



The NATIVE NATIONS INSTITUTE at the UDALL CENTER FOR STUDIES IN PUBLIC POLICY presents

REMAKING



Tribal Constitutions

A NATIVE NATION BUILDING SEMINAR

@ Tohono O'odham Nation's **DESERT DIAMOND CASINO**

RTC WORKBOOK



THE UNIVERSITY OF ARIZONA

**NATIVE NATIONS
INSTITUTE**

Founded by the Udall Foundation
& the University of Arizona

Strengthening Indigenous Governance

JULY 15 & 16, 2026
TUCSON, AZ

*The traditional homelands of the Pascua
Yaqui Tribe & the Tohono O'odham Nation*



OUR MISSION

The Native Nations Institute strengthens Indigenous governance through research, capacity building, and education.

OUR VISION

The Native Nations Institute envisions a world where all Indigenous Peoples exercise their inherent sovereignty through strong self-governance.

LAND ACKNOWLEDGMENT

We respectfully acknowledge the University of Arizona is on the land and territories of Indigenous peoples. Today, Arizona is home to 22 federally recognized tribes, with Tucson being home to the O'odham and the Yaqui. The university strives to build sustainable relationships with sovereign Native Nations and Indigenous communities through education offerings, partnerships, and community service.

Remaking Tribal Constitutions
Seminar: RTC Workbook.
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Native Nations Institute.

nni.arizona.edu





WELCOME!

RTC 2026



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Introducing NNI's RTC WORKBOOK

This workbook is an abbreviated summary the Native Nations Institute's Remaking Tribal Constitutions (a Nation Building Seminar) content. The worksheets included provide Native nations with a set of questions to consider as they embark on creating or revising their constitution. This is intended to help individuals and communities conduct a quick assessment of where your nation stands and identify areas that have to be addressed/strengthened.

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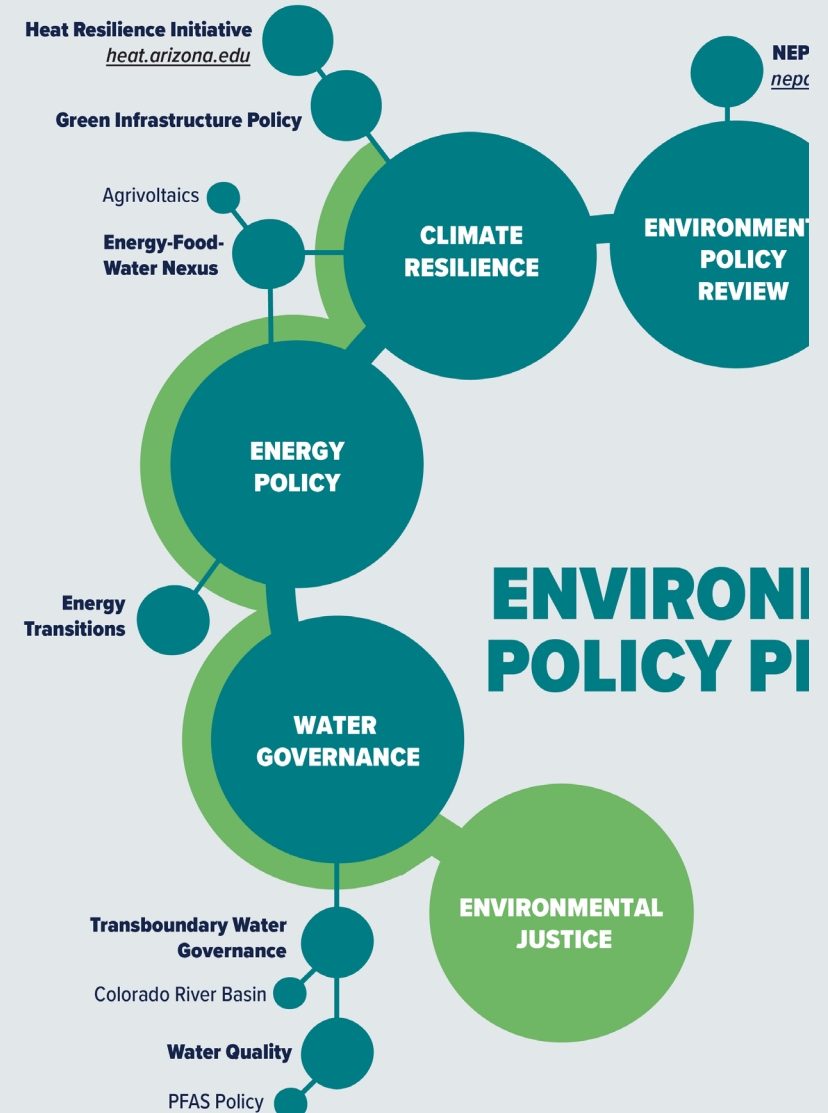
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CIVILITY, INTEGRITY, CONSENSUS

