

The Role of Tribes and Tribal Relations in Creating a More Vibrant Arizona

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Arizona's rich history begins with its Native inhabitants.²⁸ Since time immemorial, Native Peoples built their own vibrant communities in the region's river valleys, high deserts, mountains, and forests. Western archeologists affirm this long occupancy; they document ancestral Puebloan, Sinagua, Hohokam, Mogollon, and Patayan peoples living in the southwest more than 13,000 years ago.²⁹ By contrast, Arizona achieved statehood only in 1912.

The impact of American Indians' long-time presence in Arizona is both considerable and enduring. Numerous county, city, and town names derive from Indigenous words. Phoenix's earliest irrigation canals depended on Native peoples' engineering prowess. Many of the state's most-beloved tourist attractions are located on Indian lands. And through economic progress achieved over the last 20 years, tribes have become major regional employers and key contributors to the well-being of many predominantly non-Native communities.

European settlement has largely had the opposite effect on Arizona's Native communities: entire tribal populations have been relocated; Native peoples' access to their lands, waters, and resources has been severely constrained; Native children have been removed from their tribal homes; and state and federal government policies have created systems of discrimination that have made the mere survival of American Indian people and their communities a challenge.

Today, the 22 federally recognized Native nations that share a geography with Arizona are integral to the future of the state and to the vibrancy of Arizona communities; but the vitality of Arizona's Native people also depends on state, local, and organization leaders making decisions that support and sustain tribes. While this chapter explores these issues in a standalone fashion, interconnections matter. Arizona thrives when its tribal communities thrive.

Vibrant Tribal Communities

A vibrant tribal community is dynamic, opportunity-rich, and culturally strong. Community members, connected to one another through shared heritage and tribal citizenship, work together with leaders in tribal government, the commercial sector, and grassroots organizations to advance well-being, generate access to quality goods and services, ensure proper relationships with the nonhuman world, and uphold sustainable cultural values, so that the old, the young, and the generations yet to come all enjoy well-being, resiliency, and access to the tribe's way of life. Native youth have summarized these ideas well in their responses to the question, "When you have

28 The terms "American Indian," "Native American," "Native" and "Indigenous" are used interchangeably throughout this chapter. The terms "tribe" and "Native nation" are used interchangeably. The term "Native people" refers to all Native individuals, while the term "Native Peoples" refers to their collectives and is somewhat synonymous with "tribes."

29 Archaeology Southwest. (2020). *Ancient Cultures*. Retrieved from: <https://www.archaeologysouthwest.org/ancient-cultures/>. Access date: 7/17/2020.

children your own age, what kind of community do you want them to live in?" In their words, a vibrant tribal community is one "where our children are safe from drugs and crime; where people are healthy; where they have good educational and job opportunities; where their tribal government is strong and politically stable; where their land and resources are protected; where they have a voice and are heard; and where they speak their Native language and practice their cultural ways."³⁰

An Overview of Arizona Indian Country

There are 22 federally recognized tribes that share geography with the state of Arizona.³¹ Despite jurisdictional overlap with federal, state, and county authorities, these Native nations hold sovereign status equivalent to – and in some ways exceeding – that of the state of Arizona itself.

QUICK FACTS³²

- **Population:** >353,000 Native Americans, nearly 7% of Arizona's population, 3rd highest Native population in the U.S.
- **Languages:** Navajo, Apache, O'odham, Hopi, Yaqui, and other Pai and Yuman languages
- **Per capita income:** Pre-COVID-19 \$9,817 to \$19,169, 11 reservations with poverty levels of >35%
- **Unemployment on AZ reservations:** Pre-COVID-19, ranged from 6% to 75%, with an average of 21%
- **Land base:** Tribes control nearly 20 million acres, or 27% of Arizona's overall land base. Tribes also own vast natural resources (forests, minerals, scenic and natural wonders, millions of acre feet of water)

Map source: Arizona Department of Transportation.

RESERVATIONS THAT SHARE GEOGRAPHY WITH ARIZONA



30 This quotation is a composite of responses collected by Joan Timeche during her many years working with Native youth.

31 The 22 Native nations that share geography with Arizona are: Ak-Chin Indian Community, Cocopah Indian Tribe, Colorado River Indian Tribes, Fort McDowell Yavapai Nation, Fort Mojave Tribe, Gila River Indian Community, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, Pascua Yaqui Tribe, Pueblo of Zuni, Quechan Tribe, Salt River Pima-Maricopa Indian Community, San Carlos Apache Tribe, San Juan Southern Paiute Tribe, Tohono O'odham Nation, Tonto Apache Tribe, White Mountain Apache Tribe, Yavapai-Apache Nation, and Yavapai-Prescott Indian Tribe. These 22 are among the 574 Native nations recognized by the United States government as of August 1, 2020.

32 The total population value comes from the 2010 Decennial Census, while socio-economic information is from the 2018 American Community Survey (ACS) 5-year averages (for 2014-2018). We made this choice because of the well-known tendency toward undercounting American Indians in the American Community Survey. Sources: Norris, T., Paula L. Vines, & Elizabeth M. Hoeffel. 2012, *The American Indian and Alaska Native Population: 2010*. Retrieved from: <https://www.census.gov/history/pdf/c2010br-10.pdf>. Access date: 7/17/2020; Campbell, L. (1997). *American Indian Languages*. Oxford University Press, Oxford, UK; U.S. Census. *American Community Survey Data Profiles*. (2018). Retrieved from: <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>. Access date: 8/2/2020; Natural Resources Council of Maine. (2005). *Public Land Ownership by State Augusta, ME*. Retrieved from: <https://www.nrcm.org/documents/publiclandownership.pdf>. Access date: 7/22/2020; U.S. Forest Service. (Apr 1997). *Appendix D: Indian Nations in Forest Service National Resource Guide to American Indian and Alaska Native Relations*. Retrieved from: <https://www.fs.fed.us/spf/tribalrelations/documents/publications/national-resource-guide-ver2.pdf>. Access date: 8/2/2020.

