The GRIC Constitution: Past, Present and Future

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Gila River Indian News

As the past becomes the present, and the present moves forward into the future, societies can experience changes in culture, economy, technology, and more. Whether those changes move slowly or quickly, progressively or conservatively, the rules and laws of society that hold communities intact, may also need to change as a society evolves.

This is something that the forefathers of the United States knew all too well, detailing in Article Five of the U.S. Constitution the two-step process for amending the Constitution, which has been amended twenty-seven times since its inception in 1789.

Benjamin Franklin was aware of the importance of being able to change the constitution even if one disagrees with a proposed change, saying during the last day of the U.S. Constitutional Convention in 1787, “I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information, or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise.” This is also something that the past leaders of the Gila River Indian Community knew when creating the Initial Constitution & Bylaws of the Gila River Indian Community on May 14, 1936. Since then, the Constitution has been amended on four separate occasions, in 1946, 1960, 1974 and most recently in 2013.

Once again the Community’s Constitution may be changed and every Gila River Indian Community registered voter will have the opportunity to make their voice heard, May 3, as polls open for the Special Election on several proposed constitutional amendments. Whether voting for or against the proposed amendments, it is important for Community members to inform themselves as much as possible about the upcoming Special Election, and to vote in the way they feel is best for GRIC and its people.

In an effort to help inform the Community about the upcoming Special Election, over the past several weeks, the GRIC tribe government held presentations on the proposed amendments in Districts 2, 3, 4, 5, and 6 in their respective Service Centers. Presentations were also held at the Governance Center in District 3, the Boy & Girls Club–Komatke Branch in District 6, both for GRIC employees, and at an Elderly Concerns Meeting in District 2’s Multipurpose building.

This Gila River Indian News Special Edition contains GRIC’s current Constitution, background on the Tribal Constitution Reform Project, detailed information about the proposed amendments, and frequently asked questions Community members asked during the proposed amendment informational meetings.

The Gila River Indian Community is holding a special election on proposed constitutional amendments on May 3, during the tribal elections for council representatives. Absentee ballots will be available for registered GRIC voters who are unable to vote at a polling site on Election Day. The project lasted several years and conducted numerous public outreach efforts (through meetings, surveys, presentations and open forums) to gather Community member input. In the end, the TCRP recorded dozens of changes recommended by Community members and used the information to develop a new “Draft Constitution” incorporating those changes. The Draft Constitution was never voted on (and thus never adopted), but the proposed amendments in the Draft Constitution have remained a priority and provide a basis for the upcoming special election and future proposed amendments.

All of the proposed amendments on the May 3 special election ballot come directly from the TCRP Draft Constitution. A Brief History of the TCRP

On January 5, 2011 the Office of the TCRP submitted a report detailing the project’s history and intent. The following information is drawn from that report. The TCRP task force held its first meeting in January 2008 in Phoenix, Ariz. At the meeting, they decided on two guiding principles: first, “that public discussion be generated…and used as building blocks for the development of a new constitutional framework,” and second, “that the con...
History of Tribal Constitution

Constitution Facts:
Foundational Document – Government Structure
Rules by which a government organizes and self-governs
Establish powers and declares the rights of its people
Establishes expectations and boundaries for those dealing with the government

Constitution Timeline:
- May 14, 1936 – Initial Constitution and Bylaws of the Gila River Indian Community
- February 28, 1938 – Ratification of a Corporate Charter – postponed
- September 9, 1946 – Constitution amended: 745 for, 107 opposed
- March 17, 1960 – Constitution amended: 761 for, 476 opposed
- 1990 – Secretarial Election – required 30 percent voter participation not met; amendment did not pass
- July 9, 2013 – Secretarial Election – proposed amendment passes

1960 Constitution

I – Terms
II – Territory
III – Membership
IV – Rights of Members
V – Governing Body
VI – Qualification of Officers
VII – Appointed Officials/Committeemen
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IX – Vacancies
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XVII – Property
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CONSTITUTION AND BYLAWS OF THE GILA RIVER INDIAN COMMUNITY OF ARIZONA

PREAMBLE
We, the people of the Gila River Indian Reservation, in order to show our gratitude to Almighty God, and to preserve in ourselves the rights of self-government and to provide a means for the orderly transaction of Community business and the free expression of the community, do ordain and establish this Constitution and Bylaws for the government of the people of this reservation, henceforth to be known as the Gila River Indian Community.

