

# ENHANCING TRIBAL-STATE PARTNERSHIPS THROUGH THE TOWN HALL PROCESS

*Ron S. Lee, Executive Director, Arizona Commission of Indian Affairs  
Debra Utacia Krol, Project Specialist, Arizona Commission of Indian Affairs*

*Arizona Commission of Indian Affairs  
1400 W. Washington, Suite 300  
Phoenix, Arizona 85007  
Phone: (602) 542-3123  
Fax: (602) 542-3223  
Web: [www.indianaffairs.state.az.us](http://www.indianaffairs.state.az.us)*

The era of Federal devolution has caused tribal and state governments to devise new methods of working together effectively. Historically at odds over environmental, taxation, welfare and other issues, the tribes and states have come to recognize that discerning and building upon areas of mutual interest works to the advantage of both, and is preferable to confrontation.

More states have created, or are in the process of creating, Indian affairs agencies. Tribal governments are setting aside historical qualms about dealing with state governments to sign intergovernmental agreements covering a host of issues. When governments cooperate instead of fighting, citizens reap the benefit of increased access to funding, social and economic development programs, and services. As Susan Johnson of the National Conference of State Legislatures states, “as Native Americans gain more and more clout, state leaders are learning that it is more productive and mutually beneficial to work with, not against, the tribes.”<sup>1</sup>

However, Native Americans have long been excluded from the process of government. How can Indians become more sophisticated in dealing with state governments, and participate equally in the legislative process? How can the tribes and states develop and enhance good relationships and work together to better the lives of all their people?

The Arizona Commission of Indian Affairs (ACIA) is developing and polishing a model which we believe will increase Indian participation in state government and forge stronger tribal-state relations—the Indian Town Hall. This paper will explore the concept of the Town Hall, how we continue to mold the Town Hall to work within Native culture and sensibilities, and the activities which we devised and continue to refine which carry the Town Hall to the next level, stimulating Indian and non-Indian participation in the legislative process.

## *BRINGING INDIANS INTO THE ‘CIRCLE’ OF STATE GOVERNMENT*

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<sup>1</sup> Susan Johnson, “From Wounded Knee to Capitol Hill,” National Conference of State Legislatures, ([www.ncsl.org/programs/esnr/susanpub.htm](http://www.ncsl.org/programs/esnr/susanpub.htm))

When Ron S. Lee took the position of Executive Director of ACIA in September 1998, he was faced with a dilemma. The State of Arizona was anxious to include Native Americans in all areas of the state government, including the legislative process. However, state officials noted that only a handful of Indians regularly lobbied for bill passage, although four tribal members currently serve in the state legislature. As ACIA acts as the liaison between the 21 Indian Tribes/Nations and the State of Arizona, Lee feels that giving Native Americans the tools to participate in the legislative process further fulfills ACIA's statutory mission, which includes:

- Assembling facts needed by tribal, state and federal agencies to work together effectively
- Assisting the State in its responsibilities by making recommendations to the Governor and Legislature
- Conferring and coordinating with other governmental entities and legislative committees regarding Indian needs and goals
- Working for a greater understanding and improved relationship between Indians and non-Indians by creating an awareness of the needs of Indians in the State
- Promoting increased participation by Indians in state and local affairs
- Assisting tribal groups to develop increasingly effective methods of self-government

Lee discovered that a sterling opportunity to bring Indians into the process, and to fulfill his agency's statutory mission, came from one of ACIA's duties—the Arizona Indian Town Hall. Established in the 1960s to increase Indian participation in state government, the Indian Town Hall had become little more than a social event in recent years. With no report published after the event, no follow-up events and a lack of interest from tribal communities, the Indian Town Hall had little impact on state affairs.

However, Lee saw the value of a vital Town Hall. He explains: "I had little bits and pieces of the solution lying about like puzzle pieces. When you put a puzzle together, how do you start? By putting the border together, which creates a foundation to build upon.

"I'm using the Town Hall as the border for assembling the 'puzzle' of constructing an institutional model for fostering tribal-state relations and increasing citizen participation in the legislative process."

### *HISTORY OF THE TOWN HALL*

The Arizona Indian Town Hall's roots can be traced back to pre-contact times. In traditional days, the tribes and nations settled issues by village, clan, and/or national discussion until consensus was reached. Harmony and consensus were valued more than the present-day concept of 'majority rule,' and leaders in many tribes ruled by the consent of their people.<sup>2</sup>

The ancient Native tradition of discussion and consensus-building is the foundation upon which the modern Indian Town Hall builds. This tradition of community discussion and consensus was also used in colonial New England, and the modern Town Halls model

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<sup>2</sup> Duane Champagne, *Social Order and Political Change: Constitutional governments among the Cherokee, the Choctaw, the Chickasaw, and the Creek* (Stanford University, Stanford, California, 1992), pp. 24-31.

themselves after the old time “Town Hall.” The Arizona Indian Town Hall borrows many of the methods of the Arizona Town Hall for its structure and process, while molding the forum to fit Indian cultures and circumstances.