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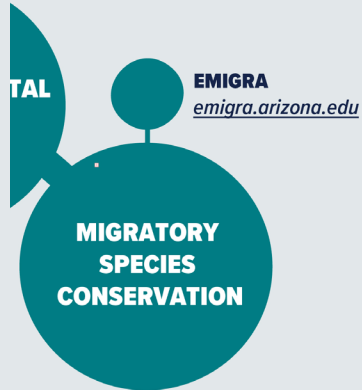
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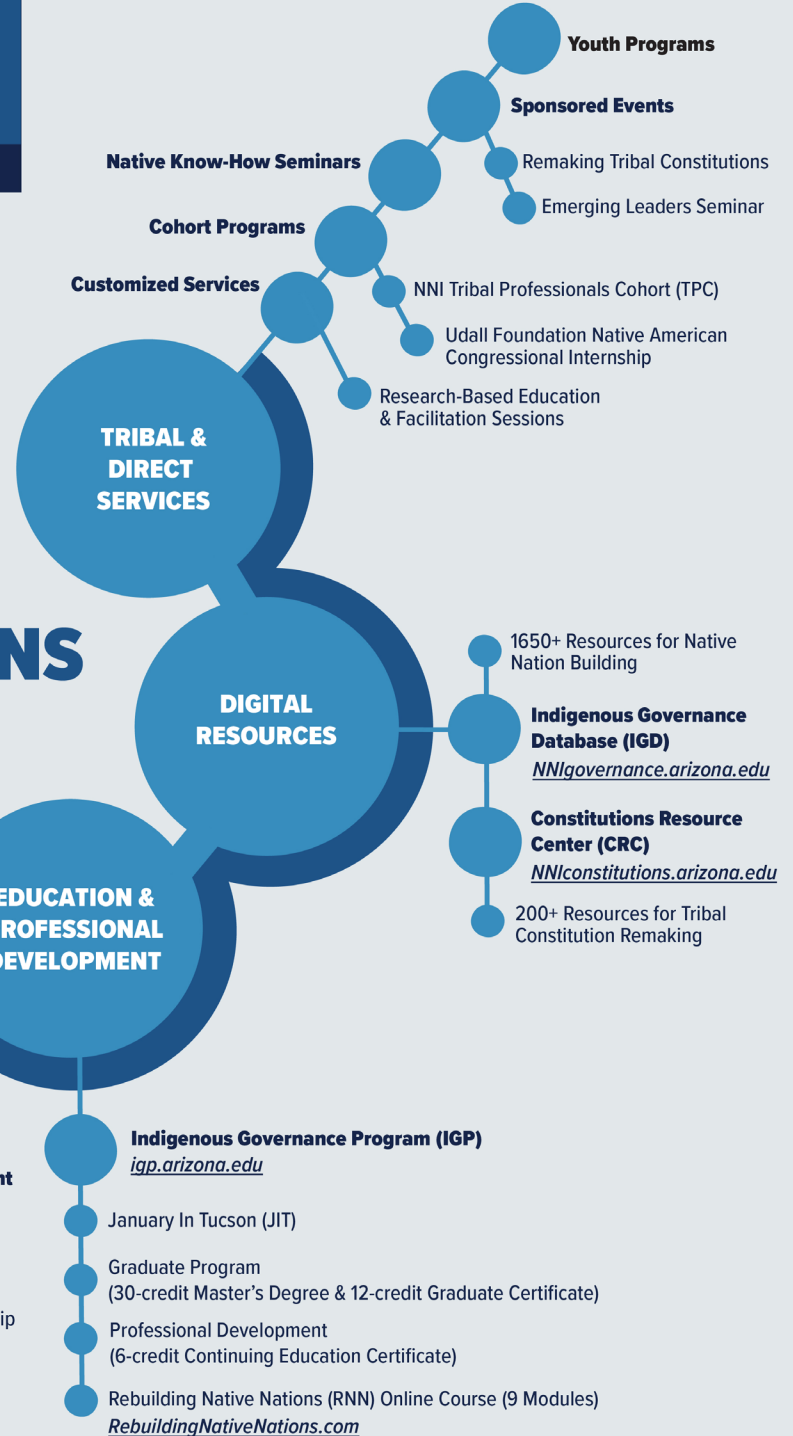
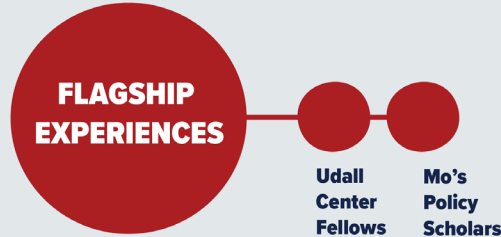
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MENTAL PROGRAM





SESSION ONE

What Happened to Native Nation Governance in the United States?

Colonial policies have impeded, displaced or destroyed Indigenous governance institutions and governing systems over the past few centuries...

RTC WORKSHEET // SESSION ONE

DEFINING



1.1

**What do
constitutions
look like and
do in Indian
Country?**

**What is a
constitution?**

1.1.1 Why do constitutions matter?

Whether written or oral, what are the fundamental rules of our nation?

Are those rules clear? Do the majority of our citizens understand our current system of government and abide by the rules?

Do those rules seem to work? Is our nation able to get things done?

Are we content with our current governing system?



A constitution, whether written or unwritten...

...states the most fundamental rules by which a nation and its people (tribe, community, iwi, hapuu) intend to work together to achieve their goals.

It tells us (for example):

- » **who they are as a people,**
- » **how the nation relates to other nations and to the natural and spirit worlds,**
- » **who has what rights and authorities,**
- » **how they'll make decisions,**
- » **how they'll resolve disputes, and**
- » **how to get things done.**

In short, a constitution codifies the people's explanation of how the nation will govern itself.

RTC WORKSHEET // SESSION ONE

DEFINING

1.1.2

**Do constitutions
need to be written
down?**

Do we currently have a written constitution?

If not, would it be helpful to our citizens and outsiders for us to put down on paper how our government is structured and how it operates? Or would that violate something of importance to us?

If we already have a written constitution, is it clear and easy to understand? Are our citizens aware of the constitution and its importance?

If we prefer to have an unwritten constitution, how do we make sure that our citizens and others understand and respect it?



Are constitutions a ‘western’ idea?

Are such things as “constitutions,” “independent dispute resolutions,” “separations of powers,” “checks and balances” western ideas?

The language may be western, but the ideas are not.

They’ve been used by human communities for millenia to organize decision-making and collective action.

RTC WORKSHEET // SESSION ONE

DEFINING



1.2

Is a
constitution
a Western
idea?

1.2.1
**Did Native
nations have
constitutions
before the
European
invasion?**

How did we govern ourselves prior to European contact?

How was our nation organized? By clan? By kinship?

How were roles and responsibilities distributed?

How did we make decisions?



How were laws made and enforced?

How did our citizens learn how our system worked?