The 22 Native nations are diverse. Their cultures, traditions, and customary practices; languages spoken and language fluency; governmental forms; land bases, geography, and natural resources; and approaches to economic and community development all vary. Many share traits with rural communities; others are deeply embedded in Arizona's urban landscapes. All are constantly influenced by western values and lifestyles, while also, to varying degrees, striving to sustain and reinvigorate their own Indigenous values and lifestyles. (Indigenous people refer to this navigation between western and Indigenous ways as "living in two worlds.")

Among all U.S. states, Arizona's Native population is the third largest. More than 353,000 Native Americans live in Arizona. A substantial number of these Native residents do not live on reservation lands. Approximately 44,000 live in Phoenix and 20,000 in Tucson, figures that rank these cities third and eleventh, respectively, among urban areas with large Native populations.³³ While some of these urbanites are citizens of Arizona tribes, others are not: Education, employment, and quality of life opportunities draw Native people from across the U.S. to Arizona. This points to a population in flux. Strong ties to family, land, culture, and ceremony encourage many American Indians to move back and forth – over the course of a year or after several years – from off-reservation cities to "home" Native communities. In part, they are responding to the expectation that any knowledge and skills gained "abroad" will be invested back into their tribes.

Arizona hosts the third largest Native veteran population. Native Americans have a long history of serving in the U.S. military, a tradition begun even before American Indians were recognized as U.S. citizens (through the Indian Citizenship Act of 1924, which also secured American Indians the right to vote in U.S. elections). In 2015, 9,552 Native veterans lived in Arizona, the third largest American Indian and Alaskan Native (AIAN) veteran population in the U.S.³⁴

Development choices vary by tribe. While all Native nations share a deep respect for the land, natural resources, and environment, they do not all make the same decisions concerning the development of these resources. Various Arizona tribes are involved in the agriculture, oil and gas, finance, outdoor recreation, hospitality, entertainment, and tourism industries, among others. In fact, tribes may have a disproportionate impact on Arizona's tourism sector: More than half of the visitors to Arizona's tribal lands (54.7%) report that "the tribe was main destination of their trip."³⁵ Opportunities for eco-cultural tourism were a top reason why.

Profits from tribally owned businesses fund tribal governments. Tribal governments own many businesses in Indian Country and either manage those businesses directly or rely on their economic development authorities to do so. Such public sector business ownership is not typical in other Arizona communities, but necessary for tribes, because they lack the tax bases available to state, county, and municipal governments. Net revenues from these businesses (including tribal casinos) help fund tribal government operations.

33 Norris et al., 2012.

34 U.S. Department of Veteran Affairs. (Aug 2017). *American Indian and Alaska Native Veterans: 2015 American Community Survey*. Retrieved from: <https://www.va.gov/vetdata/docs/SpecialReports/AIANReport.pdf>. Access date: 8/3/2020.

35 Arizona Hospitality Research and Resource Center. (2006). *Survey of Visitors to Arizona's Tribal Lands, prepared for the Arizona Office of Tourism*. Retrieved from: https://tourism.az.gov/wp-content/uploads/2019/06/3.4_NicheTourismStudies_Statewide-NA-study-Executive-Summary-final.pdf. Access date: 7/22/2020.

Indian gaming benefits Arizona. Since the passage of the Indian Gaming Regulatory Act in 1988, tribal government-owned gaming enterprises have helped fuel economic growth for all Arizona tribes. In 2020, 16 tribes own and operate 25 casinos. The other six tribes do not have casinos but do have compacts with the state of Arizona providing them with an allocation of gaming machines, which they may lease to tribes with casinos. Each tribal government determines how to utilize its gaming proceeds, with essential tribal governmental operations, health, and education being typical tribal priorities. Some Arizona tribes opt to distribute a portion of these revenues to tribal citizens on a per capita basis. Not all tribes with casinos are “rich,” nor are their citizens; gaming revenues, like the revenues from other tribal enterprises, help tribes restore individual and governmental capacities that were stripped away through colonization. Moreover, tribal government-owned casinos do not solely benefit tribes. In 2014, tribal casinos contributed more than \$4 billion to Arizona’s economy (through direct, indirect, and induced effects), a figure that includes \$1.9 billion in wages to more than 37,000 Arizonans, most whom are non-Indian. Indian gaming also generated \$769 million in state and federal taxes and other payments to state and local government agencies.³⁶ “Other payments” include the 1%-8% of tribes’ net win, that by compacted agreement, must be paid to the state of Arizona for education, health care, and other programs and is split 88%-12% between the Arizona Benefits Fund and cities, towns, and counties. In fiscal year 2019, these other payments from Native nations to the state totaled a record high \$111.3 million.³⁷

The economic dynamics of tribal gaming worsen COVID-19 impacts in Native communities. Since the onset of the COVID-19 pandemic, tribal casinos closed for weeks and re-opened only at reduced capacity. Tribal governments, whose primary revenues are generated through gaming, face significant financial shortfalls, resulting in a “triple punch” for some tribal citizens. Extremely high transmission rates in Native communities combine not only with job furloughs and diminished wages but also with reductions in tribal government programs.

