

Remaking Tribal Constitutions Seminar
Session 1: What is a Constitution? And What Do They Look Like and Do in Indian Country?
July 15-26, 2026 | Tucson, AZ



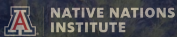
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Land Acknowledgement



We respectfully acknowledge we are on the homeland of the Tohono O'odham Nation, San Xavier District. The University of Arizona strives to build sustainable relationships with sovereign Native nations and Indigenous communities through education offerings, partnerships, and community service.



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Thank you!



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Who/What is the Native Nations Institute?

VISION
NNI is the leading research, education, and outreach organization supporting the nation-rebuilding efforts of Indigenous peoples worldwide.

MISSION
NNI works with Native nations and organizations to advance Indigenous self-determination, strengthen Indigenous governance capacities, and support Indigenous community and economic development through research, in-person and online education, and the provision of digital resources and tribal services.

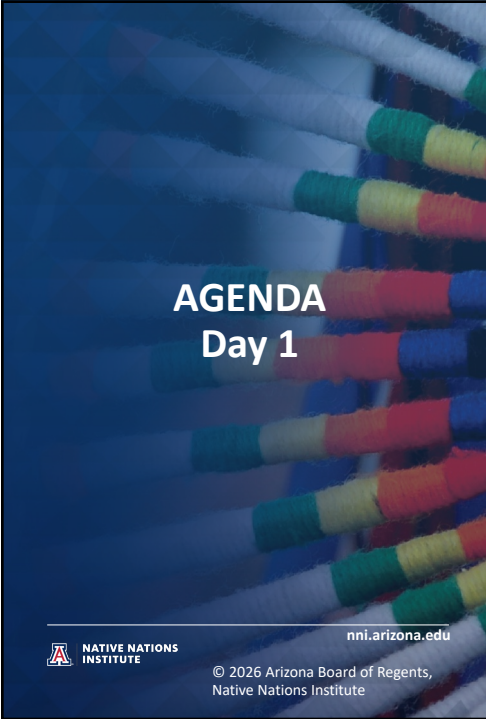
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Native Nations Institute's (NNI) Educational Programs & Services

GENERATING KNOWLEDGE	EDUCATING	DISSEMINATING KNOWLEDGE	WORKING IN INDIAN COUNTRY
Research & Policy Analysis  • Basic & applied research, info collation and interpretation, fieldwork • Publications • Policy forums and other integrative activities • Academic and professional conference presentations, testimony, other addresses	Education & Professional Development • Indigenous Governance Programs: ○ JIT credit and non-credit courses ○ Graduate program ○ Rebuilding Native Nations Online Modules 	Digital Resources 	Tribal & Direct Services • Executive education seminars for tribal leaders, staff, community and youth • Customized educational sessions on various governance topics via Fixed Price Contracts • Facilitation of community sessions designed to educate and engage tribal citizens • Youth Programs 

