

Remaking Tribal Constitutions Seminar
Session 6: How Do We Make Change Happen
July 15-16, 2026 | Tucson, AZ



STRENGTHENING INDIGENOUS GOVERNANCE

Welcome Back and Good Morning!

**NATIVE NATIONS
INSTITUTE**
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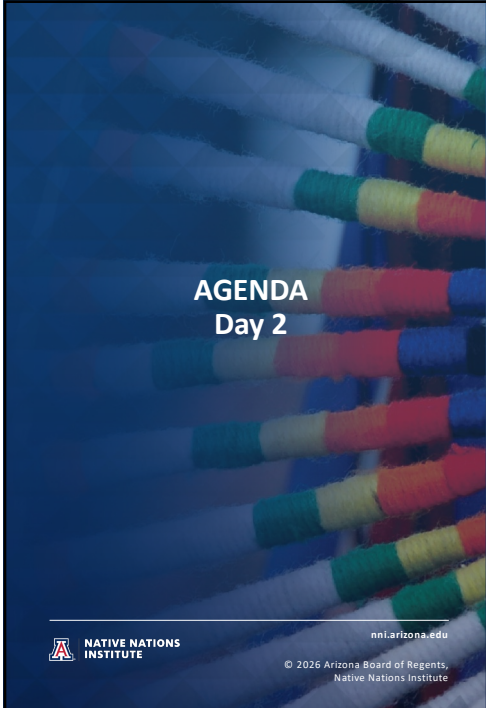
THE UNIVERSITY OF ARIZONA
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Strengthening Indigenous Governance



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AGENDA Day 2

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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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NATIVE NATIONS INSTITUTE
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Strengthening Indigenous Governance

**Session 6:
How Do We Make Change Happen?**

**The Process of Developing, Revising,
or Reforming Constitutions**

 **UDALL CENTER**  **Udall Foundation**
COURAGE • INTEGRITY • CONFIDENCE

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In some cases, changing circumstances seem to encourage or even force change...



External intervention
→ Indian Reorganization Act

Externally generated crisis
→ Ngarrindjeri Nation and the
Kumarangk Crisis

New opportunities produced by
policy change or the courts
→ Ktunaxa Nation modern treaty
negotiations



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In other cases, change seems to come from within...

Internally perceived crisis

→ Cherokee Nation “occupation”

A visionary or charismatic leader inspires change

→ Mississippi Band of Choctaw

Community constituencies initiate change



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Why is Reform So Difficult?



- Cultural match can be tough to accomplish.
- Native nations are trying reform *within* another nation’s culture and political system.
- Native nations don’t control all the factors involved.

Focus on things your nation can control.

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

For example...

- 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



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How Can a Native Nation Strengthen Its Governing System

Key Issues:

- 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?

Four Important Steps:



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1. 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?