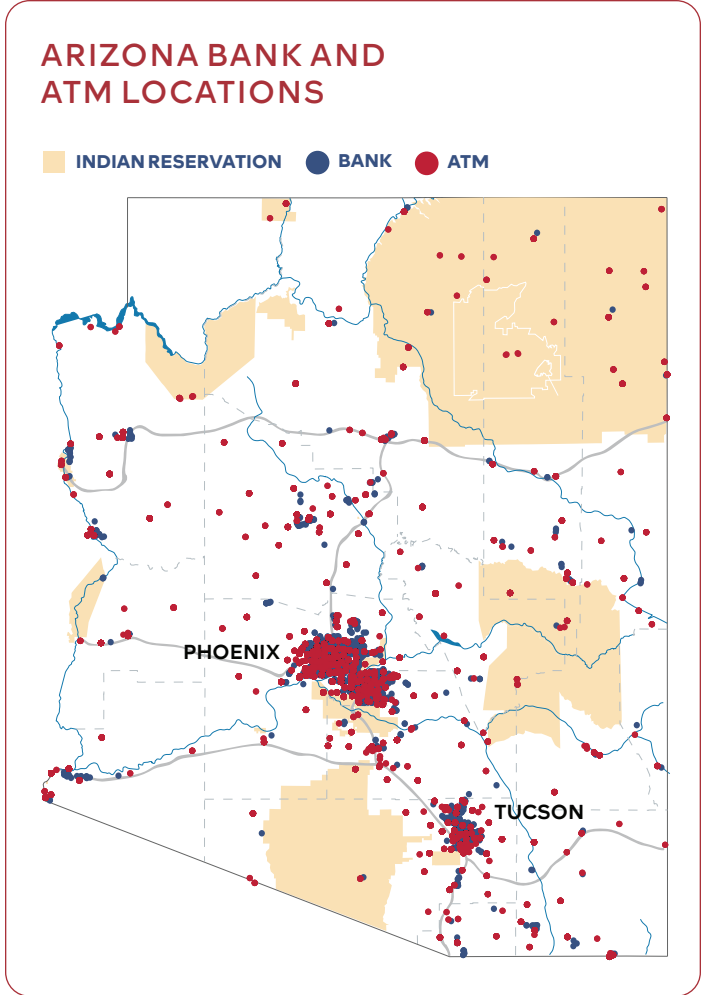
The private sector in Arizona’s Native communities is small. While the public sector tends to play a large role in Arizona’s Native communities, the on-reservation private sector is generally quite small. Many businesses are micro-enterprises, which makes them too small and too specialized to meet tribal citizens’ needs, and as a consequence, tribal citizens often travel to nearby “border towns” for groceries, services, and entertainment. Under these circumstances, the lack of access to public or personal transportation can be a barrier to accessing shopping (as well as necessities such as healthcare). The primary exceptions to these conditions are the on-reservation shopping districts developed by the Salt River Pima Maricopa Indian Community and the Yavapai-Prescott Indian Tribe, which reverse the flow and bring non-Indian shoppers to the reservations.

36 Meister, A. (Nov 2018). The Economic Impact of Tribal Gaming: A State-by-State Analysis. Retrieved from: <https://www.americangaming.org/wp-content/uploads/2018/11/Economic-Impact-of-Tribal-Gaming-Two-Pager-11.5.18.pdf>. Access date: 8/3/2020.

37 Arizona Department of Gaming. (2019). *Annual Report, Fiscal Year 2019*. Retrieved from: <https://gaming.az.gov/sites/default/files/ADG%20Annual%20Report%20-%20Fiscal%20Year%202019.pdf>. Access date: 7/17/2020.

Access to capital and credit are additional barriers to development.

On many of Arizona's rural reservations, cash and barter economies are the norm. Banks and even ATMs are few.³⁸ Securing a business or home loan can be difficult if one earns a cash income, has a poor credit history, and offers nontraditional collateral. In response to these challenges, the Hopi Tribe, Navajo Nation, Salt River Pima-Maricopa Indian Community, San Carlos Apache Tribe, and Tohono O'odham Nation have established Native community development financial institutions (CDFIs) to build the capacity of Native borrowers and fill lending gaps. Several other tribes administer revolving loan funds, and there is a regional Native CDFI that offers services to Natives across Arizona. While credit score analysis reveals a larger gap between on-reservation and off-reservation credit scores in Arizona than in other states with large Native populations (80 points in 2012),³⁹ the credit landscape is improving. Related research shows that over the period 2013-2017, "exposure" to a Native CDFI improved credit outcomes for all low-score consumers, Native and non-Native, by an average of 45 points.⁴⁰



Native Americans pay taxes. Like all U.S. citizens, Native American individuals are subject to taxation, as are Native citizen-owned businesses operating off-reservation. In Arizona, only those Native Americans living and working on their reservations are exempt from state taxation.⁴¹ Tribal-owned enterprises enjoy the tax-free benefits of governments, much like business enterprises owned by municipal governments (e.g., a public golf course).

38 Jorgensen, M & Akee, K. Q. R. (2017). *Access to Capital and Credit in Native Communities: A Data Review*. https://nni.arizona.edu/application/files/6514/8642/4513/Accessing_Capital_and_Credit_in_Native_Communities__A_Data_Review.pdf. Access date: 7/16/2020.

39 Dimitrova-Grajzl, V., Grajzl, P., Guse, J., & Todd, R. M. (2015). *Consumer Credit on American Indian Reservations*. *Economic Systems* 39(3): 518-540.

40 Dimitrova-Grajzl, V., Grajzl, P., Guse, J., & Kokodoko, M. (2020). *Community Development Financial Institutions and Individuals' Credit Risk in Indian Country Working Paper*. Federal Reserve Bank of Minneapolis.

41 Arizona Department of Revenue. (29 May 1996) *Arizona Individual Income Tax Ruling Ltr 96-4*. Retrieved from: https://azdor.gov/sites/default/files/RULINGS_INDV_1996_itr96-4.pdf. Access date: 7/17/2020.

Indian educational outcomes lag behind statewide outcomes.⁴² In 2014, American Indian and Alaska Native children in Arizona constituted 5.6% of statewide school enrollment, with 80.8% of Native children attending public schools, 6.5% charter schools, and 12.6% Bureau of Indian Education (BIE) or tribally controlled schools. Twenty-four percent of Arizona’s Native students attend rural schools, and 44% are in poverty. Arizona’s American Indian students appear to struggle in these environments as 11% of Native fourth-grade students demonstrated proficiency in math on the National Assessment of Educational Progress compared to 30% of all Arizona fourth graders; 15% of Native eighth-grade students demonstrated proficiency in reading compared to 35% of all Arizona eighth graders; and 63% of Native students graduate from high school compared to 87% of White students.

