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

REMAKING Tribal Constitutions

A NATIVE NATION BUILDING SEMINAR

Customized for The Lac du Flambeau Band of Lake Superior Chippewa Tribe

RTC WORKBOOK

@ LDF Tribe's ***Lake of the Torches Resort***

THE UNIVERSITY OF ARIZONA
UDALL CENTER FOR STUDIES IN PUBLIC POLICY
NATIVE NATIONS INSTITUTE

Strengthening Indigenous Governance

OCT 28 & 29, 2026

WAASWAAGANING aka LAC DU FLAMBEAU, WI

The traditional homelands of the Lac du Flambeau Band of Lake Superior Chippewa Indians

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.

U OF A 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.

NNI Remaking Tribal Constitutions Seminar: Lac du Flambeau RTC Workbook. ©2026 Arizona Board of Regents, Native Nations Institute.

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WELCOME!

LAC DU FLAMBEAU TRIBE'S

RTC 2026

DOWNLOAD BOOK & FULL POWERPOINT DECKS

Introducing NNI's RTC WORKBOOK

CUSTOMIZED FOR LDF TRIBE

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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> “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

SESSION ONE & 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 1 & 2

Case Study: 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



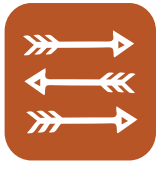
PRACTICAL SELF-RULE
Native nations assert decision-making power.



CAPABLE GOVERNING INSTITUTIONS
Native nations back up that power with effective governing institutions.



CULTURAL MATCH
Governing institutions match Indigenous political culture.

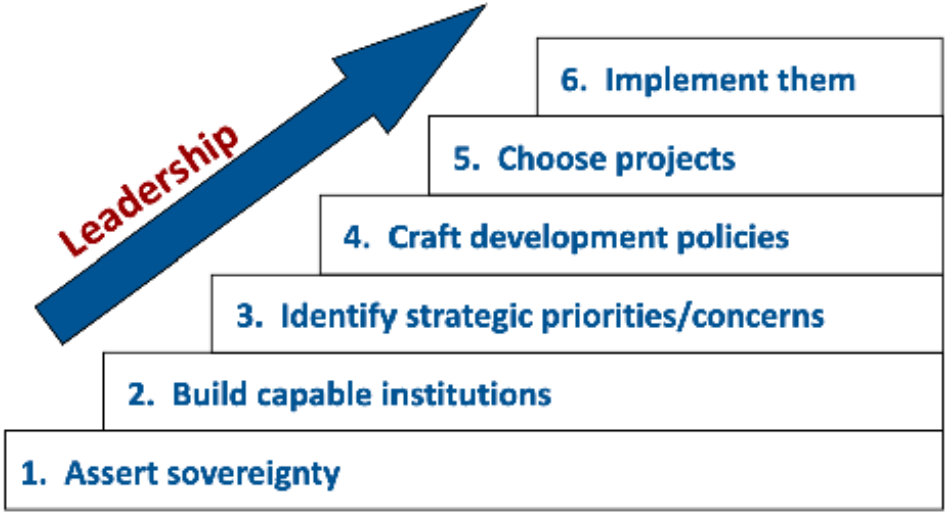


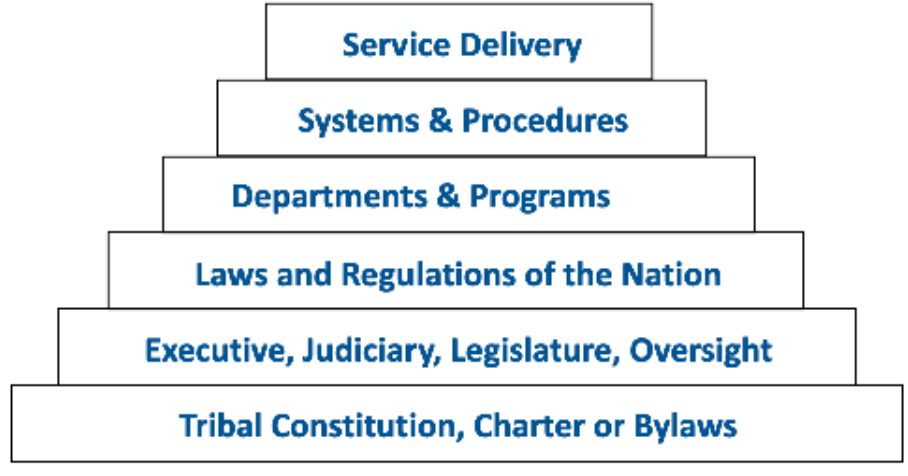
STRATEGIC ORIENTATION
Decision making is strategic.