### *BEFORE THE TOWN HALL*

ACIA’s Board of Commissioners meets and decides upon a discussion topic. The selection criteria incorporate issues that affect Indian communities in Arizona, topics that lend themselves to reasonable, not overly emotional discussion, and issues that can be researched for the most effective resolution. The Commissioners, who live and work in tribal communities and cities all across the state, know the issues that affect their people. The Governor and state agencies are also included in the process, offering suggestions and requesting discussion topics.

This method differs from the Arizona Town Hall, in which a group of citizens supplies a list of vital issues of the day.<sup>3</sup> We found that, when tribal members are surveyed for discussion issues, they invariably want to discuss sovereignty. While tribal sovereignty is of vital interest to all Indians, it does not meet the standard of a topic that can be discussed unemotionally. Also, the states are increasingly accepting the fact of tribal sovereignty, and thus the Indian Town Hall feels that discussions of how to craft intergovernmental agreements and facilitate tribal-state relations actually strengthens tribal sovereignty far more than just talking about it.

After the topic is selected, one of the Arizona state universities is approached to perform research and prepare background documentation. These background documents are mailed out to participants in advance of the Town Hall so they can educate themselves on the topic.

Indian and non-Indian leaders, educators, researchers and practitioners in the topic subject are surveyed for possible discussion questions. These results form the discussion outline draft.

While the survey is underway, ACIA contacts the people who have volunteered to serve as the Indian Town Hall facilitators and recorders. This group will become the Final Report Committee after the Town Hall.

Potential Town Hall participants are identified during this period. Participation is by invitation, in order to provide a mixture of tribal and state leaders, legislators, various occupations, experts in the discussion topic, interested lay people, and a balance of genders.<sup>4</sup> The goal of the Indian Town Hall is a balanced representation of community and tribal members.

### *THE INDIAN TOWN HALL FORUM*

The Indian Town Hall is held over two days each May. Day 1 begins with a general session to provide an overview of the Town Hall process. A speaker, selected for his or her expertise in the topic, discusses the issue from the national perspective.

Each participant is assigned to one of four panels of up to 30 people; the panels meet individually to discuss the outline questions in their proper order. The facilitator ensures that the discussion focuses on the topic and stays within the allotted time; the recorder keeps a written record of the panel’s recommendations. These notes are typed throughout the day, and synthesized into a draft report that evening by the Report Committee. Participants can obtain a copy of the draft on the Day 2 at 6:00 AM.

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<sup>3</sup> Arizona Town Hall, Inc. “Key Elements of the Arizona Town Hall Process.”

<sup>4</sup> *Ibid.*

Following a brief general session on Day 2, the participants meet first in their respective panels to review and revise the draft report. In the final plenary session, all participants come together to discuss the draft and finalize the report; during this time, a consensus which reflects the participants as a whole is reached.

### *AFTER THE INDIAN TOWN HALL*

The Report Committee edits the Report for publication within 30 days of the Town Hall. The Indian Town Hall Report is distributed to all participants and other interested parties in the state. After the distribution of the report, post-Indian own Hall activities start.

ACIA holds a series of post-Indian Town Hall meetings, which we combined with the popular Legislative Process Workshops. The post Town Hall meetings begin by reviewing the Town Hall process. We use the Indian Town Hall Report recommendations to direct public policy discussion, and as a guide for possible legislation.

In order to enact legislation, one must understand the legislative process. The Legislative Process Workshop portion of the post-Town Hall meetings instructs participants in the workings of the Arizona Legislature. After the viewing of the short film “From Bill to Law,” a legislator speaks on making the process work for individuals and citizens’ groups.

Finally, a local lobbyist presents practical steps on shepherding a bill through the Legislature and into the law books. He or she gives advice on when and how to contact legislators, how to prepare for meetings, and the importance of voting in every election, which ensures that candidates for office will pay attention to tribal concerns.

One theme frequently heard at Legislative Process Workshops is the concept of supervoters:

Despite campaign rhetoric to the contrary, most citywide elections...are decided by pretty much the same 96,000 [Phoenix] residents. The professionals know this exclusive clique well and have even given it a name: supervoters, priority voters, even high-efficacy voters. Win their hearts, and you win the election. The other 400,000 registered Phoenix voters are largely ignored. Even the political parties' get-out-the vote drives are aimed mainly at the regulars.<sup>5</sup>

Participants are educated about how a small block of like-minded voters can change the course of elections. Former State Senator Alfredo Guterrez reported at one workshop that one recent State House of Representative election was determined by a dice game due to a tie. “The wife of one candidate forgot to vote!” chuckled Guterrez.