Some tribal funding for Arizona schools is unavailable to tribal schools. The BIE operates 18 K-12 schools in Arizona and funds 36 more tribally controlled schools.⁴³ While BIE-operated schools spend more money per pupil than public schools (the national average is 56% more), the sound reasons for these differences, including student socioeconomic profiles (see above) and the schools’ remote locations and small sizes,⁴⁴ may also suggest that these “high” spending levels are still too low. The coronavirus pandemic has laid bare this concern; if students lack computers and access to broadband, how can BIE-controlled and BIE-funded schools engage students in online learning unless they support the supply and build-out of needed technologies? These resources may be available through federal assistance, although the record to date is poor.⁴⁵ By contrast, public schools in Arizona have funds to tap for such purposes. Quarterly contributions from Native nations’ gaming revenues to the state’s Instructional Improvement Fund range from \$12-13 million each quarter.⁴⁶ These

ARIZONA STUDENT PROFILE

YOUNG CHILDREN

6%

of Arizona population age 18 and under is American Indian.

7,000

American Indian children between the ages of 0-5 live in Arizona.

HIGHER EDUCATION

2,200

students are served by tribal colleges in Arizona.

7.2%

of American Indians in Arizona have a Bachelors degree or higher.

COMMUNITY

87%

of schools with a high proportion of Native students hosted community members to share Native culture and traditions.

35%

of American Indians in Arizona do not have access to a personal computer.

42 Data source for paragraph: National Indian Education Association. (2017). *State Profile: Arizona*. Retrieved from: <https://static1.squarespace.com/static/5cfff319973d7000185377f/t/5e3b3073ff74cd2b8b4b3d5d/1580937333197/NIEA-StateProfileStats-Arizona-Production-v2.pdf>. Access date: 7/27/2020.

43 Bureau of Indian Education. (n.d.). *BIE Schools Directory*. Retrieved from: <https://www.bie.edu/schools/directory>. Access date: 8/3/2020.

44 Government Accountability Office. (13 Nov 2014). *Bureau of Indian Education Needs to Improve Oversight of School Spending GAO report 15-121*. Retrieved from: <https://www.gao.gov/products/GAO-15-121>. Access date: 8/3/2020.

45 Henson, E., Hill, M., Jorgensen, M. & Kalt, J.P. (24 Jul 2020). *Federal COVID-19 Response Funding for Tribal Governments: Lessons from the CARES Act COVID-19 Response and Recovery Policy Brief #5*. Retrieved from: https://ash.harvard.edu/files/ash/files/policy_brief_5-cares_act_lessons_24july2020_final_for_dist.pdf?m=1595612547. Access date: 8/3/2020.

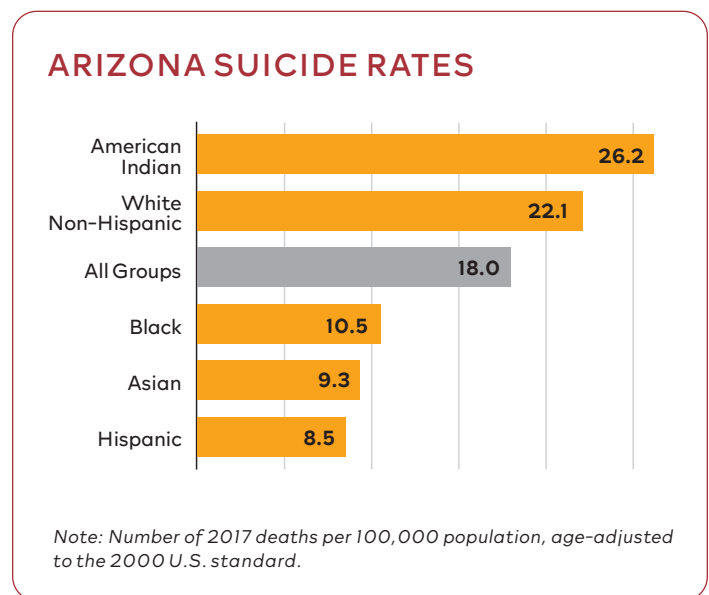
46 See, for example, Staff reporter. (2 Aug 2018). *Tribal Gaming Contributions Continue Growth*. <https://arizonadailyindependent.com/2018/08/02/tribal-gaming-contributions-continue-growth/>. Access date: 8/3/2020.

monies may be used for teacher compensation, maintenance and operations, dropout prevention, and instructional improvement programs. However, "...none of these funds are specifically targeted for Indian education."⁴⁷

One bright spot in the overall education picture is the growth and development of the tribal college and university (TCU) sector. Arizona boasts three TCUs on tribal lands: Dine College, founded in 1968; Tohono O’odham Community College, founded in 1998; and San Carlos Apache College, founded in 2017.

Housing is inadequate both on and off reservations. In the U.S. as a whole, 40% of on-reservation housing is considered substandard, compared with 6% outside of Indian Country.⁴⁸ Nearly one-third of reservation homes are overcrowded, and fewer than half are connected to public sewer systems. Increasing the supply of quality homes is difficult; inventory is constrained by low-functioning housing markets in Indian Country, limited federal appropriations for Native community rental housing, and a lack of tribal land set aside and prepared – with infrastructure – for housing development. These conditions not only create scarcity, but also threaten the affordability of housing on reservations. Housing problems on tribal lands in the Arizona/New Mexico region rank second only to housing problems in Alaska Native villages.⁴⁹ Forty-three percent of all Indian households living on reservations in Arizona/New Mexico and 58% of low-income Indian households reported at least one housing problem—where the problems studied were plumbing deficiencies, overcrowding, and lack of affordability. Affordability and lack of financing options on reservations in Arizona are evident in data on manufactured housing: Over the period of 2012–2016, more American Indian borrowers residing on Arizona reservations applied for manufactured housing loans, and more were denied such loans, than in any other U.S. state.⁵⁰

Native Americans face a number of health challenges. In 2018, American Indians’ residents in Arizona "... ranked worse than the statewide average on 50 of 65 health indicators."⁵¹ The data show high mortality rates, a high incidence of adverse maternal



47 Arizona Department of Education Accountability & Research Division and the Office of Indian Education. (2019). *Arizona 2018 Arizona Indian Education Annual Report*. Retrieved from: <https://www.azed.gov/oie/files/2019/11/8.28.19-AZ-2018-Indian-Education-Annual-Report.pdf>. Access date: 7/27/2020.