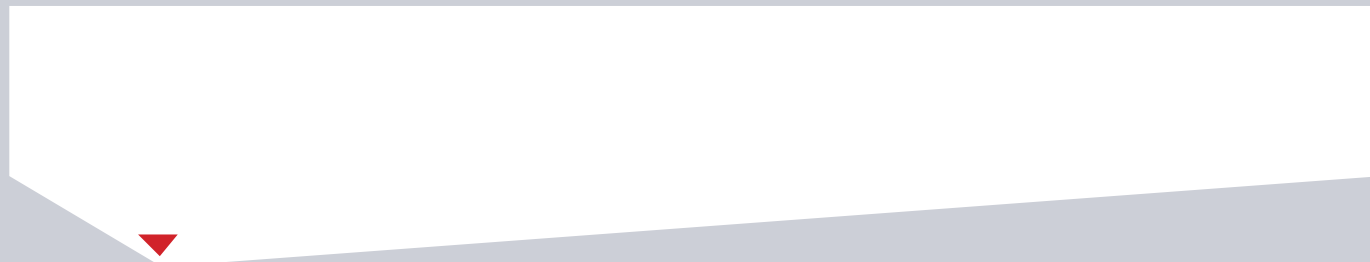
RTC WORKSHEET // SESSION ONE

DEFINING

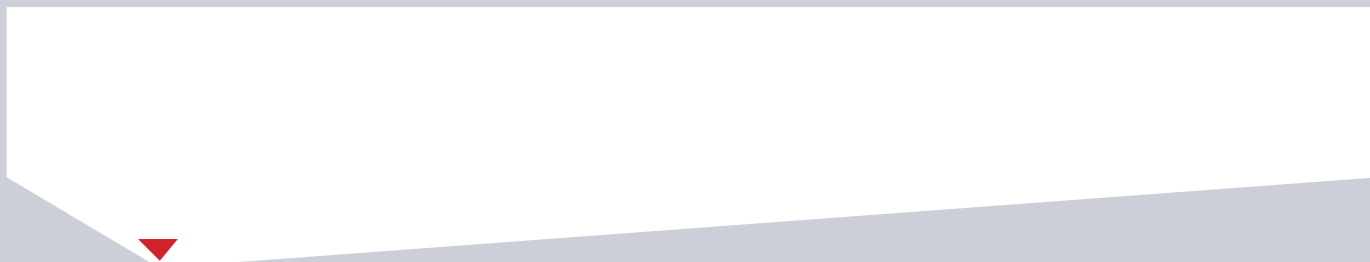
1.2.2

What was the effect of colonization on Indigenous constitutions?

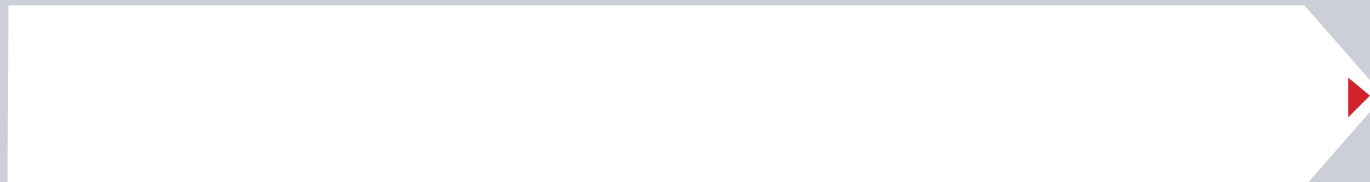
How different is our current governing system from the ways we governed prior to colonization?



Have we retained some of our older ways of doing things? Which ones?



To what extent does our current governing system meet the challenges we face today?





“Wolves have a constitution. The wolf pack has rules. Each wolf knows its role and respects the rules. That makes the pack effective. When they follow the rules, the system works.”

NGARRINDJERI ELDER,
in conversation with NNI staff, Australia, 2011.

RTC WORKSHEET // SESSION ONE

DEFINING



1.3

**How does
our Native
nation
currently
govern?**

1.3.1

**Where does
our current
constitution
come from?**

Does our current constitution represent our ideas of how best to govern, or someone else's ideas?

To what extent does our current constitution (or our governing documents) express our values as a people?

1.3.2

**Some rules exist
outside written
constitutions.**

If our nation has a written constitution, what unwritten rules exist outside of the constitution?

Are there traditional rules that our nation decided not to write down?



Native nation constitutions today...

An increasing movement to reclaim self-governing power; either reforming existing constitutions or creating new constitutions for the first time.

- » **Innovation and diversity in Indigenous governing structures**
- » **Changes to support the exercise of jurisdictional rights and power**
- » **Some are amending their existing constitutions to strengthen them while others are developing wholly new constitutions that better reflect their own ideas of how authority should be organized and how the nation should act.**

RTC WORKSHEET // SESSION ONE

DEFINING



1.4

**What's
happening
to Native
nations'
constitutions
today?**

1.4.1 A groundswell of change

What parts of our written constitution work effectively?

Has our nation ever attempted to reform our written constitution? If so, when and what was the outcome? If not, why not?

What lessons can we take from other Native nations that have engaged in constitutional change efforts? How are these efforts applicable to our own nation?



“A nation’s laws
are the deepest
expression of its
culture. They say
what we value and
how we intend to
get along and hold
ourselves together
as a people.”

HON. JOSEPH THOMAS FLIES-AWAY
Tribal Court Judge
Hualapai, Gila River, Karuk

RTC WORKSHEET // SESSION ONE

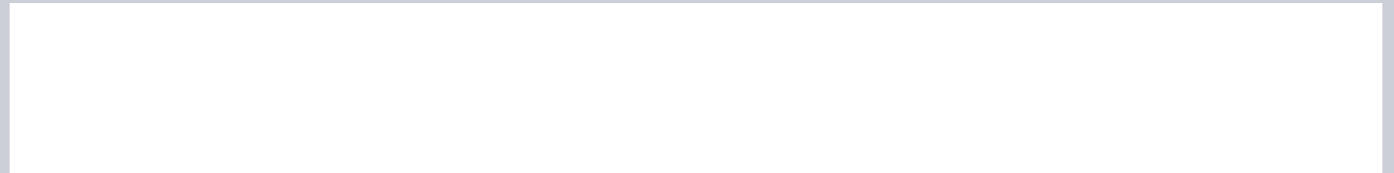
DEFINING

1.4.2 Innovation & diversity

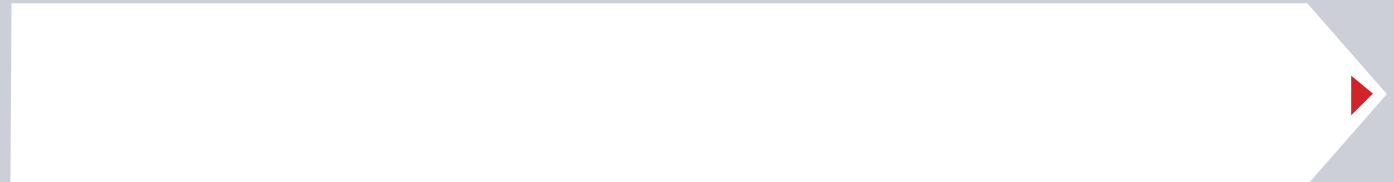
What are the particular challenges that we face as a nation as we look to the future?



What relationships, values, or priorities do we want to protect as we govern ourselves?



How can we use our constitution to address the things that matter most to us?





