorable for

the state legislature).

Zogby also claimed that the poll was particularly significant “in how broad-based the support for the Indian tribes’ position is.” Like the student poll, Zogby found citizen support consistent across political, age and gender categories. Zogby also reported pro-Indian sentiment in rural, suburban and metropolitan areas, and both in presumably liberal Downstate (i.e., the New York City metropolitan area) and conservative Upstate (everyplace else). All over the Empire State, it seems, New Yorkers are pro-Indian.

Another important factor in understanding these findings is that they come from state residents who, by and large, do not have frequent personal relationships with Indians. Most respondents are not regular shoppers on Indian land; the Zogby sample reported only less than a quarter of respondents actually having made any purchases from reservation vendors. Meanwhile, 62% of respondents in the Buffalo State sample said they “never or almost never” shop on Indian reservations, despite the fact that 56% said they live within twenty-five miles of a reservation.

Conclusions and Observations

Allow this author to transition to the first-person “I” for the remainder of this article. By way of disclosure, I was one of the research coordinators and lead author of the Buffalo State report; I’m also chair of the college’s Communication Department and project director for the department’s American Indian Policy and Media Initiative.

I have closely followed the Zogby poll—in part because of my interest in the subject matter, in part because there is an obvious ego boost in having such a prestigious research organization conduct a study similar to my own and reach essentially the same conclusions. I don’t presume to suggest that Zogby copied our study or even knew of its existence; only that the consistency of findings speaks well of all parties involved.

Additionally, I have had the occasion to speak both informally with reporters and to comment more formally in workshops and presentations to newspaper staffs on how better to report on issues growing out of a diverse coverage area. Nowhere in any studies that I’m aware of nor in my own encounters with reporters (or the general citizenry, for that matter) have I found deliberate ill will, no deep-

seated animosity toward American Indians. Yes, everybody is limited by her or his own background and experiences, but I don't see reporters or most other people reveling in their prejudice.

Thus I find no evidence to suggest that the journalistic shortcomings in media coverage of Indian issues that are sometimes apparent are due to lack of goodwill or integrity. Rather, I understand that journalists are busy professionals who are stretched in many different directions, sometimes lacking a depth of information, perhaps predisposed to frame stories in terms of controversy and opposing forces, and often disinclined to challenging basic assumptions of fact. What I'm hoping for is a cultural literacy among the media story tellers and message makers. Reporters take justifiable pride in fact-checking their stories. I'd like to see them give at least as priority to checking their news reports and editorial presentations for cultural sensitivity, social context and historical accuracy.

That's what I'd like to see. Unfortunately, instead I too often find that citizens and mainstream media alike seem concerned with an easy fix for economic and related policy issues. The reasoning goes like this: The state needs more money and, hey, there's some money to be had by taxing sales to non-Indian visitors to the reservation. It's a no brainer. Hence, the problem, because it really is a no brainer.

As the Buffalo State and Zogby polls show, public opinion seems solidly on the Indian side, whether the issue is taxation or land claims, casinos or archeological restitution. Underlying all these issues, it seems to me, is the concept of sovereignty—a healthy and widespread respect for the notion, sanctioned and encoded in treaties, that Indian lands are self-governing territories which exist at some degree of legal distance with the surrounding lands under the jurisdiction of the state.

Meanwhile, studies elsewhere report that the American public generally has a healthy skepticism about many of the presumed and sometimes presumptuous prerogatives of government—an attitude that also may come into play when citizens show a willingness to side with Indians against governors or state legislatures.

But the underlying factor, I think, is the fundamental knowledge that the federal and state governments have a special legal relationship with Indian entities; that Indian citizens have rights that may be different from the rights of other citizens; and that, after more than four hundred years of an admittedly uneven relationship between Indians and colonial, state, federal and territorial governments, it doesn't seem

all that bad that Indians have a few special rights.

At least that seems to be the feeling among the college students whom I deal with. Most young people say they are personally acquainted with few Indians, wouldn't mind knowing more, and realize they are under-educated on various historical and contemporary issues important to the ongoing relationship between Indians and non-Indians. And I have little reason to suspect that these attitudes are not shared by the majority of people outside the academic halls.

But I see a particular need to educate reporters, editors, news directors and other media professionals. I've dedicated my life to the proposition that the communication media are tremendously important to society, that individually and collectively they can be a powerful force for good as society moves ahead in achieving tolerance, mutual understanding, and greater social/economic/political well being. But for such benefits to be achieved, we need media people who are culturally literate to the issues at hand.

Recommendations for Action

Following are some recommendations that grow out of my professional and academic presumptions that (1) public policy generally results from perceived public opinion, and thus public opinion can impact public policy; (2) governors, legislators and other makers of public policy sometimes presume public opinion and public support where it may not exist; and (3) journalistic reporting often underlies such presumptions.

But first, allow me a slight detour to identify two issues of media scholarship that are useful introductions to the recommendations. Both of these issues have particular relevance to the analysis of reporting and media attention to Indian issues.

Media scholars use the phrase "agenda-setting theory of the media" to describe the notion that the media, while not necessarily telling their audiences *what to think*, can be quite successful in telling them *what to think about*. This phenomenon is in play when newspapers and other media report—or choose not to report, or under-report, or misreport certain issues important to the Indian community.

At the same time, media scholars refer to "framing" in describing the notion that the media, particularly news media, establish the parameters and ground rules for discussion of public issues. An example

of such framing is the media coverage of proposals for state taxation that proceeds from the state's assertion of a right to tax sales on Indian lands, an assertion that goes unchallenged by the media because they have framed the issue with the presumption that the state is the only legitimate interpreter of its own legislative claims; they fail to even show awareness that there may be a different starting point for their reporting—and thus a different tone for the public discourse that results from their reporting.

So on to the recommendations—unsolicited, perhaps presumptuous, and focused not on what others *should* do but rather on what we *can* do (“we” being people associated with Indian interests, academic subjects or media outreach).

Recommendation 1. People who shop on reservations, visit Indian cultural venues or go to tribal casinos have a higher level of support for the Indian perspective on contemporary issues than people who do not interact with Indians. We can develop public education campaigns directed toward potential non-Indians shoppers and visitors—reminding them that their support is legal and helpful to Indians and inviting them to patronize Indian businesses and cultural establishments.

Recommendation 2. Despite their self-identified lack of education and information, most people seem attuned to and supportive of the pro-Indian side of many issues. Non-Indians say they want to learn more about Indian people, culture, history and economic issues. In particular, they are open to receiving accurate information about public policy issues such as treaty rights, land claims, taxation, archaeological heritage and so on. We can develop resources for provide not only for the media but for other interested members of the community.

Recommendation 3. Journalists and pundits often fall into the trap of identifying issues as being either liberal or conservative, both reflecting and contributing to partisanship in public discourse. The research cited in this report shows that support for Indian issues spans political leanings. We can frame Indian issues as being above the partisan fray, such as by analyzing issues with propositions and arguments that draw on principles of both the left and the right.

Recommendation 4. Journalists pride themselves in presenting fair and full coverage of the various sides of each issue and of exploring alternative approaches to public issues. We can develop mechanisms for a consistent and authoritative presence of Indian voices in various non-Indian media outlets. Such a presence should not seek to present an artificially common Indian voice where none exists. Rather, by developing of media relations offices and training Indian spokespeople, we can more consciously and more consistently provide an Indian point of view in the public discourse.



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