### *THE NEXT STEP—BILL DRAFTING AND LOBBYING*

After the post-Indian Town Hall meetings comes the next step—drafting legislation. Some tribal governments may have programs, such as senior and veterans’ centers, which need funding to complete. Tribal sub-governments, like villages, chapters or districts, may be seeking

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<sup>5</sup> Pat Kossan, “Supervoters roar, rest of people whisper—Phoenix politicians woo decisive group.” *The Arizona Republic*, Saturday, September 11, 1999.

access to economic development or social services programs. Or a group of tribal members may come together to craft a bill to pay for new buses for their reservation charter schools, or build a new college campus to serve students on Arizona's remote reservation lands. All three of these scenarios are playing out in the Arizona Legislature this session.

Some bills which are making their way through the 44<sup>th</sup> Legislature include:

- SB 1086, which will increase tribal access to Greater Arizona Development Authority (GADA) grants for feasibility studies and infrastructure projects (SB 1086 was signed into law by the Arizona governor in March 2000);
- HB 2619, which asks for a \$500,000 appropriation from the Legislature toward the establishment of the Native American Cultural Center at the old Phoenix Indian School;
- SB 1556, which provides funding to tribal mass transit programs (SB 1556 was signed into law by the Governor in April 2000);
- SB 1247 and HB 2620, twin bills promoted by the Ganado Unified School District to fund a post-secondary campus in partnership with Northern Arizona University, Northland Pioneer College, and Dinè College, located at Tsaile, Navajo Nation.

Of particular interest to the reader are SB 1086 and SB 1556. SB 1086, the GADA bill, was an offshoot of the 19<sup>th</sup> Arizona Indian Town Hall, which recommended that GADA funds be made more readily available to tribes. The success of SB 1556, the Tribal Public Transit bill, resulted from cooperation between the Hopi Tribe, the Arizona Legislature, and ACIA. The Hopis published a position statement, worked with bill sponsors, hired a lobbyist to promote the bill, and tracked the bill with ACIA's assistance.

### *THE IMPORTANCE OF TRIBAL-STATE PARTNERSHIPS*

The Arizona Indian Town Hall also spotlights tribal-state partnerships that work to benefit both tribal and state governments, providing a model for similar agreements. One such innovative partnership is the Fuel Tax Agreement, recently enacted between the State of Arizona and the Navajo Nation and White Mountain Apache Tribe.

In this intergovernmental agreement (IGA), the tribes collect an \$.18 per gallon tax which was previously paid only by non-Indians. The tribal governments remit the revenues to the Arizona Department of Transportation (ADOT), which then uses a formula to calculate the amount of tax paid by tribal members. This revenue is refunded back to the tribes' general fund.

This IGA works for everybody. The state collects the fuel tax which non-Indians used to bypass by using reservation gas stations, while the tribes establish a stable tax base, providing needed revenue for a host of programs.

### *CONCLUSION—MAKING AN INDIAN TOWN HALL WORK FOR YOU*

The Indian Town Hall process, which is really a year-round cycle, can be used by other state Indian affairs agencies successfully. The process lends itself to alteration to fit the many unique tribal cultures and established relations among tribal-state governments throughout the country. For instance, ACIA made another change in the 2000 Arizona Indian Town Hall; after ACIA staff noticed that many of the 1999 Indian Town Hall participants left right after lunch of day 2, the forum was shortened to one and one-half days, to encourage participants to stay

throughout the plenary session. Future Indian Town Halls will undergo further refinements as the ACIA staff learns more about the process, Town Hall participants, and strategies to enhance the participants' experience. Comments made by Indian Town Hall attendees also help the staff by supplying constructive suggestions for improvement.

Both state and tribal leaders acknowledge the value of the Indian Town Hall. Hopi Chairman Wayne Taylor Jr. notes: "The Indian Town Hall provides a careful structured forum for tribal leadership to communicate current critical issues with Governor Jane Hull. The Governor has committed to moving towards 'new partnerships' with the Arizona Tribes; the Indian Town Hall is the first step in defining this new partnership."

Arizona Governor Jane Dee Hull states: "I have spoken many times of the need for a new partnership between the state and Indian peoples; a partnership based on mutual respect and understanding. The Arizona Indian Town Halls provide a place for state and tribal agencies to come together to form relationships which contribute to these partnerships."

