

Akin Gump's tribal campaigns

Firm's specialized practice group aided by many American Indian lobbyists.

BY ANDREW RAMONAS

In one sense, Akin Gump Strauss Hauer & Feld partner Donald Pongrace is a minority at his firm.

Of the nine full-time members of his firm's 14-year-old American Indian law and policy practice, the chairman of the group is one of only two non-Native Americans. The seven full-time Native American members of the practice belong to six different American Indian groups, including Akin Gump clients.

Akin Gump's reliance on Native American lobbyists has helped turn the firm's specialized practice group into one of the biggest of its kind in Washington.

D.C.'s largest lobby shop in terms of gross revenues as of 2009 received just over \$1 million from five tribal governments during the first half of 2011 for its lobbying work.

The Gila River Indians in Arizona, the firm's biggest American Indian lobbying client, paid Akin Gump \$590,000 for lobbying efforts during that time frame, according to congressional records. The community was the fourth-highest-paying lobbying client of Akin Gump during that period.

The firm also advocated for the Oneida Nation of Indians in New York, Pechanga Band of Luiseño Mission Indians in California, United Keetoowah Band of Cherokee Indians in Oklahoma and Crow Tribe of Montana, for a total of \$420,000, according to lobbying disclosure reports.

Osage Tribe of Indians in Oklahoma also is an Akin Gump client. But the

firm did not report any lobbying for them during the first half of this year. The Crow Tribe terminated its lobbying relationship with Akin Gump in March.

One of the challenges of Pongrace's practice is developing trust between his firm and its American Indian clients, he said. "It's a different type of practice for a large lobbying firm to do in a heavily invested way because it requires considerable attention to developing sufficient trust from tribal clients" who have long had a distrust of Washington, Pongrace said.

Akin Gump partner James Meggesto, a member of the Onondaga Nation in New York, said a lobbyist's American Indian ancestry is a major asset in relationships with tribal clients. "They feel comforted in that," Meggesto said.

Alia Maisonet, a spokeswoman for the Gila River community, said the firm is a "critical ally."

American Indian trust in Washington was weakened after the Jack Abramoff scandal, Pongrace said. The disgraced lobbyist pleaded guilty in 2006 to charges stemming from a corruption scandal that involved tribes. Abramoff swindled millions of dollars from his tribal clients and berated them in e-mails obtained by the Senate Indian Affairs Committee. In the e-mails, he called members of the Saginaw Chippewa Tribe of Michigan "troglydtes" and "the stupidest idiots in the land for sure."

"I think things are much more difficult in Washington because of Jack Abramoff," Pongrace said.

But American Indians are still turning to Washington lobbyists for help. At



STEVEN HOLT/PICTURESK

least 18 tribal governments have paid Akin Gump, Hogan Lovells, Holland & Knight and other firms \$100,000 or more for lobbying the federal government during the first six months of this year, according to congressional records.

A LONG HISTORY

American Indians have a long history of lobbying the federal government, authorities on tribal governments said. Thom Wallace, a spokesman for the National Congress of American Indians, a Native American rights organization based in Washington, said tribes use lobbyists to advocate for them and help them participate in complex legal issues with the federal government.

"American Indian tribes have been hiring lobbyists for decades," Wallace wrote in an e-mail. "They hire lobbyists for the same reason that everyone else does; they have specific issues before Congress that often demand a deep understanding of the legislative process, may involve technical legislative drafting, and usually takes multiple visits with members and their staff."



DONALD PONGRACE: The Akin Gump Strauss Hauer & Feld partner heads the firm's American Indian law and policy group. "It's a different type of practice for a large lobbying firm to do in a heavily invested way," he said.

This has been the case with Akin Gump. The \$590,000 from the Gila River Indian Community during the first half of 2011 paid a team of more than 10 firm lobbyists that engaged Congress and the Interior Department on several issues, including off-reservation gambling, funds to build health-care facilities and environmental restrictions that might make water unaffordable to the tribe. The group included Pongrace and Meggesto.

Off-reservation gambling is a hot issue, Pongrace said. Tribes are worried about other Indian tribes encroaching on their lands with casinos, he said.

"It is very, very disruptive to inter-tribal relations," Pongrace said.

The community also is "very, very deeply concerned" about its access to affordable water, he said.

Rodney Lewis, a former general counsel to the Gila River Indians and an Akin Gump consultant, said his community is agrarian and has long relied on water for food and spiritual needs.

"It is absolutely the most important part of the life of our community," Lewis said.

The community's struggle to obtain water dates back to the early 1930s, when it started to fight for water that farmers diverted from the Gila River at the beginning of the 20th century. In 2004, Congress approved the Arizona Water Settlements Act, which, with Akin Gump's help, recognized the group's claims to Gila River water. But the community waived its rights, opting for a promise of long-term, low-cost water supplied by the Central Arizona Project.

A possible Environmental Protection Agency decision, however, might make that pledge impossible, the community fears.

The EPA has proposed emission controls for the Navajo Generating Station, a coal power plant in northern Arizona that provides the energy necessary to deliver a cheap water supply to the Gila River tribal community. The plant has come under scrutiny for causing a haze that has reduced visibility at the Grand Canyon. The station is about 80 miles from the national park's main visitor area on the South Rim.

Plant upgrades to meet the EPA's pro-

posed specifications could be expensive, leading to more costly water or the closure of the station, Joseph Manuel, lieutenant governor of the Gila River Indian Community, said in written testimony before House subcommittees in May.

"Should the cost of emissions controls at [the plan] render [Central Arizona Project] water unaffordable, the Community's water rights would be significantly diminished and the Community would suffer significant economic hardship," Manuel said. "It would be comparable to the original wrongs done to the Community when non-Indian farmers upstream on the Gila River illegally diverted the flows of the River to the point that it stopped running."

But even with a desirable outcome for the community, battles over water will continue, Pongrace said.

"It is never going to end," Pongrace said. "There is always going to be a challenge for them for their water."

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