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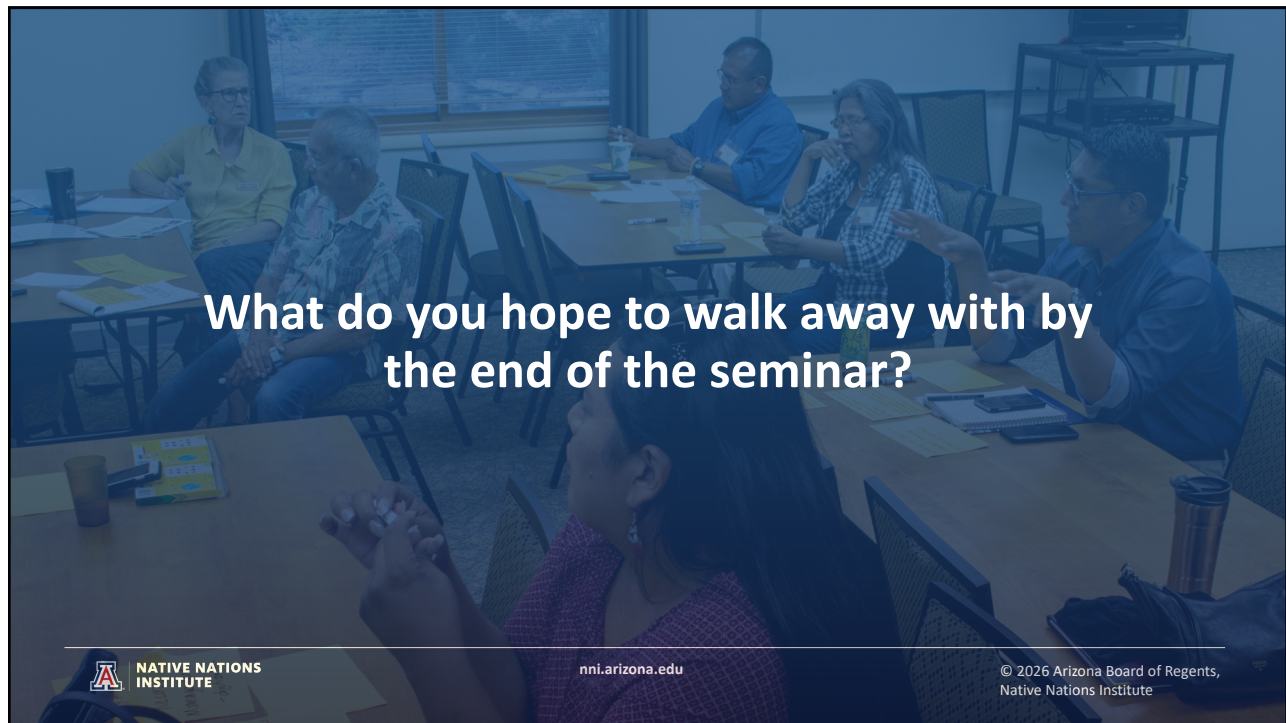
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 AGENDA Day 1 nni.arizona.edu  NATIVE NATIONS INSTITUTE © 2026 Arizona Board of Regents, Native Nations Institute	Wednesday, July 15, 2026
	Welcome and Introductions
	What Do You Hope to Walk Away with by the End of the Seminar?
	Session 1: What is a Constitution? And What Do They Look Like and Do in Indian Country?
	Session 2: An Overview of the Native Nation Building Model
	Session 3: Federal Indian Law and Impact on Native Nations
	Lunch
	Session 4: What Kind of Constitution Does Our Nation Need?
	Session 5: Tribal Panel #1- Tribal Experiences in Remaking Tribal Constitutions
	Small Group Discussion: "Is Your Nation Ready for Remaking Its Constitution?"
	Day 1 Q&A, Homework, and Wrap-Up

 AGENDA Day 2 nni.arizona.edu  NATIVE NATIONS INSTITUTE © 2026 Arizona Board of Regents, Native Nations Institute	Thursday, July 16, 2026
	Welcome Back & Day 1 Debrief
	Session 6: How Do We Make Change Happen? The Process of Developing, Revising, or Reforming Constitutions
	Session 7: Coin Toss Exercise
	Small Group Discussion: What are some potential solutions you are considering to address your enrollment/citizenship challenges?
	Session 8: How Do We Live with Our New Constitutions?
	Session 9: Tribal Panel #2: Tribal Experiences in Remaking Tribal Constitutions
	Small Group Discussion: What are some suggestions for educating and engaging your citizens in the remaking of your constitutions?
	Next Steps, Evaluation, Closing Remarks and Closing Prayer

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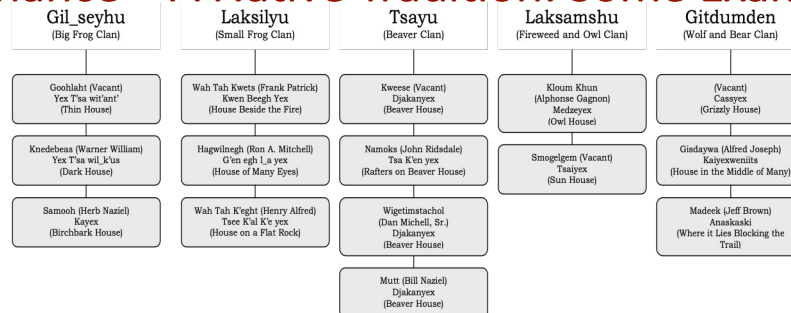
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Governance – A Native Tradition: Some Examples



Wet'suwet'en People:
 * clans and houses
 * types of chiefs



Lakota People:
 * decision-making council (known as the "Big Bellies")
 * *akicita* society (warriors in charge of law enforcement)



Cochiti Pueblo:
 * chief spiritual leader alternates between two main kivas



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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:



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There is great diversity among U.S. American Indians ...