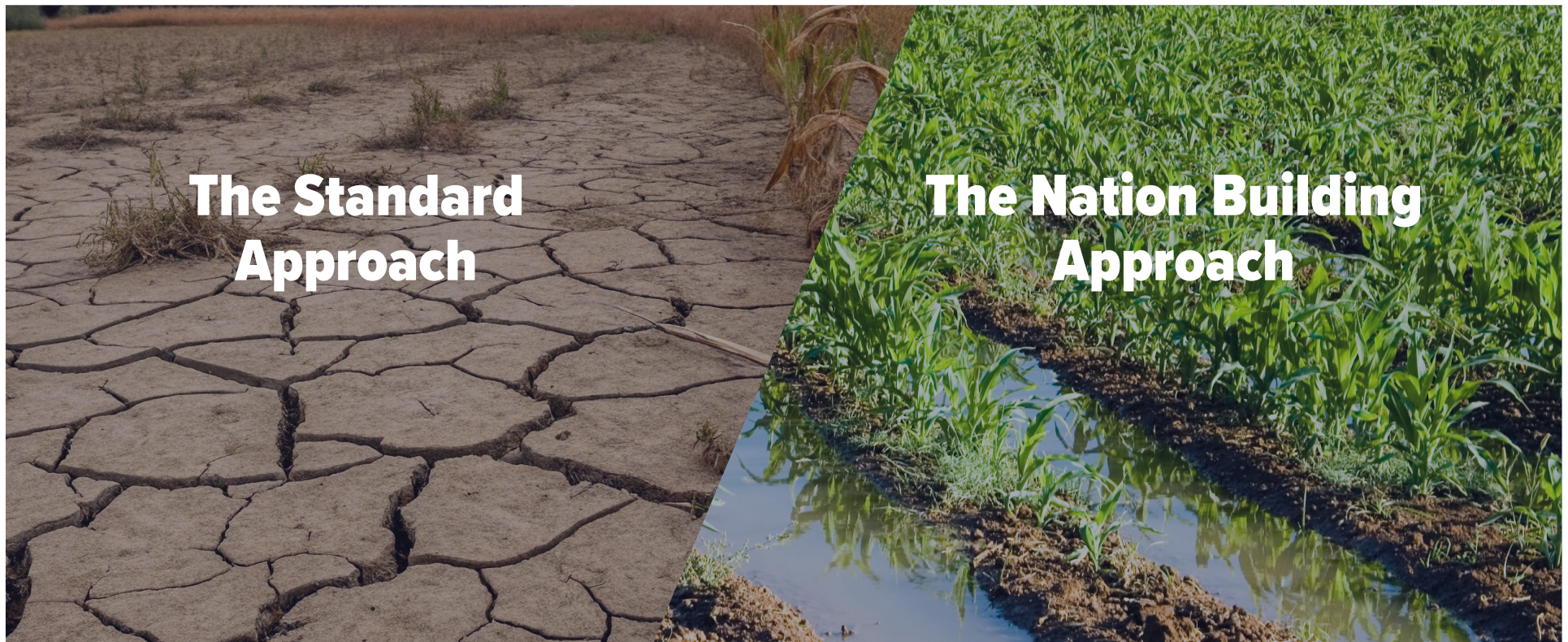
SESSION TWO

“ Nation building refers to the processes by which a Native nation enhances its own foundational capacity for effective self-governance and self-determined community and economic development.”

**—MIRIAM JORGENSEN, “EDITOR’S INTRODUCTION,”
*REBUILDING NATIVE NATIONS: STRATEGIES FOR
GOVERNANCE AND DEVELOPMENT*, UNIVERSITY OF
ARIZONA PRESS, 2007, P. XII.**

OVERVIEW of the NATIVE NATION BUILDING MODEL // SESSION TWO

Two Approaches to Community and Economic Development on Reservations



The Six-Step Planning Process under the Standard Approach...

- 1. Find a good grant writer**
- 2. Call in the grant writer and the planners and tell them to go find some grants**
- 3. Start whatever can be funded**
- 4. Appoint your political supporters or relatives to run projects**
- 5. Micromanage the projects**
- 6. Pray the projects survive, or that they die after you're out of office**

...produces a poor foundation for sustainable development...

- » **Government instability**
- » **External controls**
- » **Political interference in enterprise management**
- » **Short-term thinking**
- » **Home run strategy**

The Five Principles of Native Nation Building



PRACTICAL SELF-RULE

Native nations assert decision-making power.



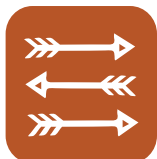
CAPABLE GOVERNING INSTITUTIONS

Native nations back up that power with effective governing institutions.



CULTURAL MATCH

Governing institutions match Indigenous political culture.



STRATEGIC ORIENTATION

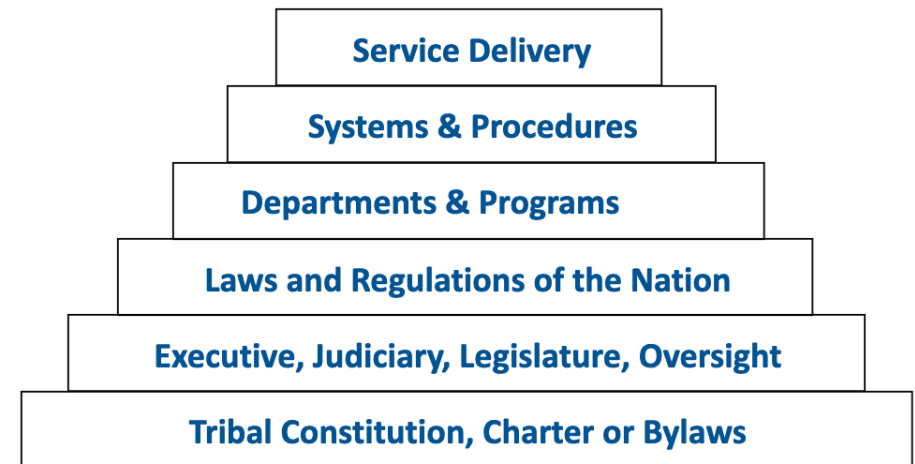
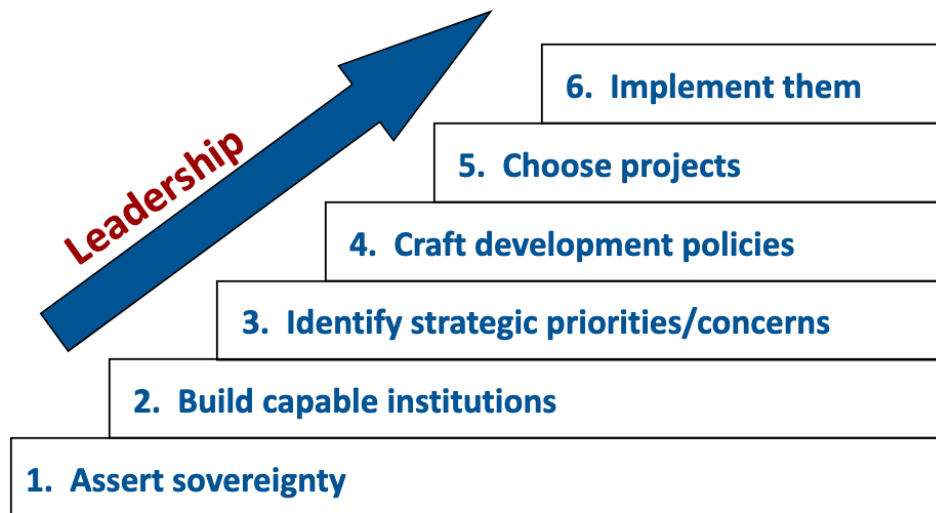
Decision making is strategic.