However, the core values of the Indian Town Hall forum, no matter how an agency may refine the process to work within local tribal cultures, provide an unparalleled opportunity for tribes, state, and local agencies, practitioners, traditional leaders, and tribal community members to meet and discuss the issues which affect both Indian and non-Indian. The Indian Town Hall also gives tribal leaders and community members another tool to develop increasingly effective methods of self-government and to wield in the continuing evolution of government-to-government relations.

*Tribal, state and local governments can more effectively come together by focusing on long-range goals instead of always dealing in crisis management. Better conduits for communications of tribal viewpoints to state and local governments should be instituted. Simply recognizing that education and communication are the keys to better relationships between American Indians and non-Indians is not enough. Effort and action are the elements necessary to make any meaningful improvement.<sup>6</sup>*

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<sup>6</sup> "American Indian Relationships in a Modern Arizona Economy," 65<sup>th</sup> Arizona Town Hall, October 30-November 2, 1994.

## ***AUTHOR'S BIOGRAPHIES***

**RON S. LEE, Navajo—*Executive Director, Arizona Commission of Indian Affairs***

Mr. Lee's core values and understanding stems from his maternal kinship, Ashii' Dine' (Salt People Clan) and his paternal kinship, Nakaai Dine' (Journey People Clan), both of which define his character and beliefs as a Dine' from the Navajo Indian reservation.

On September 1, 1998, Ron S. Lee was appointed by Governor Jane Dee Hull as the Executive Director of the Arizona Commission of Indian Affairs. In this capacity, Mr. Lee is responsible for the Agency's overall mission, goals and objectives and to further define its role in tribal-state relations by developing an economic development program for Indian communities throughout the state.

Mr. Lee provides a new style of leadership that combines cultural practices, "*Hozho' Naa'hataa'*," (a positive and holistic approach to planning) with *Western Business Principles* (an effective and efficient approach to planning). His ability to think and speak bi-culturally enables him to work for greater understanding and improve relations between Indians and non-Indians.

Prior to his appointment, Mr. Lee worked at the Center for American Indian Economic Development located in the College of Business Administration at Northern Arizona University. As a research assistant, he worked with Arizona's 21 Indian tribes/nations to foster economic activities on Indian reservations.

During his tenure in the banking industry, Mr. Lee held positions as a consumer loan officer, information/financial analyst and as a business development officer all at Bank One of Arizona, formally Valley National Bank. His experience with bank policies, federal laws and regulations, and tribal sovereignty prompted Mr. Lee to enter graduate school to study public policy and federal Indian law and policy.

Mr. Lee holds a Bachelor of Science Degree from Arizona State University and is completing his Masters Degree in Public Administration at Northern Arizona University.

**DEBRA UTACIA KROL**, *Salinan/Esselen*—Project Specialist, Arizona Commission of Indian Affairs

Ms. Krol is an enrolled member of the Salinan Nation from Monterey County, California, and is also related to the Esselen Tribe of the Big Sur and Northern Monterey County. Her family is of the *Te'po'tahl*, or People of the Oaks. She grew up in San Lucas, California, where her mother, grandparents, and great-grandparents taught her the ways of the Salinan People—how to live in harmony with Mother Earth, respect for the Elders, the proper use of the plants given us by *Kenshaanel*, the Creator, for healing wounds and disease, and the story of how the People survived the incursions of the Spaniards and Americans.

In her capacity as Project Specialist, Ms. Krol is the Editor of the *ACIA Newsletter* and the ACIA Web site manager. Previously, Ms. Krol worked as an electronic technician, sales representative, certified nursing assistant, research laboratory assistant, and writing consultant at Arizona State University West.

She started her writing career in 1995, eventually winning a position as a columnist for the Progressive Media Project, an alternative opinion syndicate located in Madison, Wisconsin. Her columns are distributed by Knight/Ridder Tribune News Service to over 200 newspapers nationwide. She works a 'second job' as the Web writer for the Science and Technology News Network, based in New York. She is also a free-lance correspondent for such publications as *American Indian Review*, a quarterly magazine published in Sussex, England; *Indian Country Today*; *California Indian Storytelling Times*; the *Arizona Republic*; and local newspapers in California and Arizona. She is also continuing a personal quest to gather the collected oral history of the Salinan Elders for an upcoming book, and to pass down to the next generation of Salinans, so the knowledge of the Old Ones will not pass from Mother Earth.

Ms. Krol serves on the Board of the San Antonio Valley (California) Historical Society and the California Indian Storytelling Association. She is a member of the Native American Journalists' Association.

Ms. Krol is currently attending Arizona State University West, majoring in Life Sciences with a Writing Certificate minor. Ms. Krol has lived in Arizona for fifteen years with her husband Ken; her daughter, Melissa, works as a loan officer in Show Low, Arizona.