



**GILA RIVER INDIAN COMMUNITY  
TRIBAL CONSTITUTIONAL REFORM  
PROJECT**

**2008**



# TRIBAL HISTORY

- 1694 Father Kino entered Gila River area
- 1846, southern Arizona was under the influence of the United States following the Mexican-American War
- Between 1849 – 1951, approximately 60,000 travelers passed through the Gila River area in pursuit of gold in California
- 1859 – Gadsden Purchase officially made southern Arizona part of the US Territory
- 1859 – US established the Gila River Reservation



# HISTORY OF THE TRIBAL CONSTITUTION

- May 14, 1936 – Initial Constitution & Bylaws of the Gila River Indian Community
- February 28, 1938 – Ratification of a Corporate Charter – postponed
- September 9, 1946 – Constitution amended: 745 for and 107 opposed
- March 17, 1960 – Constitution amended: 761 for and 476 opposed (Today's Constitution)
- 1990 – Secretarial election – proposed amendment defeated



# CURRENT PROJECT

- Resolution GR-53-06 – Establishes the Community Constitution Reform Project as a Priority

–Identifies certain issues:

- Blood quantum
- Wills and Probate
- ICWA
- Adoption
- Land management
- Enrollment



## GR-53-06

- Project shall provide public forums so public may actively participate in reform process ...
- Empower Community to voice opinions and concerns
- Community recommendations regarding community government
- Recommendations to amend the Community Constitution



# TASK FORCE MEMBERS

District 1 – Selwynn Johnson

District 2 – Richard Schurz

District 3 – Angel Galaz

District 4 – Belinda Nelson – Vice Chairperson

District 5 – Brian E. Davis, Sr.

District 6 – Anthony Hill – Chairperson

District 7 – Rowena Nelson

UMA – Edward Floyd Johnson



# PROJECT SUPPORT

- Project Manager – Gerald Calnimpewa
- Secretary III – Joanne Miles-Long
- CCSO Intern – Paul J. Flores
- Consultants – Rosette & Associates, PC,  
Chandler, Arizona



# PHASED PROJECT

- I – Preliminary Project Planning - Complete
- II – Activate the Task Force – Complete
- **III – Comprehensive Public Information Campaign**
- IV – Implement Public Information & Citizen Participation Campaign
- V – Tribal Constitution Reform Public Forums
- VI – Conduct Secretarial Elections
- VII – Close Out Project





# HOW ARE YOU INVOLVED?

- This is your government – its your chance to be involved
- This will affect you, your children, grandchildren and future generations of GRIC members
- Your input and involvement is critical



# 1960 CONSTITUTION

I – Terms

II – Territory

III – Membership

IV – Rights of Members

V – Governing Body

VI – Qualification of Officers

VII – Appointed Officials/Committeemen

VIII – Tenure of Office

IX - Vacancies



X – Elections

XI – Districts

XII – Removal

XIII – Referendum

XIV – Initiative

XV – Powers of Council

XVI – Property

XVII – Amendments

Bylaws



# PURPOSE OF A CONSTITUTION

- Foundational Document – Governmental structure
- Rules by which a government organizes and self-governs
- Establishes powers and declares the rights of its people
- Establishes expectations and boundaries for those dealing with the government



# CURRENT TRIBAL ORGANIZATION

- Executive Office

- Governor and Lt. Governor

- CEO of the Community
    - elected 3 year terms
    - Presides Officer of the Community Council
      - Chief of Staff
      - Public Information Officer
      - Community Managers
      - General Counsel
      - Finance Director
      - Director – Office of Planning & Evaluations
      - Director – Community Services



# CURRENT TRIBAL ORGANIZATION

- Legislative Office
  - Community Council – The Governor is the presiding officer
    - 17 Community Council members representing 7 Districts
      - Elected by Community
      - 3 year terms
    - 7 Standing Committees
      - Appointed by Community Council
      - 3 year terms
      - one Community at Large member
  - Functions in conformance with Bylaws and Ordinances of the Community
  - Only branch with powers specifically enumerated in Constitution



# CURRENT TRIBAL ORGANIZATION

- Judiciary

- Established by Constitution and Bylaws
- Duties and jurisdiction – set forth in Ordinances of the Council ( Section 6 - Bylaws)
  - Chief Judge
  - 5 Associate Judges
    - Elected by Community
    - 3 year terms
  - 2 Children's Court Judges
    - Appointed by the Community Council
    - 4 year terms



# WHY REVISE?

- Societal changes
  - Gaming
  - Economic Development
  - Indian Self-Determination/Self Governance
- IRA Constitutions inadequate
  - Imposed centralized structure – power vested in small group or groups
  - Little or no separation of powers
  - No emphasis on inherent sovereignty – Secretarial review





- Intra-Tribal Events
  - Membership disputes
  - Recall or election disputes
  - Abuses of political and economic power



# WHAT'S THE PROCESS

- Develop draft Constitution
- Request Secretarial Election – 25 CFR § 81.6
- Register eligible voters
- Secretarial Election



# WHY A SECRETARIAL ELECTION?

## Article XVII - Amendments

“ . . . It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council or upon receipt of a petition signed by five hundred (500) eligible voters, members of the Community.”



# WHAT IS A SECRETARIAL ELECTION?

Secretarial Elections are federal elections held within the tribe following federal law and procedure. (Constitutional amendments)

Tribal Elections are elections held within the tribe and governed by tribal law. (Tribal council elections)



# SECRETARIAL ELECTION

- Request to Secretary for election 25 CFR § 81.5
- Election Board indentified 25 CFR § 81.8
  - Officer in charge – Chairman
  - Two representatives of the tribal governing body or representative committee
- Registration of Voters 25 CFR § 81.11



# HOW CAN I HELP?

- Complete the survey
- Talk with your families, friends and other members
- Talk to your Task Force Members
- Register to vote in the Secretarial Election
- **VOTE!!!!** Assist others to get to the polls!!!



# FOR MORE INFORMATION

- Contact your District Task Force Representative
- Contact: Gerald Calnimpitewa, Project Manager  
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Community Council Secretary's Office  
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