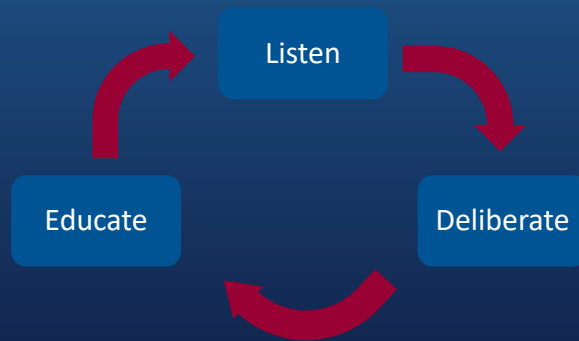


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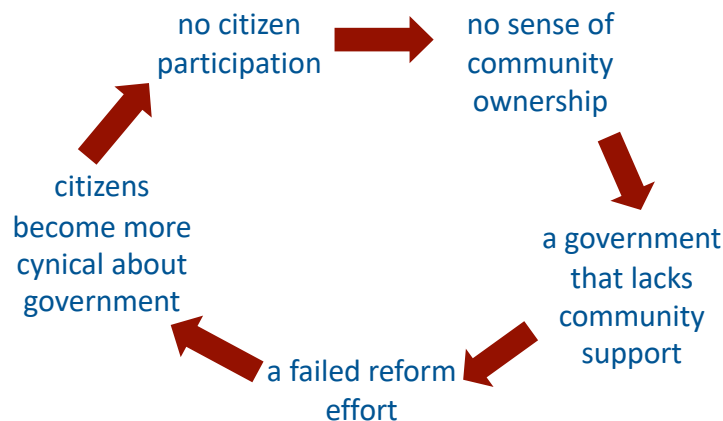
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A key task: leadership and community have to be on the same page.

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



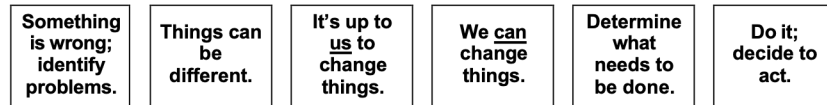
Governmental Reform without Citizen Participation



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Cognitive Mobilization What's Happening in People's Heads



How people talk about things often reveals how they think about things. "It'll never change" indicates a different mindset from "We're going to change things."

How can we create and support long-term, Indigenous, civic education?

Graphic taken from Cornell, Jorgensen, Kalt, and Spilde-Contreras, "Seizing the Future," in Jorgensen, ed., *Rebuilding Native Nations*, 2007, p. 302



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Gaining Participation Can Be Difficult

"I don't trust the process or our leadership."

(What are those politicians really up to in trying to redo the constitution?)

"I'm too busy."

I'm afraid of change. Our current system isn't good, but a new system could be worse.

"The constitution doesn't really affect my life."

"It's not my constitution!"



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Broad-based Citizen Participation

Mobilize the Community

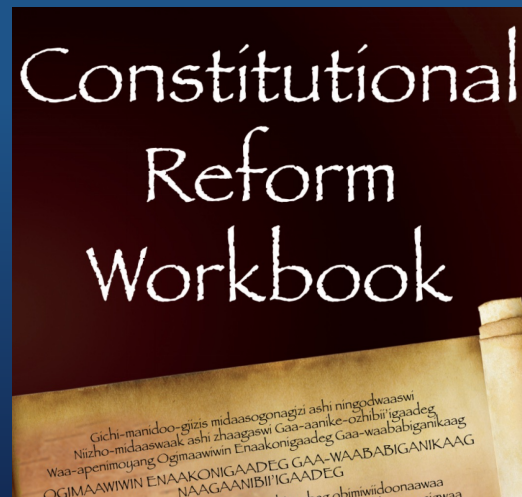
Your people need to know:

- What are we doing and why?
- What will the benefits be?
- How will reforming the government affect *my* life?

They'll need a chance to learn and a chance to talk about what's happening.

Some Successful Approaches to Citizen Engagement

- Websites and blogs
- High school classes, community college classes, community meetings to discuss the nation's government, history, and law
- Newspapers and newsletters - A series in the nation's newspaper on government reform
- Social media
- Youth councils
- Handbooks on governance
- History courses for your own government employees



Public Hearing Processes and Constitutional Conventions

- Forums for developing new ideas and proposing amendments
- Places where various parties can talk together to resolve conflicts
- Mechanisms for reaching tough decisions on issues for which commission may lack legitimacy to decide



2. Who Will Manage the Reform Process?

Questions to Consider:

- 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?



The Appropriate Role of Attorneys in the Reform Process

“The law comes from the constitution; therefore, the lawyers should come after the constitution.”