48 All national-level statements concerning housing are drawn from: National Congress of American Indians. (2020). *Housing and Infrastructure*. Retrieved from: <http://www.ncai.org/policy-issues/economic-development-commerce/housing-infrastructure>. Access date: 7/30/2020.

49 Biess, J., Hayes, C., Kingsley, Levy, D., T. G., Pindus, N., Nancy Pindus & Simington, J. (Jan 2017). *Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs*. Retrieved from: <https://www.huduser.gov/portal/sites/default/files/pdf/HNAIHousingNeeds.pdf>. Access date: 8/4/2020.

50 Johnson, K. & Todd, R. M (4 Dec 2018). *Race, Location, and Manufactured-Home Loans on American Indian Reservations*. Retrieved from: <https://www.minneapolisfed.org/article/2018/race-location-and-manufactured-home-loans-on-american-indian-reservations>. Access date: 8/4/2020.

51 Arizona Department of Human Services. (2018). *Health Status Profile of American Indians in Arizona: 2018 Data Book*. Retrieved from: https://pub.azdhs.gov/health-stats/report/hspam/2018/part_1.pdf. Access date: 7/27/2020. For more information on suicide rates see *Arizona Department of Health and Human Services Suicide and Self-Inflicted Injury: Arizona, 2006-2017*. <https://pub.azdhs.gov/health-stats/report/suicide/2018/suicide-report-12-2018.pdf>. Access date 7/24/2020.

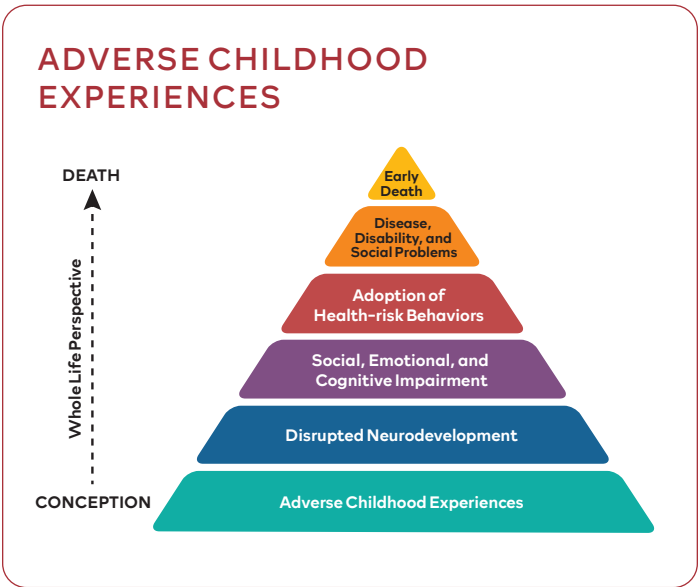
lifestyles, high rates of violence and injury, and high rates of specific debilitating diseases. For example, among American Indians, the 2018 suicide rate was 1.87 times higher than the all-Arizona rate, the poor prenatal care (fewer than five visits) rate was 2.08 times higher, the unintentional injury rate was 2.56 times higher, the assault rate was 2.93 times higher, the septicemia rate was 3.05 times higher, the diabetes rate was 3.20 times higher, the young adult mortality (ages 20-44) rate was 3.26 times higher, and the motor vehicle-related injury rate was 4.31 times higher.

Arizona’s Native children endure high rates of adverse childhood experiences, which affect adult behavioral health.

Adverse childhood experiences (ACEs) are traumatic events experienced before the age of 18 and remembered as an adult. In adults, they are associated with negative effects on social, cognitive, and emotional development.⁵² Arizona’s Behavioral Risk Factor Surveillance System shows that in 2014, 72% of American Indians experienced at least one ACE, which is the highest exposure rate among all Arizonans.⁵³ This disproportionality is in line with other behavioral health disparities Native Americans suffer, including high rates of post-traumatic stress, depression, and substance abuse. Through epigenetic responses, ACEs may even be a contributing factor to those later-in-life health problems.⁵⁴

Per person federal spending on Indian health care is one-third the amount spent on other Americans.

Health care on reservations in Arizona may be provided directly by the Indian Health Service (IHS) or by a tribe or Native nonprofit that receives funding via a contract from the IHS. IHS direct and contracted facilities range from small ambulatory care clinics to full-service hospitals, most of which are located on reservations. In total, 37 medical health



LOCATION OF INDIAN HEALTH SERVICE FUNDED MEDICAL FACILITIES IN ARIZONA

	On-rez	Off-rez	Total
Indian Health Service direct service program	13	1	14
Tribally operated contract programs	18	3	21
Urban Indian health programs	0	2	2
Totals	31	6	37

52 Felitti, V. J. (1998). *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*. American Journal of Preventive Medicine 14(4), 245-258.

53 Arizona Department of Health Services. (2015). *Adverse Childhood Experiences in Arizona: Findings from the 2014 Arizona Behavioral Risk Factor Surveillance System*. <https://www.azdhs.gov/documents/prevention/womens-childrens-health/reports-fact-sheets/issue-briefs/ACEs-report-2014.pdf>. Access date: 7/24/2020.