As a People



Culture, Tradition, and Customary Practices



Language & Fluency



Form of Government

Traditional ← → Contemporary

Cochiti Pueblo
Onandaga

Hopi
Gitanow FN

Flathead
Citizen Potawatomi

Land Base



Geography and Natural Resources



Economic and Community Development



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Constitutions - Questions to Consider:

- Does your nation or community have a constitution (written or unwritten)—a set of agreed-upon rules or principles that guide decisions and action?
- Where did it come from? Is it yours? Or is it someone else's idea of how you should govern?
- 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?
- Does it work? Does it support your intergenerational goals?
- If not, what changes do you need to make?

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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
get things done.

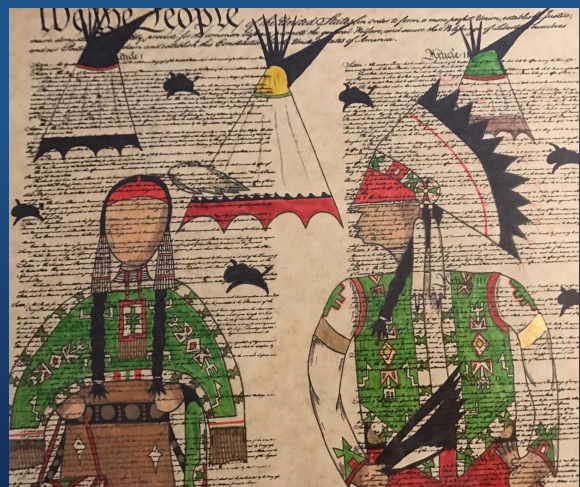
In short, a constitution codifies the people's explanation of how the nation will govern itself.

Constitutions matter ...

The authority of a constitution comes:

First from the shared belief among the people that the constitution, written or not, expresses their ideas about how they should govern.

Second, from the commitment of leaders and citizens to uphold and enforce the constitution.