LEADERSHIP

Leaders serve as nation builders and mobilizers.

The Nation-Building Approach to Economic & Community Development rests on the Institutions of Tribal Self-Government





NATIVE NATION BUILDING SEMINAR
REMAKING /// Tribal Constitutions



SESSION THREE

FEDERAL INDIAN LAW & IMPACT on NATIVE NATIONS // SESSION THREE



REBECCA TSOSIE

Regents Professor of Law and Morris K. Udall
Professor of Law,
James E. Rogers College of Law
University of Arizona



SESSION FOUR

Where should you look for solutions to governance challenges?

- » **In your own history and traditions adapted to the contemporary world (you may have some solutions already in hand)**
- » **In the experience and examples of other Native nations, or even non-Native nations (you can borrow solutions from others)**
- » **In the creativity of your people (you can invent solutions)**

RTC WORKSHEET // SESSION FOUR

DEVELOPING



4.1

**What kind of
constitution
does our
nation need?**

4.1.1
Does our
Native nation
need to launch
a constitutional
process?

What kind of nation do we want to be?

What do we want to protect?

What do we want to change?

Do we have the governance tools in place to accomplish those things?

What kind of a constitution do we need?



Clear goals, clear rules, clear roles...

Government is a tool for achieving the nation's goals. If it is going to be effective, then government will need clear goals, clear rules, clear roles.

Clarity on these things solved governance challenges 150 years ago.

It can help solve them today.

RTC WORKSHEET // SESSION FOUR

DEVELOPING

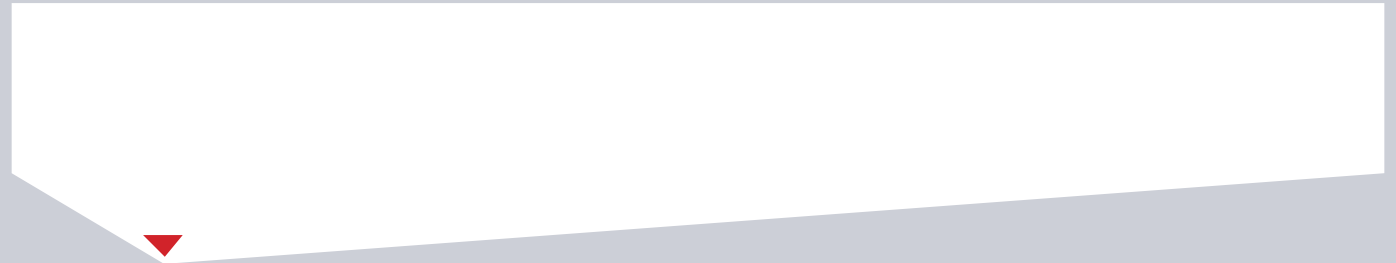
4.1.2

Questions to consider in the assessment process:

How well does our current governing system work? Would we describe it as effective or ineffective?



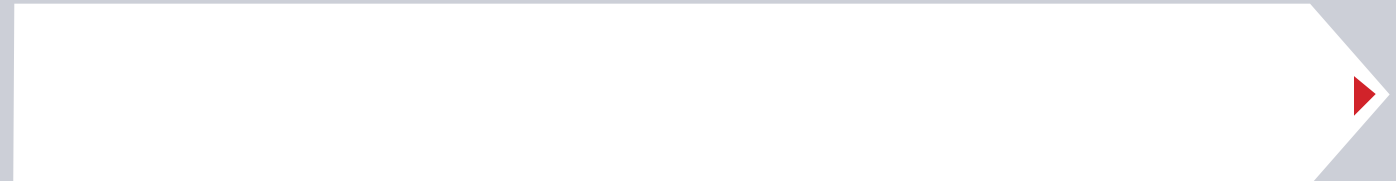
Does our current constitution give our nation the tools it needs to achieve its goals?



Is the constitution clear and is it enforced? Do our citizens understand it? Do our leaders live by it?



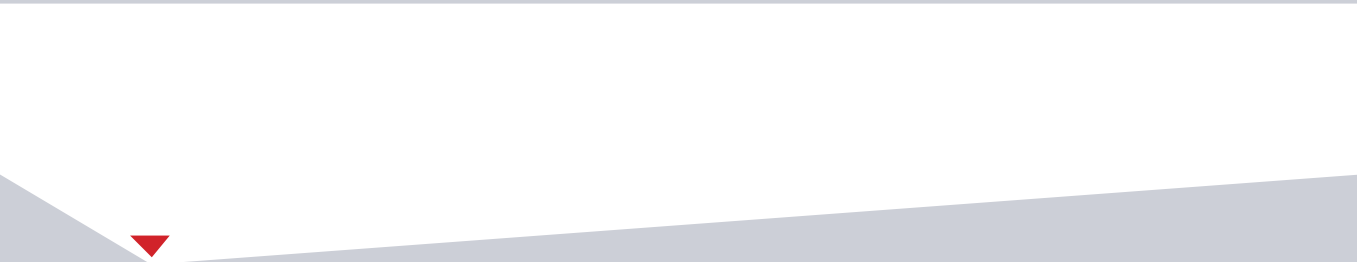
Where does our current (written or unwritten) constitution come from?



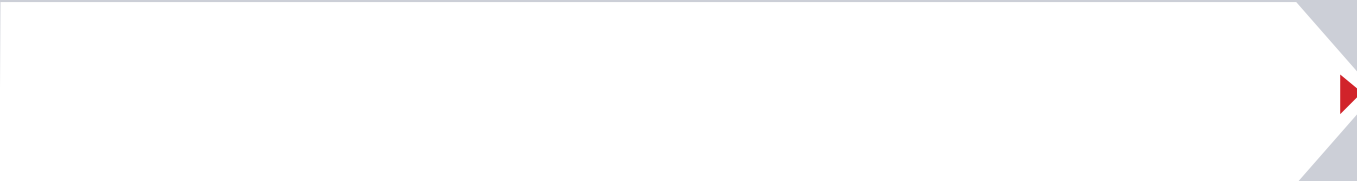
Does it express our own core values?