LEADERSHIP
Leaders serve as nation builders and mobilizers.

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





SESSION THREE

Assessment, Solutions, Implementation & Sustainability

STRENGTHENING INDIGENOUS GOVERNANCE// SESSION 3



SESSION FOUR

Activity

THINKING STRATEGICALLY ABOUT YOUR NATION'S FUTURE // SESSION 4

50 years from now...

What do you wish to be DIFFERENT in your nation?

What do you wish to be the SAME?

I want my children to live in a tribal community where...

SESSION FIVE

A Quick Overview of Federal Impact on Native Nations

FEDERAL INDIAN LAW// SESSION 5

SESSION SIX

Government & Constitutions: What They Are, Do, & Look Like Across Indian Country

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

RTC WORKSHEET // SESSION 6
DEFINING

6.1
What do constitutions look like and do in Indian Country?

What is a constitution?

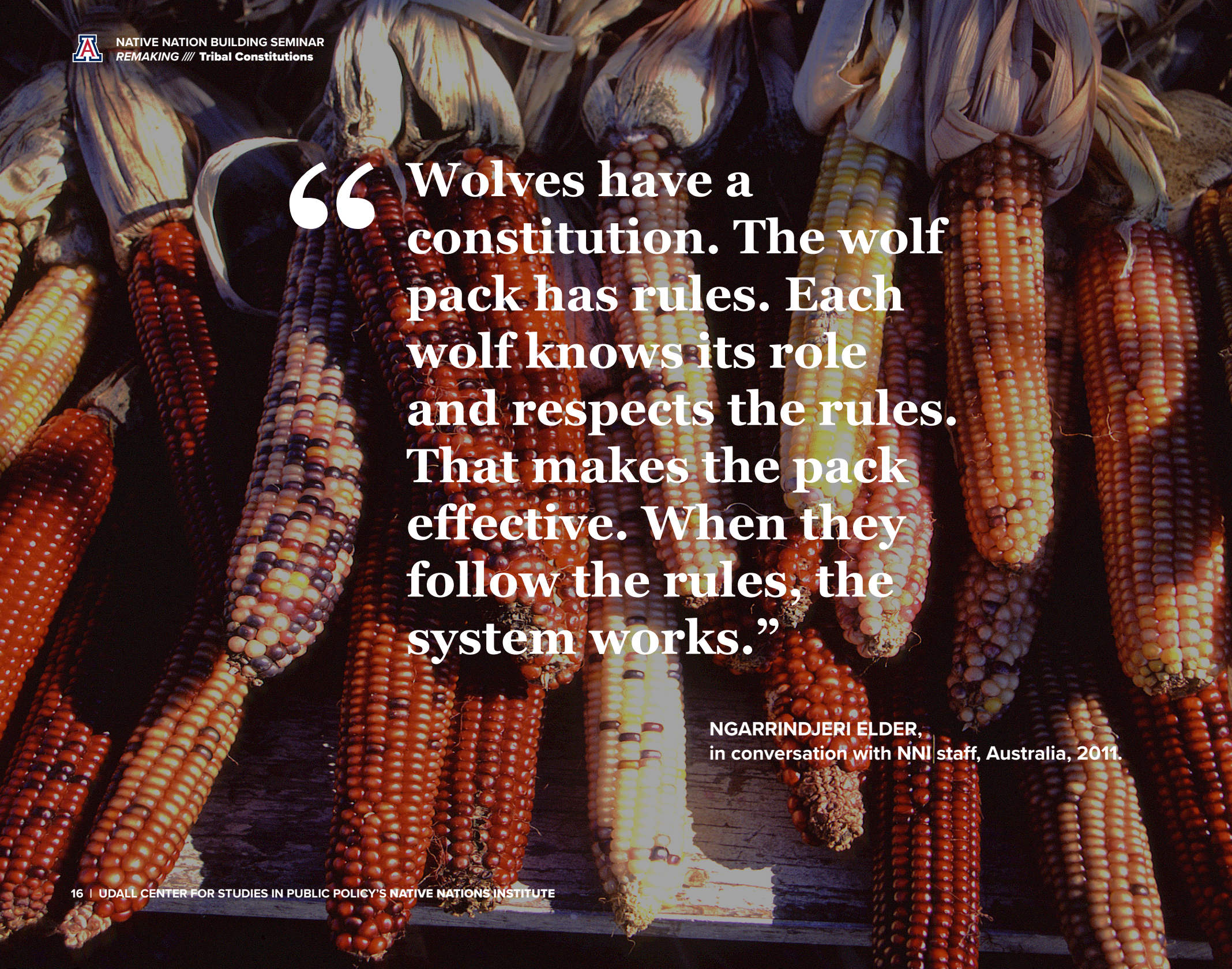
6.1.1
Why do constitutions matter?