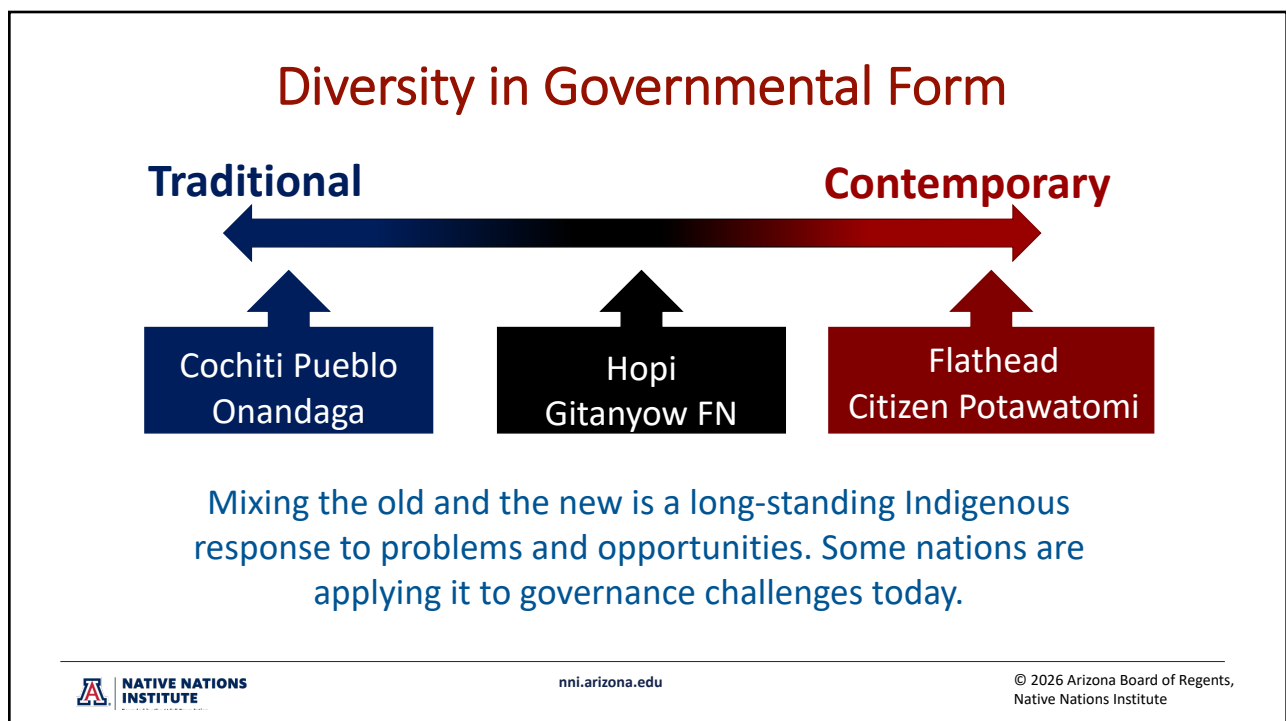




Constitutions Matter - Questions to Consider:

- Whether written or oral, what are the fundamental rules of our nation?
- Are those rules clear and easy to understand? 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?

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A western idea? - Questions to Consider:

- 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?

Are constitutions a 'western' idea?

Are such things as “constitutions,” “independent dispute resolution,” “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 generations to organize decision-making and collective action.

Navajo (southwestern United States)

“When people live in groups or communities, they develop rules or guidelines by which the affairs of the group may proceed in an orderly fashion and the peace and harmony of the group may be maintained. This is true for the Navajos.”

Tom Tso, Chief Justice,
Navajo Nation Supreme Court



Navajo (southwestern United States)

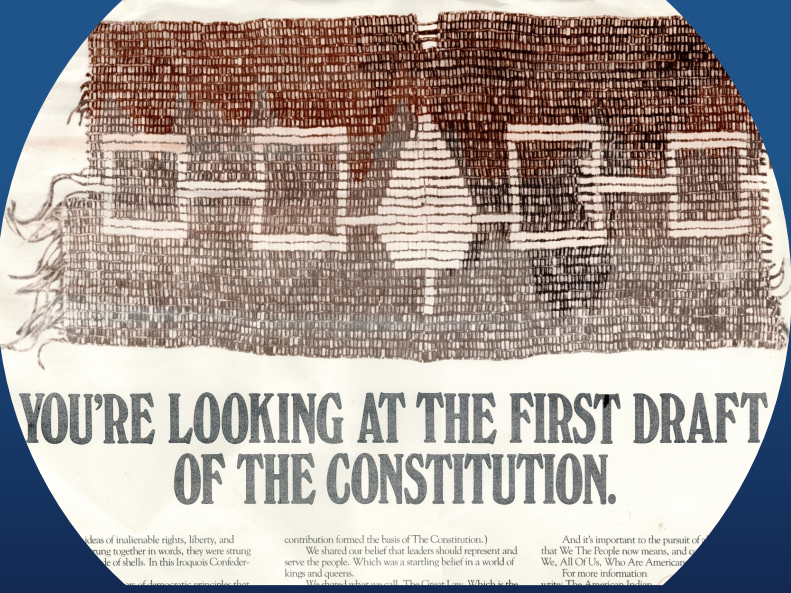
“The Navajo word for ‘law’ is *beehaz’aanii* [which] actually refers to higher law. It means something which is ‘way at the top;’ something written in stone so to speak; something which is absolutely there.... In other words, Navajos believe in a higher law, and as it is expressed in Navajo, there is a concept similar to the idea of unwritten constitutional law.