Does it effectively communicate who we are as a people and what matters to us?



Do our people view the current constitution as our constitution or as someone else's idea of how we should govern?



RTC WORKSHEET // SESSION FOUR

DEVELOPING

4.1.3

**What is and
isn't working?**

Is the scope of governance appropriate?

What's your relationship with off-rez citizens?

Is the basis of representation appropriate?

Are there adequate separations of power?

Are disputes dealt with fairly and effectively?



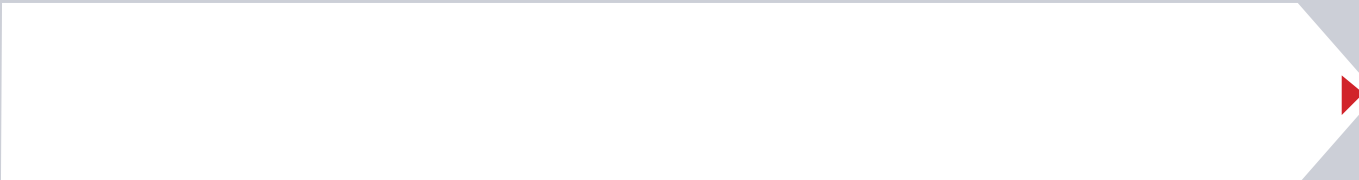
Does politics interfere with program or enterprise management?



Does your community trust your government?



Can the nation form lasting intergovernmental relationships?



RTC WORKSHEET // SESSION FOUR

DEVELOPING

4.1.4

What is the purpose of constitutional reform? What needs to be addressed...

...to strengthen the nation by creating a more capable set of governing tools?

...to lay a foundation for sustainable development?

...to not only support sovereignty, but to exercise it more effectively?

...to better serve the people's needs?

What else are we trying to do?



What is the Purpose of Constitutional Reform? What Need is Being Addressed?

- » **To strengthen the nation by creating a more capable set of governing tools**
- » **To lay a foundation for sustainable development**
- » **Not only to support sovereignty, but to exercise it more effectively**
- » **To better serve the people's needs**
- » **What else are trying to do?**

RTC WORKSHEET // SESSION FOUR

DEVELOPING



4.2

Key issues a constitution needs to address

4.2.1
Who are we?
Constitutions can make statements about who a people are and how they see themselves in relation to the world.

How does our origin story inform who we are as a people?

What core values and guiding principles does our origin story include?

How do we express who we are?

How should we articulate who we are in our written constitution?



“Our people have always lived on this sacred and wondrous land along the Pacific Coast and inland on the Klamath River, since the Spirit People, Wog-e’ made things ready for us and the Creator, Ko-won-no-ekc-on Ne-Âka-nup-ceo, placed us here. From the beginning, we have followed all the laws of the Creator, which became the whole fabric of our tribal sovereignty.”

CONSTITUTION OF THE YUOK TRIBE,
RATIFIED NOVEMBER 19, 1993.

RTC WORKSHEET // SESSION FOUR

DEVELOPING

4.2.2

How do we define nationhood and citizenship? Constitutions can specify criteria for citizenship and the obligations or responsibilities of citizens.

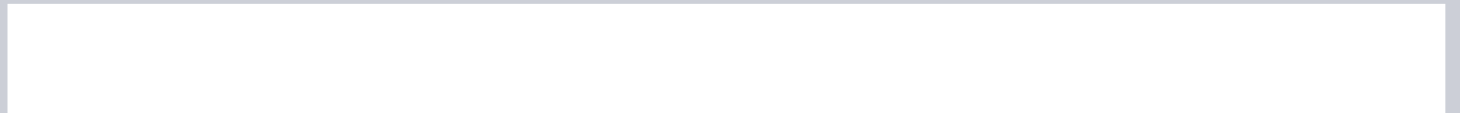
How did we traditionally determine who was a part of us?



Today, how do we determine who is a part of us?



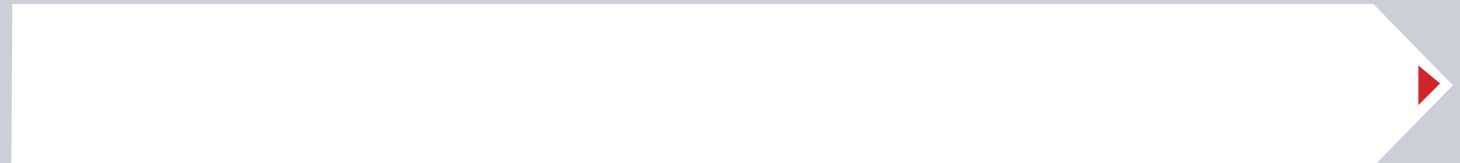
To what extent are our core values and guiding principles reflected in our current citizenship criteria?



What is our long-term vision?



What citizenship criteria do we need to realize our envisioned future?





In western European political traditions, such role distinctions might be called “separations of powers” or “checks and balances.” Some have argued that, in Indigenous traditions, these differing roles might be thought of as “allocations of responsibilities.”

—NNI’S CONSTITUTIONS RESOURCE CENTER

RTC WORKSHEET // SESSION FOUR

DEVELOPING

4.2.3

Who has responsibility for what? Constitutions can specify how authority is organized within a government.

Who should be doing what in terms of elected, or appointed, governance roles?

Who has responsibility over what governance aspects?

Which decisions should be made by our traditional leaders, elected council, a tribal court, or other governing body?

Who makes the decisions in our community?

Which decisions are best made by our nation as a whole?



How are our citizens included in our decision-making processes?



RTC WORKSHEET // SESSION FOUR

DEVELOPING

4.2.4

**How do we
make law?**

**Where does
law come
from?**

**Constitutions
can specify a
nation's rules
for behavior
and action,
providing
predictability
in interactions
with others.**

Where do our laws come from?

What process do we use for making new law or, if necessary, reaffirming customary law? And what roles do citizens, legislators, and others have in that process?

Do our laws reflect the core values of our community?

What provisions do we make for the effective enforcement of our laws?



Whatever the form a dispute resolution system takes, its long-term success depends to a large degree on whether the citizens of the nation see it as fair, culturally appropriate, and effective.

It must be independent of day-to-day politics and staffed with people known for their integrity, competence, and cultural understanding.

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DEVELOPING

4.2.5

How do we resolve disputes? Constitutions can specify the powers & responsibilities of the nation's courts and dispute resolution mechanisms, how judges will be chosen, how to assure competence & impartiality in decision making, etc.

Traditionally, how did our nation resolve disputes?

What core cultural values and principles should govern the administration of justice?