54 Brockie, T., Gill, J. & Heinzelmann, M. (9 Dec 2013). *A Framework to Examine the Role of Epigenetics in Health Disparities among Native Americans*. Retrieved from: <https://doi.org/10.1155/2013/410395>. Access date 8/4/2020.

facilities (clinics and hospitals) serve Native Americans in Arizona.⁵⁵ Although tribal citizens have access to health care as a matter of right,⁵⁶ two 21st century reports by the U.S. Commission on Civil Rights have cited health care as egregiously underfunded by the U.S. government.⁵⁷ In 2017, for example, “IHS health care expenditures per person were \$3,332, compared to \$9,207 for federal health care spending nationwide.”⁵⁸ Tribes feel strongly that more funding would create better health outcomes for Arizona’s tribal citizens – which is a key reason why, despite the obligations of the U.S. government, some Arizona tribes invest their own revenues in health care programming.

Arizona is among the top three states nationally for missing and murdered Indigenous women and girls cases. The Missing and Murdered Indigenous Women (MMIW) movement calls attention to the vulnerabilities of Native women to violence and crime and to a lack of law enforcement commitment to learning their fates. For 2016, for example, the National Crime Information Center recorded 5,712 reports of missing Native women and girls; by contrast, the U.S. Department of Justice’s missing persons database logged only 166 cases.⁵⁹ Murder is the third-leading cause of death among American Indian and Alaska Native women and girls age 19 and younger,⁶⁰ and American Indian and Alaska Native women are up to twice as likely to be sexually assaulted than women in the general population.⁶¹ Among 71 cities across the U.S. for which MMIW data were gathered, Phoenix, Flagstaff, Tempe, and Tucson together contributed 52 of the 506 cases uncovered, placing Arizona in the top three states for MMIW. Tucson ranked fourth on the list of cities with the most cases.

Native Americans vote, but not without obstacles. In Arizona, Native Americans did not have a right to vote until 1948, when the Arizona Supreme Court overturned an earlier ruling (in *Harrison v. Laveen*) banning them from voting. By employing literacy tests, the state continued to prevent Native people from participating in elections until 1975, when the prohibition of such tests became a permanent part of the Voting Rights Act. Since then, Native Americans have faced continued, albeit different, difficulties voting in Arizona. The Arizona voter identification law, which resulted in a sharp decrease in Native voters in 2006, has been one method.⁶² Under the law, Arizona residents must present a valid ID, with a photograph and an address that both matches poll records and a physical residence. Especially on large, rural reservations, the latter requirement is onerous, as “addresses” may be more directions than street numbers (“2 miles from

55 Arizona Health Care Cost Containment System. (Dec 2015). *Indian Health Service (IHS), Tribally Operated 638 Programs, and Urban Indian Health Programs in Arizona*. Retrieved from: <https://www.azahcccs.gov/Shared/Downloads/ITUList.pdf>. Access date: 8/4/2020.

56 Indian Health Service. (Jan 2015). *Basis for Health Services*. Retrieved from: <https://www.ihs.gov/newsroom/factsheets/basisforhealthservices/>. Access date: 8/4/2020.

57 U.S. Commission on Civil Rights. (2003). *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*. Retrieved from: <https://www.usccr.gov/pubs/na0703/na0204.pdf>. Access date: 8/4/2020; U.S. Commission on Civil Rights. (2018). *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*. Retrieved from: <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>. Access date: 8/4/2020.

58 Ibid.

59 Urban Indian Health Institute. (2018). *Missing and Murdered Indigenous Women & Girls*. Retrieved from: <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>. Access date: 7/23/2020.

60 Centers for Disease Control and Prevention. (2019). *Leading Causes of Death – Females – Non-Hispanic American Indian or Alaska Native – United States 2016*. Retrieved from: <https://www.cdc.gov/women/lcod/2016/nonhispanic-native/index.htm>. Access date: 8/4/2020.

61 Rosay, A. B. (2016). *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/249822.pdf>. Access date: 8/4/2020.

62 See, for example: Ferguson-Bohnee, P. (2016). *The History of Indian Voting Rights in Arizona: Overcoming Decades of Voter Suppression*. Retrieved from: http://arizonastatelawjournal.org/wp-content/uploads/2016/02/Ferguson_Final.pdf. Access date: 7/17/2020; and, Indian Legal Clinic. (6 Mar 2018). *Native Vote – Election Protection Project, 2016 Election Report*. Retrieved from: <https://law.asu.edu/sites/default/files/pdf/2016-native-vote-election-protection-report.pdf>. Access date: 7/24/2020.

post 50 on Hwy 264”). The list goes on: county election administrators must know precisely where voters live in order to provide the correct ballots and to direct voters to the correct polling places; mail-in voting is less feasible when the post office is an hour away and the process of retrieving, filling out, and returning a ballot requires multiple trips; and, if the voter has limited proficiency in English, Indigenous language services will be necessary in order for that individual to exercise the franchise. In the 2016 general election, on half of the reservations in Arizona where voter participation was tracked, turnout was less than 50%.⁶³

Government-to-Government Relations

Good government-to-government relationships are built on a foundation of understanding. As many reservations are neighbors to Arizona towns and cities, that includes an understanding among state and municipal elected and civic leaders of tribal government. Indigenous peoples have always governed themselves. Over time, many Arizona-based tribes have adapted their governing systems to address changing circumstances: but within these systems, tribal citizens continue to use their values to solve problems, resolve disputes, and advance their priorities. Today, most tribal governments in Arizona appear similar to western governments, with legislative, executive, and judicial branches – although four of the Hopi Tribe’s 12 villages continue to use traditional forms of government and the Navajo Nation employs customary law alongside contemporary Navajo law.⁶⁴

Tribes are sovereign nations. As sovereigns, the powers of tribal governments are vast and include, among others, the power to establish citizenship criteria, determine governmental form, make and enforce law (including tax law), resolve disputes in their own courts, and develop and regulate their lands, waters, and other natural resources. However, tribes’ capacities to exert these powers tend to vary by population, territorial expanse, government revenues, and administrative prowess.