Ray Austin, Justice, Navajo Nation Supreme Court, in *Navajo courts and Navajo common law: A tradition of tribal self-governance*



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Haudenosaune Confederacy



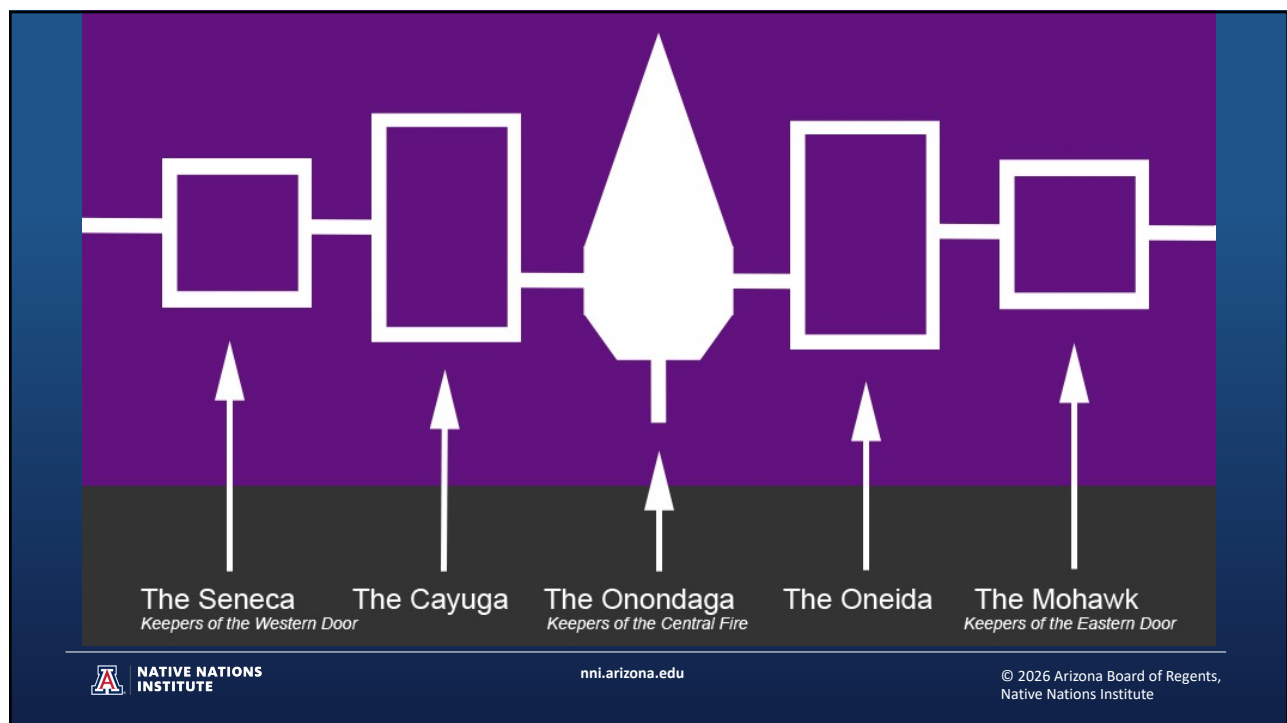
YOU'RE LOOKING AT THE FIRST DRAFT OF THE CONSTITUTION.

...of inalienable rights, liberty, and ... together in words, they were strung ... of shells. In this Iroquois Confederacy ... of Iroquois ... contribution formed the basis of The Constitution.) We shared our belief that leaders should represent and serve the people. Which was a startling belief in a world of kings and queens. We ... The Great Law, Which is the ... And it's important to the pursuit of ... that We The People now means, and ... We, All Of Us, Who Are American ... For more information ... The American Indian ...

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Cochiti Pueblo (New Mexico)



“Oh, yes, we have a constitution. It’s written here” (points to head) “and here” (points to heart). “You learn it from your parents, grandparents, medicine people, and others. It tells you how to live.”