ARTICLE I – TERMS
Section 1. For the convenience of brevity and unless otherwise specified, the following terms will be construed to have the meanings set forth in this paragraph:
(a) Community - Gila River Indian Community.
(b) Council - Gila River Indian Community Council.
(c) Reservation - Gila River Indian Reservation, Arizona.
(d) Secretary of the Interior - The Secretary of the Interior of the United States, or his duly authorized representative.
(e) Superintendent - The Superintendent of the local office of the Bureau of Indian Affairs under which the Reservation is placed for administrative purposes, or his successor in office.
(f) Governor - Governor of the Gila River Indian Community.
(g) Lieutenant Governor - Lieutenant Governor of the Gila River Indian Community.
(h) Treasurer - Treasurer of the Gila River Indian Community.
(i) Secretary - Secretary of the Gila River Indian Community Council.
(j) Councilman - Male or female member of the Gila River Indian Community Council.
(k) He – He or she; wherever used the masculine shall in all cases be deemed to be the feminine.

ARTICLE II – TERRITORY
The jurisdiction of the Community shall extend to all lands now comprised within the Reservation and to such other lands as may hereafter be acquired for the use and benefit of the Community and be added thereto.
ARTICLE VII – APPOINTED OFFICIALS AND COM- MITTEEMEN
Sec. 1. The Council shall be appointed by the Council from within or without its membership. He shall be a member of the Community.
Sec. 2. The Chairperson shall be appointed by the Council from within or without the membership of the Community.
Sec. 3. Standing Committees and Boards shall be appoint- ed by the Council from within or without its own mem- bership.
Sec. 4. Special Committees shall be appointed by the Governor, from within or without the membership of the Community, when such committees are authorized by the Council.

ARTICLE VIII – TENURE OF OFFICE
Section 1. Councilmen shall be elected from their respective districts for a term of three (3) years. They shall take office at the first regular Council meeting in June following their election and shall serve until their respective successors have been elected.

Additional information about the tenure of office is provided in other articles of the constitution, including:
- Section 5: The Governor, Lieutenant Governor, Chief Judge and Associate Judges shall serve until January 1, 1961, in order to permit orderly establishment of the tenure provided in this constitution.
- Section 7: Any elected official of the Community who is convicted of a felony shall have his office declared vacant and his successor shall be elected at the next regular Council meeting.
- Section 11: Any official, committee member or board member who is convicted of a felony shall have his office declared vacant and his successor shall be elected at the next regular Council meeting.

ARTICLE IX – VACANCIES
Section 1. During the absence or inability of the Governor, the Lieutenant Governor, the Chief Judge, and any other official shall have all powers, privilege and duties of the Governor.

Additional information about vacancies is provided in other articles of the constitution, including:
- Section 9: Any official, committee member or board member who is convicted of a felony shall have his office declared vacant and his successor shall be elected at the next regular Council meeting.
- Section 11: Any official, committee member or board member who is convicted of a felony shall have his office declared vacant and his successor shall be elected at the next regular Council meeting.

ARTICLE XIII – REFERENDUM
Section 1. The Council shall conduct the referendum in accordance with the provisions of the constitution.

Additional information about the referendum is provided in other articles of the constitution, including:
- Section 4: The Treasurer shall be appointed by the Council.
- Section 5: The Secretary shall be appointed by the Council.
- Section 6: The Council shall have the power to make all necessary rules and regulations for the conduct of elections.

ARTICLE XIV – INITIATIVE
Section 1. The people of the Community reserve unto themselves the power to propose ordinances, resolutions, or other actions independently of the Council.

Additional information about the initiative is provided in other articles of the constitution, including:
- Section 2: Any proposed initiative measure shall be presented to the Council accompanied by a petition signed by not less than ten percent of the qualified voters of the Community. Such referendum may be held at a special election called for that purpose or may be held at the same time as and in connection with any other election.
- Section 3: Any official, committee member or board member appointed by the Council may be removed or discharged by a majority vote of the Council.
Constitution from page 3

an amount equal to ten percent (10%) of the anticipated net revenue. 
(12) To act for and on behalf of members of the Community at the request of such members. 
(13) To enforce Community law. 
(14) To transfer or convey tribal assets to the incorporated Community and to contract with the incorporated Community for management of tribal assets. 
(15) To make, pass, and enforce such ordinances as the Council deems necessary or expedient in the management of the Gila River Indian Reservation and all lands which may be acquired hereafter. 