- Become an expert on tribal constitutional reform
- Help to fine-tune the final constitutional language
- Provide advice as to the legality of the new constitution or amendments
- Help nation navigate the Secretarial Election process (if necessary)
- Advise nation on how to implement the constitutional changes through the codification of new supporting laws, etc.
- Understand how constitutional changes will strengthen/expand nation’s jurisdiction and its exercise of sovereignty (and how it will influence relations with other governments)

A Constitutional Commission will need to be:

- Representative of the people
 - By geography?
 - By family or clan?
 - By...?
- Independent
 - What is the role of the Tribal Executive Committee?
 - What is the role of other groups?
- Respected
- Well-informed
- Well-funded



Responsibilities of Commission Members

- Obtain community input and participation
- Organize culturally appropriate ways to consider issues, and organize settings where citizens will feel comfortable—and safe—talking about change
- Bring ideas, models, examples to the table
- Develop drafts of changes for feedback
- Organize referendum on final proposals



THE OSAGE NATION ᏄᏎᏎᏎᏎᏎ

- Elected leaders did not dictate the governance reform process
- Reform efforts were well-funded by the Osage Nation
- Community input was sought and gathered throughout the entire process
- Osage Nation civic education was created
- Osage Nation youth were involved
- Technical assistance occurred at the request of the governance reform committee but those with technical expertise did not manage the process
- The governance reform committee helped with the transition process

3. Financial Support

Questions to Consider:

- How will the nation fund our constitutional efforts?
- Will our elected leaders provide financial support?
- What other means are available to fund our efforts?



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4. Move Step by Step

Questions to Consider:

- 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?



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Piecemeal Approach

If a single issue stops the reform process in its tracks, you may need to consider leaving it to subsequent efforts by the new government.

For example, if there are major disputes over citizenship, you may decide to convene a separate process to resolve that issue so that the reform process can keep moving.



5. Other Important Considerations

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.

5. Other Important Considerations (continued):

Finally, do not forget about the process of formal adoption.

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



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5. Other Important Considerations (continued):

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.

Does this apply to your constitution?



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Pueblo of
Laguna

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
SOUTHWEST REGION
1301 Indian School Road, N.W.
Albuquerque, New Mexico 87104

TAKE PRIDE IN AMERICA

IN ACCORDANCE WITH THE 90-DAY TIMEFRAME REQUIRED BY LAW TO HOLD A SECRETARIAL ELECTION, THIS BEGINS DAY 0 AND WILL BEGIN THE 60-DAY COUNTDOWN AGREED UPON FOR THE HOLDING OF THE ELECTION. DATES OF IMPORTANCE ARE AS FOLLOWS:

Day 0 June 26, 2012 – Authorize Superintendent, Laguna Agency, to conduct Election

Day 0 July 20, 2012 – Governor requested an extension to hold the election on October 19, 2012

Article XI – Amendments, Section 1 and Section 2 will remove the Secretarial Approval required to amend the tribal constitution in the future. This will not affect the status of their current standing as an Indian Reorganization Tribe (IRA). The Pueblo will continue to be an IRA tribe with a non-IRA constitution.

the current constitution along with a request for authorization to hold Secretarial Election. This duty was originally assigned to the Superintendent, Laguna Agency. You have been requested to continue with the duties of the Chairman for the balance of this election and the new election date has been set for October 19, 2012.

You are hereby authorized to call and conduct the requested election on the proposed language as submitted by the Pueblo of Laguna. Voting on the proposed language shall be in accordance with Title 25 of the Code of Federal Regulations, Part 81 (25 CFR Part 81). Funds are in the process of reprogramming for this Secretarial Election in the amount of \$20,000 and have already been awarded. They will be authorized to draw down the entire amount and all costs will be charged to the tribe. We are waiting for a listing of names from the Governor identified to serve on the Election Board and a listing of persons eligible to vote in the Secretarial Election.

Source: Martinez, Andrew. "Constitutional Reform: The Secretarial Election Process." Tribal Constitutions seminar, Native Nations Institute for Leadership, Management & Policy, University of Arizona. Tucson, Arizona. April 3, 2014. Presentation.



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5. Other Important Considerations (continued):

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.

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



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Emerging Best Practices in Indian Country

- 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.



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Anyone can begin
the process of
making change
happen.

*What can you do to
change where your
nation is going?*



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