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?



> **“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 6
DEFINING

6.1.2
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?

How were laws made and enforced?

How did our citizens learn how our system worked?

RTC WORKSHEET // SESSION 6
DEFINING

6.2.2
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?

6.3 How does our Native nation currently govern?

6.3.1 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?

6.3.2 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?

RTC WORKSHEET // SESSION 6
DEFINING

6.4
What's happening to Native nations' constitutions today?

A ground-swell of change

What parts of our written constitution work effectively?

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

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



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 6
DEFINING

6.4.1
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 SEVEN

What is the Purpose of Constitutional Reform?

- **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 7
DEVELOPING



7.1
What kind of constitution does our nation need?

7.1.1
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?

7.1.2
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?

RTC WORKSHEET // SESSION 7
DEVELOPING

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?

7.1.3
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?

RTC WORKSHEET // SESSION 7
DEVELOPING

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?

7.1.4 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?

RTC WORKSHEET // SESSION 7
DEVELOPING

7.2
Key issues a constitution needs to address

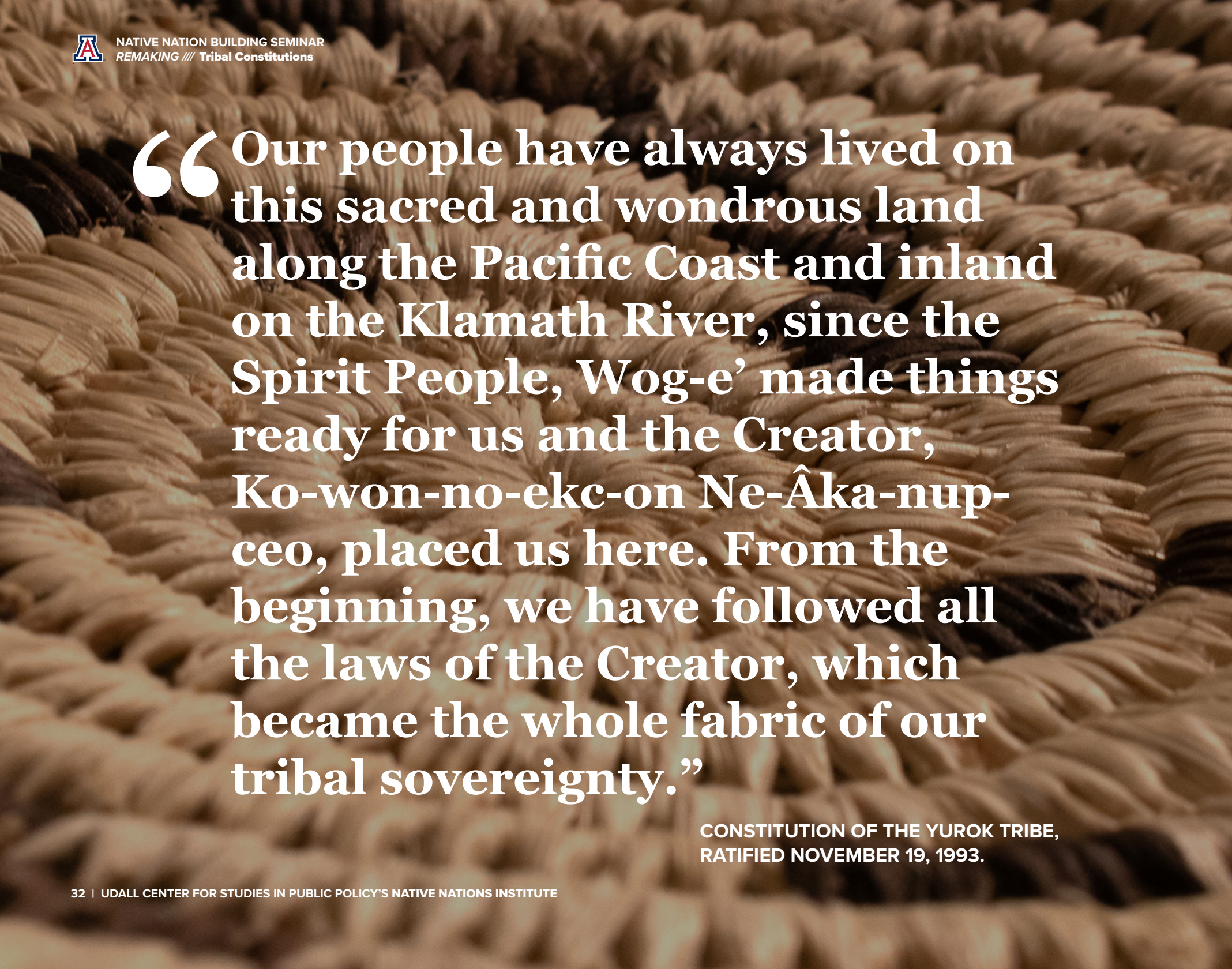
7.2.1
Who are we? Constitutions can make statements about who a people are and how they see themselves in relation to the world.

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 YUROK TRIBE,
RATIFIED NOVEMBER 19, 1993.

RTC WORKSHEET // SESSION 7
DEVELOPING

7.2.2
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?