The success of an intergovernmental project or relationship often turns on a partner government understanding the types of decision makers within tribal government. With this knowledge, it is easier to approach the right “level” of tribal decision-maker needed to make the collaboration work.⁶⁵

- The tribal council or legislature is the official governing body or decision-making entity within tribal government. The majority of Arizona tribes elect tribal council members as representatives of political subdivisions of the nation, such as a district, chapter, or village. Terms of office vary by tribe.
- A tribe’s top elected official may be called the president, governor, or chairman,⁶⁶ and is assisted by a vice president, lieutenant governor, or vice chairman. Some top elected officials have considerable decision-

63 Indian Legal Clinic, 2018.

64 For anyone interested in learning still more, two useful resources are the website of the Native Nations Institute at the University of Arizona (www.nni.edu), which provides users with an array of ways to learn more about tribal governments, and *Rebuilding Native Nations: Strategies for Governance and Development* (edited by Miriam Jorgensen and published by the University of Arizona Press in 2007), which describes the ways Native nations are working to strengthen their foundations, develop stronger and more capable governments, become better partners with other polities, and thereby serve their citizens better.

65 The points shared here derive from the Native Nations Institute’s long experience working in partnership with tribes.

66 Those that use the term “president” are the Fort McDowell Yavapai Nation, Quechan Tribe, Navajo Nation, San Juan Southern Paiute Tribe, Salt River Pima-Maricopa Indian Community, and Yavapai-Prescott Indian Tribe. Those that use the term “governor” are the Gila River Indian Community and Pueblo of Zuni. The remainder use the term “chairman.”

making authority as provided in their nations' constitutions, while others may be limited to those powers delegated by the council. These top two positions are elected at large by tribal citizens and upon election, serve three- to four-year terms.

- The tribal council may delegate decision-making authority in areas related to housing, land, realty, natural resources, etc., to the executive or administrative branch or to specialized commissions, boards, or authorities that are both part of, and separate from, the tribal government. Some Arizona tribes are subdivided into districts, chapters, or villages that have their own governments and operate much like counties or municipalities. Thus, approval from the governing body of a district, chapter, or village may be the first step when seeking a relationship (for development or other purposes) with a tribe.
- In some tribes, governmental action requires the official sanction of non-elected leaders such as religious or clan leaders.
- Three other important but non-tribal decision-makers are the U.S. Department of Interior Bureau of Indian Affairs (BIA), BIE, and IHS. These federal agencies either deliver core governmental functions and services directly or fund tribes who choose to contract with the federal government to take over administration of a particular funding stream (e.g., a tribe may contract with the U.S. government to manage the funding stream supporting policing, health care, social services, education, etc., on the reservation).
- Lastly, attention always should be paid to those with implicit authority, such as individuals with traditional land-use rights. These individuals may simply be identified as community-member "stakeholders", but nonetheless may have significant license to review and approve projects, research, changes, and deliverables.

Indian Country jurisdiction is complex. While tribes in Arizona have their own Law and Order codes, police and law enforcement divisions, courts, and 13 Arizona tribes also have detention facilities;⁶⁷ no two tribes are alike in their ability to engage in justice activities. These differing capacities overlay what many have termed as a "jurisdictional maze": Native nations, the federal government, and the state of Arizona share law enforcement functions on tribal lands, with each having different, although sometimes overlapping, responsibilities. The federal government has jurisdiction over major crimes committed on tribal lands if either the alleged perpetrator or victim is a member of an Indian tribe. Tribal governments in Arizona take responsibility for all other criminal infractions by Indians and may enact a full complement of civil laws that Indian and, in general, non-Indians must obey. Finally, the state of Arizona has jurisdiction over non-Indians who commit crimes against other non-Indians on tribal lands. Matters become more complicated if a tribe opts to exercise concurrent jurisdiction over major crimes against Indians on tribal lands or to create civil penalties to govern the behavior of non-Indians on tribal lands. Similarly, the federal government and state of Arizona may hold authority over roads, rivers, rights of way, etc. that cross reservations. Alleged criminals may flee from state lands to tribal lands, and vice versa. The demand for government-to-government relationships in law enforcement is substantial.

67 Cowhig, M. & Minton, T. D. Todd D. (5 Dec 2017). *Jails in Indian Country, 2016*. Retrieved from: <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6146>. Access date: 8/4/2020.

Indian Country has a unique system for public finance. Because of the trust status of their lands and the fact that Arizona has asserted primacy over many forms of taxation, tribes do not – as noted previously – have the same kind of tax bases that states and municipalities do. Instead, tribal governments rely on federal and state programs, private and non-profit entities, revenues from their business endeavors, and, to the extent possible, modest tax and fee strategies to support governmental functions and provide needed services. In other words, tribes have long been required to be more innovative than other governments in order to fund their operations and meet the needs of their citizens.

The Native non-profit sector is growing. Both on and off reservations, the number of Native-serving non-profit organizations has been growing. A recent uptick occurred as a result of the COVID-19 pandemic. Because charitable contributions typically flow to certified non-profit corporations, only tribes with a pre-existing 501c3 organization were in a position to accept these gifts. Looking to these examples, other tribes moved to catch up. In other cases, donations flowed to newly established, independent, COVID-19-specific fundraising organizations. The end result has been sector growth and improved channels for both government-to-government and community-to-community collaboration across jurisdictional lines.

Challenges Heightened by COVID-19

Even *prior* to the COVID-19 pandemic, many Arizona Native nations faced the challenges of unemployment and poverty, health disparities, vexing social issues, inadequate physical infrastructure, and poor-quality housing. While nothing about the pandemic is good for Indian Country, it has made these issues more visible to all Arizonans: More and more Arizona residents are gaining awareness of the high rates of COVID-19 infection suffered by their tribal neighbors, as well as of the disparities between Native and non-Native communities that exacerbate the spread and make containment more difficult.