What court(s) or other mechanisms for resolving disputes does our nation have? How are our dispute resolution mechanisms organized (appellate courts, inter-tribal courts, supreme court, wellness courts, peacemaking, etc.)?

From where do such mechanisms get their authority (custom, constitution, statute, etc.)?

How do we keep them free from political interference in decisions?



Bear in mind the two tests of a governance system:

- » **CULTURAL MATCH.** Do your people believe this way of governing is appropriate for them? Do they see the system as theirs?
- » **EFFECTIVENESS.** Can this system deliver on the nation's needs and goals? Can it get the job done?

RTC WORKSHEET // SESSION FOUR

DEVELOPING

4.2.6

How do we choose our leaders and maintain quality leadership?

A constitution may specify qualifications for office (criteria such as age, residence, no criminal record, etc.), the processes by which elections take place, as well as how to hold leaders accountable.

How are our leaders chosen?

Is our current process of choosing leaders viewed by the community as fair, culturally appropriate, and free from damaging political interference? If not, what changes do we need to make?

Do we make clear what we expect of our leaders in the way of knowledge, skills, integrity, and behavior?

Once in office, how are our leaders held accountable to the community and its expectations?

Does our constitution include enough information to effectively guide the nation's leadership selection process?



“Since the time of negotiations beginning, we’ve got people sitting on the college boards... people creating urban services. We’ve got local and provincial governments sitting at our tables instead of us being invited to their tables. We’re now leading both on and off reserve...”

—GWEN PHILIPS (KTUNAXA NATION)
DIRECTOR, KTUNAXA NATION GOVERNANCE
TRANSITION

RTC WORKSHEET // SESSION FOUR

DEVELOPING

4.2.7

How do we relate to other peoples and government?

How do different layers of government within our nation relate to each other?

What formal, cooperative agreements with non-Native governments does our nation have, and in what areas (trade, social services, law enforcement, taxation, natural resource management, etc.)?

What process do we have for building such relationships? What part or parts of our government should carry responsibility for these relationships?



“Are they Tribal police,
are they rangers, are they
security, are they casino
security?”

These things have been
litigated and they mean
different things as to what
authority you have as a Tribal
police officer and how well
you can protect those people.”

—DEVON LOMAYESVA (IIPAY NATION OF
SANTA YSABEL)
TRIBAL ATTORNEY & FORMER
COUNCILMEMBER

RTC WORKSHEET // SESSION FOUR

DEVELOPING

4.2.8

**How specific
should
constitutions
be?**

Are core governing principles defined?

How specific do we want our constitution to be without risking becoming outdated as circumstances change?

What can be left to legislation or other ways of establishing rules?



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SESSION FIVE

TRIBAL EXPERIENCES in REMAKING TRIBAL CONSTITUTIONS PANEL // SESSION FIVE



VANCE GILMORE
(Quapaw Nation)
Constitution Committee Chair,
Quapaw Nation



DAUNE CARDENAS
(Pascua Yaqui Tribe)
Chief Executive Officer,
*Pascua Yaqui Development
Corporation*



STACEY HALFMOON
(Caddo Nation)
Constitution Commissioner,
*Caddo Nation & Senior Director,
Choctaw Cultural Center*



SESSION SIX

Perhaps your nation needs constitutional change...or perhaps the changes you need are less comprehensive...

- » **Actually live by the constitution you have—if it's a good one.**
- » **Adopt new laws and codes—and enforce them**
- » **Establish rules that get politics out of the enterprises—and out of the court**
- » **Establish rules that encourage entrepreneurs**
- » **Clarify roles throughout government**
- » **Increase transparency and accountability**
- » **Build joint institutions with other Native nations**
- » **Report to the community on progress toward strategic goals**

RTC WORKSHEET // SESSION SIX

CHANGING



6.1

**How do we
make change
happen?**

**Developing,
revising, or
reforming
constitutions**

6.1.1
**How can a
Native nation
strengthen
its governing
system?**

Who will oversee/manage the process?

Who will do the drafting?

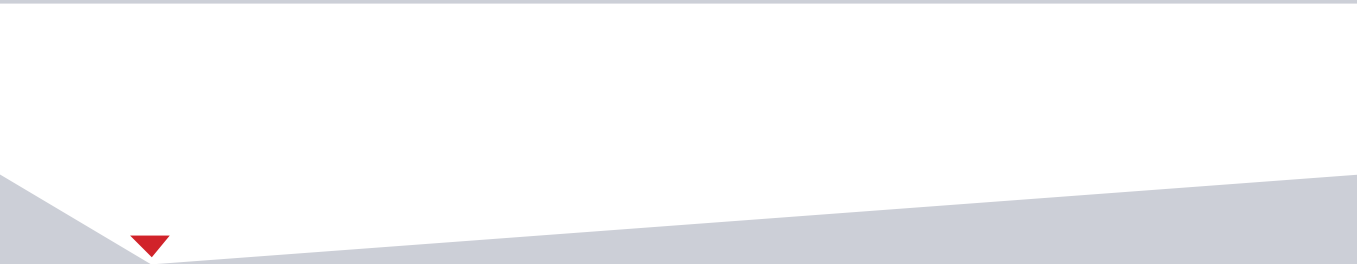
How can the community be engaged/involved?

Who approves the changes or final product?

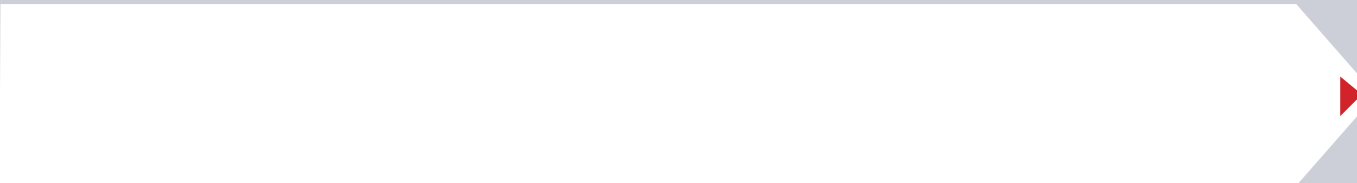
What education is necessary - and for whom - throughout the process?



Where will funding come from?



What is your timeline?



RTC WORKSHEET // SESSION SIX

CHANGING

6.1.2 Citizen education and mobilization

Who is part of the representative group organizing written constitutional efforts?

How are tasks and responsibilities divided among members of the constitutional commission/committee/task force?

How can we ensure participation from a broad cross-section of our citizenry?

What education is necessary – and for whom – throughout the process?



A key task: leadership and community have to be on the same page.

- » For governmental reform to succeed, this has to be the community's vision and plan, too.