“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 7
DEVELOPING

7.2.3
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 7
DEVELOPING

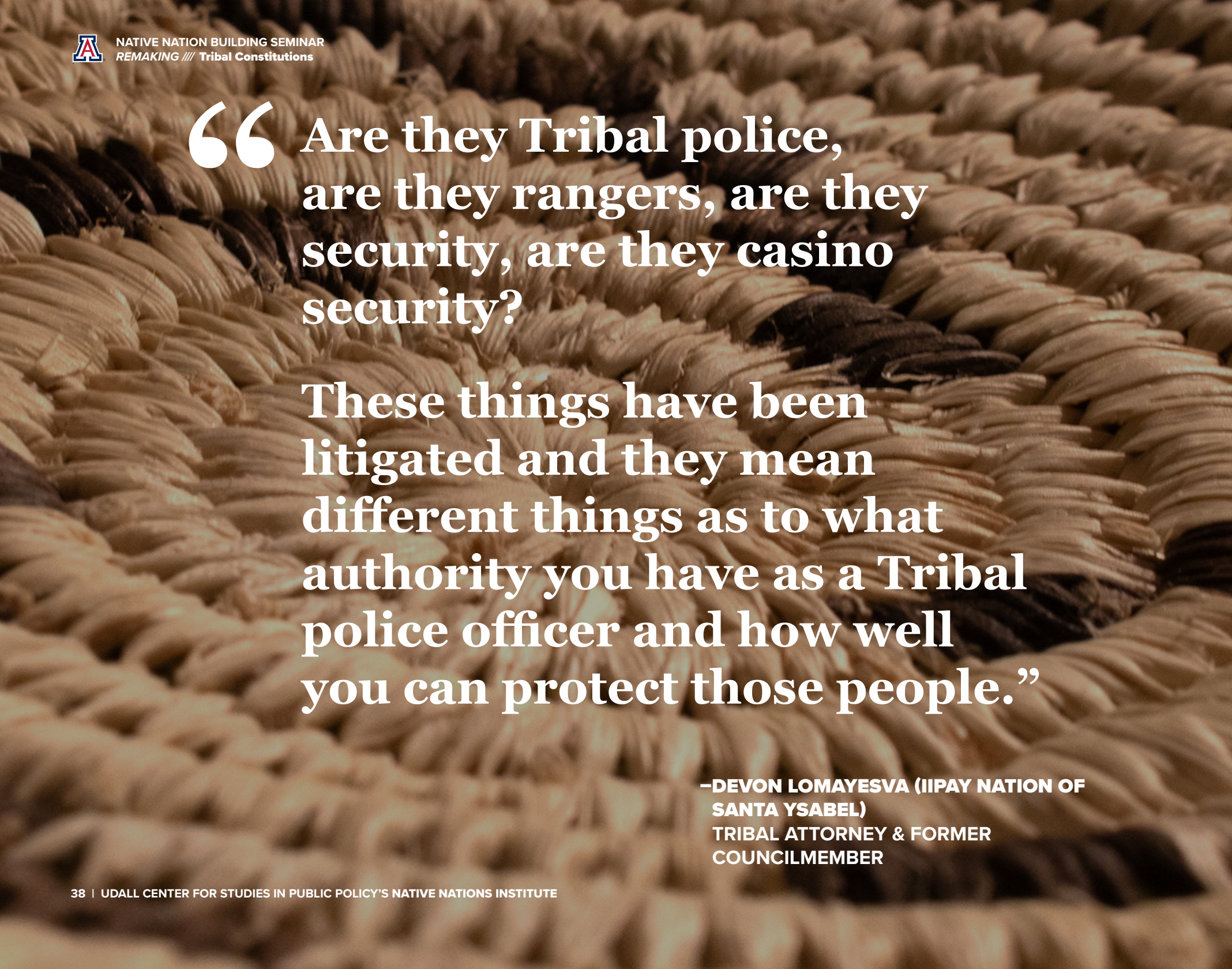
7.2.4
How do we make law? Where does law come from? Constitutions can specify a nation's rules for behavior and action, providing predictability in interactions with others.

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?



> **“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 7
DEVELOPING

7.2.5
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 7
DEVELOPING

7.2.6
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?

7.2.7 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?

RTC WORKSHEET // SESSION 7
DEVELOPING

7.2.8 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?

SESSION EIGHT

How do we strengthen our nation's government?

RTC WORKSHEET // SESSION 8

8.1 Assessing & identifying solutions

What is working?

What isn't working?

Potential solutions:

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.**

SESSION NINE

Making Change Happen

RTC WORKSHEET // SESSION 9
CHANGING

9.1
How do we make change happen?

Developing, revising, or reforming constitutions

9.1.1
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?

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 9 CHANGING

9.1.2 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 9
CHANGING

9.1.3 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 9
CHANGING

9.1.4 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 9
CHANGING

9.1.5
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?

THE FUTURE

Questions to Consider

RTC WORKSHEET // THE FUTURE

LIVING WITH A NEW CONSTITUTION



10.1

How do we live our new constitution?