The following is an incomplete list of both new and ongoing challenges for tribes as a result of the new coronavirus:

- **Funding for essential tribal government operations has become scarce.** As a result of the pandemic, tribal enterprises were shuttered, tribal government revenues plummeted, and the demands on tribal treasuries mounted for protective equipment, remote learning support, and food and water. Federal relief arrived, but only after a lengthy wait (longer than that experienced by states and municipalities), caused in part by U.S. Department of the Treasury's use of an arcane allocation methodology. Reopening has begun, but occupancy restrictions and consumer confidence continue to suppress tribal earnings, while the demand for essential government functions is as great as ever.

- **Clean water is not always available.** On some reservations, it has long been a struggle to access clean water. During this pandemic, one of the main messages has been to wash hands often. Without accessible, uncontaminated water, tribal governments have had to address the issue with creative thinking, such as providing portable hand washing stations. Nonetheless, this very short-term solution begs for a long-term, sustainable approach.
- **Broadband and telecommunications equipment are required for education and employment.** The closure of schools and businesses and a reduction in some health care services have impacted tribal communities across the nation. In Arizona, some tribal communities lack computer equipment and broadband capability that can support employment, allow youth to continue their schooling, provide the option of telehealth visits, and keep families connected. It may be particularly important to shift some attention to small tribes, whose technology capacity-building challenges loom large even though their population numbers do not.
- **Poor quality roads hinder response and recovery.** Roads on tribal lands connect people to essential services, including schools and healthcare. Unfortunately, they often are unpaved and not well maintained, and bad weather can easily make them unpassable for days. Funding constraints and overlapping jurisdictions make improving and maintaining roads on tribal lands challenging – and at the same time, mandate intergovernmental collaboration for solutions. In this pandemic, poor roads have curtailed tribal governments' abilities to be responsive; in the next, better roads could contribute to Native communities' resilience.
- **Access to health care is complex.** While it has many entry points, the Indian health system is complex: tribal members in need of care can seek services from a tribally funded provider, from the federal Indian Health Service, through the Arizona Health Care Cost Containment System, or from a private provider. A collaborative effort across tribal, federal, and state systems could help tribal citizens better understand their options and access more appropriate care. It might also streamline and coordinate services, saving money for all payers. For example, the Havasupai must carefully coordinate health care, as the helicopter flies into the Grand Canyon on a limited number of days, and round-trip transportation and lodging often must be secured at short notice. Telemedicine may also offer opportunities for complementary action: However, there are large connectivity and training gaps that are difficult for any one system to fill, but all tribal members might benefit from telemedicine.
- **The "food desert" problem has become more acute.** The U.S. Department of Agriculture defines a food desert as an area where people have limited access to a variety of healthy and affordable food. Because of the pandemic, tribal citizens already suffering from the loss of local agriculture and who had become resigned to long trips to the grocery store now find it harder to make such trips. When they do reach the store, they face even higher prices, reduced selection, and less healthy choices. Students reliant on school breakfasts and lunches also experience worsening diets in the move to remote learning. There is renewed energy around educating young people about planting and gathering, and momentum is building, but change takes time and will not solve the immediate food crises.

The Power of Collaboration

Native nations that share geography with the state of Arizona imagine a future in which they dynamically engage with other Native and non-Native communities to strengthen their citizens, cultures, and economies. There is an opportunity for Native and non-Native communities in the state to work together toward that vibrancy. The following list provides guidance for those interested in cultivating or strengthening meaningful collaboration with tribes:

- Respect and understand tribal sovereignty when developing partnerships. Tribes govern themselves and have many of the same powers that federal and state governments do to regulate their own affairs.
- Recognize the unique character of each of the 22 tribes that share geography with the state of Arizona; not all tribes are the same. The Native nations in Arizona vary in location, population size, language, and cultural beliefs, although many have similar stories and teachings.
- Incorporate an orientation to the American Indian tribes in Arizona into your work or project. This would include an overview of tribal history; an overview of tribal, western, and traditional government structures; information about funding streams; and an introduction to various tribes' locations, languages, beliefs, and values. Staff of tribal programs or businesses, Native faculty and staff at Arizona colleges and universities, or staff of Native-serving nonprofits may be good connections and may have presentations at the ready.⁶⁸
- Consider hiring a Cultural Broker/Tribal Liaison. This staff member could strengthen your organization by offering guidance and insight related to Arizona tribal nations. When meeting with a tribe, especially at an initial introductory meeting, it is strongly encouraged that the meeting be in person and on the tribe's lands (as long as such an invitation is made). A Tribal Liaison can help educate your team about these cultural protocols and better prepare your organization to earn the respect and trust of tribal partners.
- Work to improve tribes' eligibility for and access to state and pass-through federal funding. Providing improved eligibility and accessibility to federal and state funding for programs and services helps establish tribal governments on a more even footing with non-tribal governments.

QUICK TIPS

- Uphold and value tribal sovereignty
- Abandon your presumptions
- Learn about each other's government and community
- Have respect and act respectfully
- Forge meaningful and lasting relationships
- Work toward equity in funding and programming

Quality, impactful collaboration requires hard work. This includes making a real commitment to understanding each other's policies, culture, infrastructure, situation, and constraints. The learning process is part of the investment in, and nurturing of, a lasting relationship, one that extends beyond the current project or immediate

⁶⁸ Contact one of Arizona's universities, tribal colleges, or tribal nonprofits. As an example, the Native Nations Institute at the University of Arizona has an existing "Native Know How" non-credit seminar from which a significant portion of this chapter was derived.

challenge. Remarkably, the COVID-19 crisis creates space for such relationship building: the cooperation, friendships, and ventures developed through this crisis strengthen partnerships and provide opportunities for future collaboration. Tribal governments, their communities, the state of Arizona, counties, and municipalities, and every individual citizen of the state, are pieces of the Arizona puzzle. When all of these pieces are put in place and work together, Arizona may realize its most vibrant vision for all of its peoples. As a tribal elder instructed: “Tell me, and I’ll forget. Show me, and I may not remember. Involve me, and I’ll understand.”

About the Authors

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