The Four Important Steps:

- » **1. Assessment: Determine what needs to change**
- » **2. Solutions: Explore ways to address the challenges you face**
- » **3. Implementation: Put identified solutions to work**
- » **4. Sustainability: Sustain changes over time**

RTC WORKSHEET // SESSION SIX

CHANGING

6.1.3

Who will manage the reform process?

Who will manage our constitutional process?

How can we ensure that our constitutional work remains independent from undue political influence?

How do we ensure that our citizens voices are heard?



“ Tribal council must be able to provide some type of funds to cover the paperwork, the taking of minutes, the recordings, legal counsel... all these things are needed to get it done.”

—LEROY SHINGOITEWA (HOPI TRIBE)
HOPI TRIBAL COUNCIL MEMBER

RTC WORKSHEET // SESSION SIX

CHANGING

6.1.4 Financial support

How will the nation fund our constitutional efforts?

Will our elected leaders provide financial support?

What other means are available to fund our efforts?



Rather than following a smooth or predictable path, constitution-making and constitutional reform can sometimes seem like repetitive processes: two steps forward and one step back.

—NNI'S CONSTITUTIONS RESOURCE CENTER

RTC WORKSHEET // SESSION SIX

CHANGING

6.1.5

Move step
by step

What are our constitutional priorities?

What is our timeline for making this happen?

Are there reasons to delay consideration of some issues, or can we keep everything on the table?

What issues, if any, would we want to reserve for a later round?



Constitutional Amendment Procedures

A constitution may need to be changed, but you don't want change to be too easy to do.

The process for amendments is typically included in the constitution.

Formal Adoption Process

COMMON METHODS OF APPROVAL (RATIFICATION):

- » **Vote (referendum)**
- » **Consensus among clans or districts within the nation**
- » **Particular body (elders council, Tribal council, etc.)**
- » **Or a combination of the above**

SOME TIPS:

- » **Focus on pre-referendum education**
- » **Schedule wisely**
- » **Think about separating out controversial changes**

Removal of Secretary of Interior Approval Clause

WHAT IS A SECRETARIAL ELECTION?

- » A federal election...NOT a Tribal election
- » Authorized by the Secretary of Interior

PURPOSE:

Offers tribes recognized under Federal Statute, the Indian Reorganization Act, the opportunity to amend, ratify, or revoke their Constitutions, By-laws, or Tribal Charters.

Older Cultural Solutions

Indigenous traditions may hold solutions to some constitutional issues. The task is to figure out how to bring them forward so that they are enacted in ways that are capable of meeting your nation-building goals today. You also must ensure that they make sense to the people.

Emerging Best Practices in Indian Country

REMEMBER: *the key is to be sure the people will view the resulting government as theirs.*

- » **Invest in long-term programs of civic education.**
- » **Think hard about composition of constitutional reform commission and its relation to the council and other groups within your nation.**
- » **Focus on strategies for strengthening citizen participation.**
- » **Develop culturally-appropriate arenas for developing proposed amendments or a new constitution.**
- » **Be patient with each other and the process.**
- » **Structure process around two litmus tests of success: trust and ownership.**



NATIVE NATION BUILDING SEMINAR
REMAKING /// Tribal Constitutions



SESSION SEVEN

RTC ACTIVITY // SESSION SEVEN

Coin Toss Exercise



NATIVE NATION BUILDING SEMINAR
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SESSION EIGHT

RTC WORKSHEET // SESSION EIGHT

LIVING



8.1

**How do we
live our new
constitution?**

**Strategies
to support
implement-
ation**

8.1.1 Reorganizing government

What changes in our existing governmental organization and operations do we need to make to match our updated constitution?

Do we need to think about appropriate timing of implementation? All at once?
Piece by piece?

How can we be sure the community understands reorganizational steps we may have to take?



“Amending a constitution should not be easy. A constitution is more than a resolution or an ordinance. Changes in that structure have consequences for how the nation governs, and they should not be made lightly.”

**—DR. STEPHEN CORNELL
CO-FOUNDER, NATIVE NATIONS INSTITUTE**

RTC WORKSHEET // SESSION EIGHT

LIVING

8.1.2 Political culture

What is our Native nation's current political culture?

In what ways does our political culture need to change to support our constitutional changes?

What steps can we take to help leaders and citizens rethink what government is and what their own responsibilities are?

RTC WORKSHEET // SESSION EIGHT

LIVING

8.1.3 Educating citizens

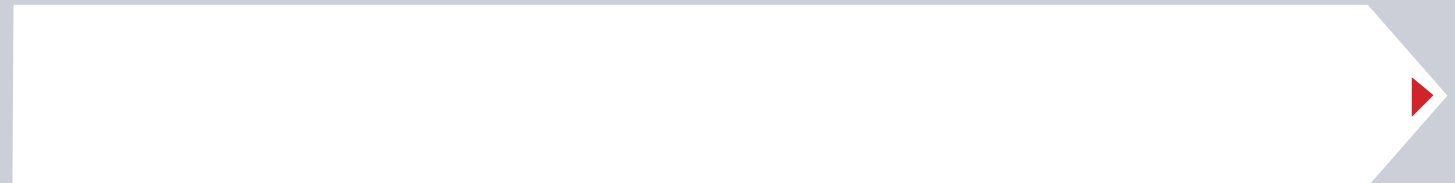
Should we make a civics curriculum available to our citizens?



What content should we teach? Who should teach it?



How can we best engage all our citizens – both youth and adults – in civic education, in understanding our constitution, in talking about nation rebuilding, in talking about what it means to govern?



RTC WORKSHEET // SESSION EIGHT

LIVING

8.1.4 Interpreting

Who is responsible for interpreting our constitution?

To what extent does our constitution permit flexibility in interpretation?

What role should our judiciary have in interpreting our constitution?



NATIVE NATION BUILDING SEMINAR
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SESSION NINE

TRIBAL EXPERIENCES in REMAKING TRIBAL CONSTITUTIONS PANEL // SESSION NINE



ELVIA BUSTAMANTE

(Pascua Yaqui Tribe)

Executive Officer,

Constitution Advisory Committee,

Pascua Yaqui Tribe



—THANK YOU—
for participating in our
Native Nation Building Seminar!

RTC
2026

DOWNLOAD
BOOK & FULL
POWERPOINT
DECKS:



NNIConstitutions.arizona.edu

“ Indigenous nation
constitutions are a form of
justice: they remind settler-
colonial states of the authority
of Indigenous nations and,
internally, remind current
generations of their duties to
the past and to the future.”

—NNI'S CONSTITUTIONS RESOURCE CENTER
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EMERGING LEADERS 2027

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