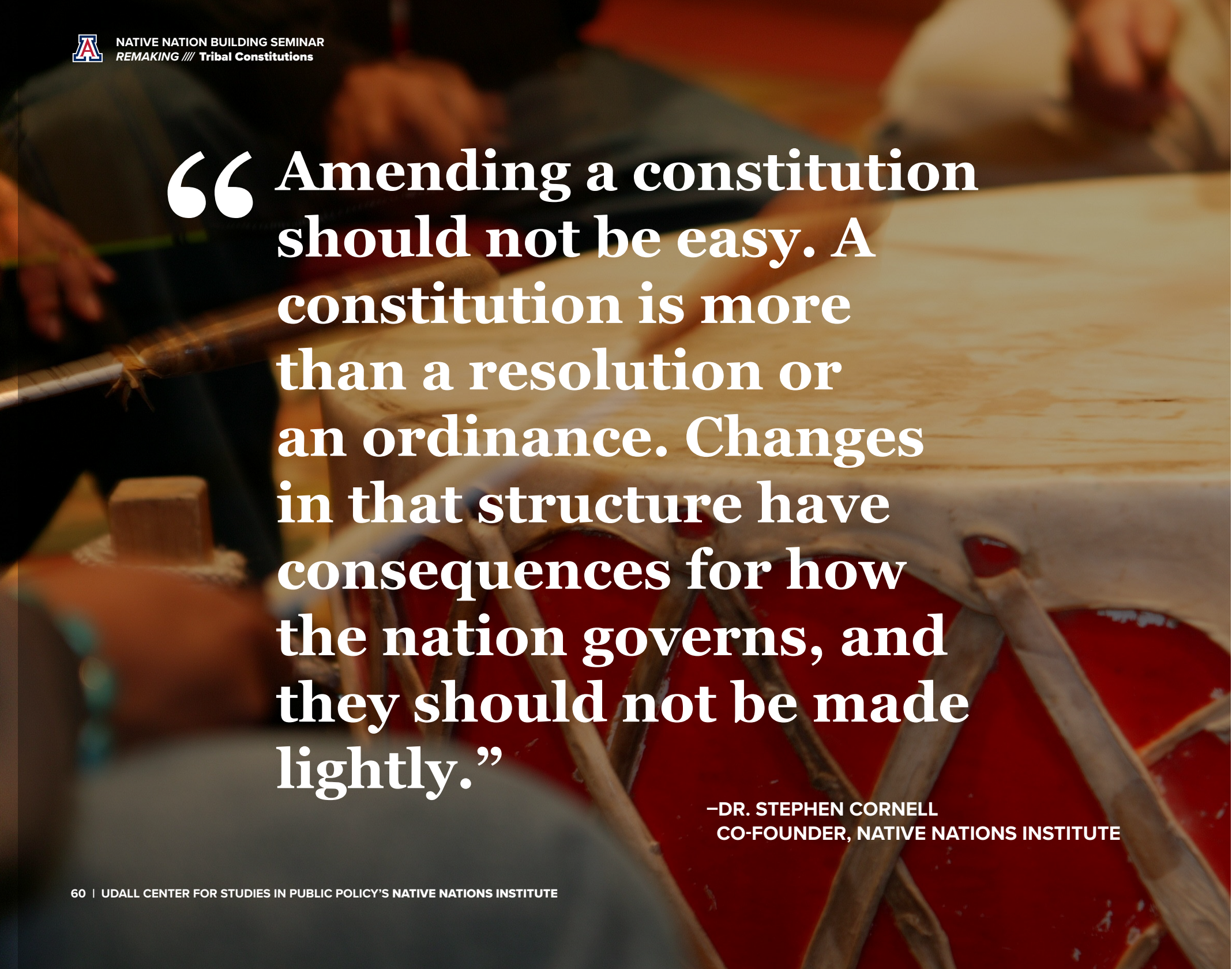
Strategies to support implement-ation

10.1.1 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 // THE FUTURE

LIVING WITH A NEW CONSTITUTION

10.1.2 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 // THE FUTURE

LIVING WITH A NEW CONSTITUTION

10.1.3
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 // THE FUTURE

LIVING WITH A NEW CONSTITUTION

10.1.4 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?


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Thurs-Sat Jan. 7-9

- **LAW 695** NAVAJO COMMON LAW
- **LAW 631D** REBUILDING NATIVE NATIONS: AN INTRO

Sun-Tue Jan. 10-12

- **LAW 525** NATIVE ECONOMIC DEVELOPMENT
- **LAW 631S** INDIGENOUS PEOPLES & THE ENVIRONMENT
- **LAW 631L** CONSTITUTIONS OF INDIGENOUS NATIONS
- **LAW 631R** INDIGENOUS FOOD SOVEREIGNTY

Wed-Fri Jan. 13 -15

- **LAW 656A** INTERGOVERNMENTAL RELATIONS

Morning
8A - 12:20P

Afternoon
1:30P - 5:50P

JAN 7-15

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“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.”

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EMERGING LEADERS 2027

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