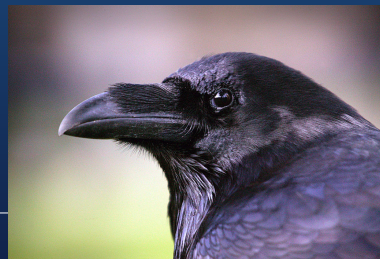
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Koyukon (Alaska)

“Failing to behave correctly toward nature will bring harmful consequences, while acting properly helps to ensure good luck and health... This perception of nature dramatically influences the Koyukon people’s behavior toward their environment, binding them to a multitude of rules established by tradition... The environment is like a second society in which people live, governed by elaborate rules of behavior and etiquette, capable of rewarding those who follow these rules and punishing those who do not.”

Richard K. Nelson, *Make Prayers to the Raven: A Koyukon View of the Northern Forest*



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Witsuwit'en (British Columbia)

The Witsuwit'en often talk about their law. They speak of it as the principles which govern not only human relations but the relations of humans to the land, to animals, and to the spirit world which sustains them all.... The principles of Witsuwit'en law define... how they govern themselves..."

Antonia Mills, *Eagle Down is Our Law: Witsuwit'en Law, Feasts, and Land Claims*



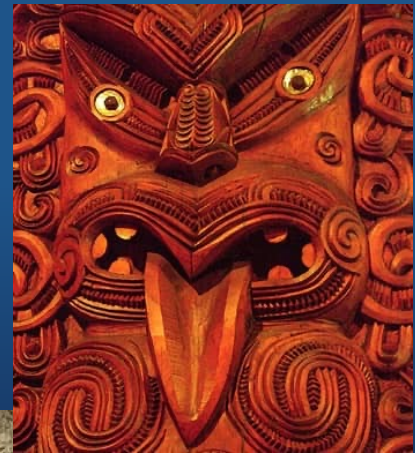
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Māori (Aotearoa New Zealand)

"'Tika' means 'to be right' and thus *tikanga Māori* focuses on the correct way of doing something. This involves moral judgements about appropriate ways of behaving and acting in everyday life... [It] controls interpersonal relationships, provides ways for groups to meet and interact, and even determines how individuals identify themselves." It's "a system of customary law."

Hirini Moko Mead,
Tikanga Māori: Living by Māori Values



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Pintupi (central Australia)

“As the Pintupi see it... consensus is maintained by common adherence to a shared, external, and autonomous code... What they call ‘the Law’ is not something made by humans. Not the creation of any person or group, the Law is outside human control and cannot be a vehicle of any private interests or selfish pursuits... All submit to the same transcendental moral imperative.”

Fred R. Myers, *Pintupi Country, Pintupi Self: Sentiment, Place, and Politics among Western Desert Aborigines*



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Nanai and Udeghe (far southeastern Russia)



“It was believed... that if you killed [an Amur tiger] without just cause, you in turn would be killed. Likewise, if a tiger were to kill and eat a human, it would be hunted by its own kind. Both acts were considered taboo and, once these invisible boundaries had been crossed, it was all but impossible to cross back. There was an understanding in the forest then—an order.”

- John Vaillant, *The Tiger: A True Story of Vengeance and Survival*



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“Wolves have a constitution”

- Ngarrindjeri elder, in conversation, June, 2011



Wolves thrive in packs. They depend on each other in hunting, in raising pups, and for pack survival. Each wolf knows its role in the community. In effect, wolves have a tested set of rules governing interactions with each other and with other beings.

When they follow the rules, the pack succeeds.



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All of this is evidence of systematic, rule-based organizations. It allowed human beings to live together in groups, pursue shared objectives, and sustain themselves over time.

In other words: *these are constitutions.*



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Effect of Colonialism - Questions to Consider:

- 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?



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The effect of colonialism on Indigenous constitutions ...

- Increased replacement of traditional governments
- Outsiders making major decisions, turning nations into externally administered communities.
- Strongly encouraged or forced adoptions of governing systems reflecting European governance practices (i.e., IRA in the US).



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Current Governments - Questions to Consider:

- 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?

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, others developing wholly new constitutions that better reflect their own ideas of how authority should be organized and how the nation should act.

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“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

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Think about your nation, do you feel you have the governance tools you need to achieve your strategic goals?

If yes, what are those tools?
If no, what needs to be addressed?

Questions? Comments? Reactions?

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