Sec. 4. Any rights and powers heretofore vested in the tribes or bands of the Gila River Reservation but not express-
QUESTION #1
ARTICLE VI-QUALIFICATIONS OF OFFICERS

A YES vote will provide for additional qualifications of officers by increasing from 60 days to one year, the time requirement that a person running for Council has to be living within their district; requiring officers to be registered to vote; requiring officers to have a high school diploma or GED; and increases the prohibition for running for office, for convictions of crimes of moral turpitude from 1 year to 5 years.

NO vote will maintain the current Constitution language.

ARTICLE VI-QUALIFICATIONS OF OFFICERS
CURRENT CONSTITUTION

Section 1. No person shall be elected or hold office as Governor, Lieutenant Governor, Chief Judge, Associate Judges, or Councilmen unless he
1) is a member of the Community;
2) has reached the age of twenty-five (25) years;
3) has been living in the particular district he is to represent for at least sixty (60) days immediately preceding the election;
4) has been living on the Reservation for at least one year immediately preceding the election.

Additional qualifications may be prescribed by ordinance.

Sec. 2. No person who, within the year preceding the election, has been convicted of a crime involving moral turpitude shall be eligible to hold office in the Community.

ARTICLE VI-QUALIFICATIONS OF OFFICERS
PROPOSED CONSTITUTION AMENDMENTS

(a) Governor

Section 1. No person shall be elected or hold office as Governor, Lieutenant Governor, Chief Judge, Associate Judges, or Councilperson unless he:
1) is a member of the Community;
2) has reached the age of twenty-five (25) years;
3) has been living on the reservation and within the district he is to represent for at least sixty (60) days immediately preceding the election;
4) has been living in the particular district he is to represent for at least six (6) months immediately preceding the election.

(b) Lieutenant Governor

Section 2. The Lieutenant Governor shall be appointed by the Council from within or without the membership of the Community; to a term of four (4) years, beginning July 1, 2017.

(c) Chief Judge

Section 3. The Chief Judge shall be appointed by the Council from within or without the membership of the Community; to a term of six (6) years, beginning July 1, 2017.

(d) Associate Judges

Section 4. Should a vacancy occur within six (6) months or less of the regularly scheduled election, the Council may waive the special election and allow the vacancy to exist until the successor is selected at the regularly scheduled election.

ARTICLE VI-QUALIFICATIONS OF OFFICERS
PROPOSED CONSTITUTION AMENDMENTS

(a) Treasurer

Section 1. The Treasurer shall be appointed by the Council from within or without the membership of the Community; to a term of four (4) years, beginning July 1, 2017.

(b) Secretary

Section 2. The Secretary shall be bonded and shall be responsible to maintain the Community’s assets as directed by the Council with recommendation from the Governor.

Section 3. The Treasurer shall cause all Community records to be audited on an annual basis by Certified Public Accountants.
ARTICLE VII-TENURE OF OFFICE

PROPOSED CONSTITUTION AMENDMENTS

Section 1. Council persons shall be elected from their respective districts for a term of four (4) years, beginning with the May 2017, Council Election and shall take office at its first regular Council meeting in June following their election and shall serve until their respective successors have been duly elected and qualified. Incumbent elected officials will fulfill their existing terms.

Section 2. The Governor, the Lieutenant Governor, the Chief Judge and the Associate Judges shall be elected from the Community at large for a term of four (4) years, beginning with the November 2017, General election and shall take office the first day of January following their election, and shall serve until their respective successors have been duly elected and qualified. Incumbent elected officials will fulfill their existing terms.

Section 3. Board members shall be appointed for terms of four (4) years. Upon the expiration of each term, the appointment may be extended upon approval of the Council. There shall be no indefinite terms.

Section 4. Special Committee members are appointed for a specific purpose and their term shall end upon dissolution of the committee.

Section 5. Committee or Board members may be removed from the Special Committee or Board by resolution of the council, in accordance with Article XII, Section 5 of this Constitution.

Section 6. Should it become necessary, because of vacancies, to make appointments other than at the first regular Council meeting in June, that fraction of a year in which the appointment is made shall constitute a full year toward the term of appointment, but compensation shall be based upon the time actually served.

Section 7. Should the need become necessary, because of vacancies, to make appointments other than at the first regular council meeting in June, that fraction of a year in which the appointment is made shall constitute a full year toward the term of appointment, but compensation shall be based upon the time actually served.

Section 8. Elected or appointed officials may be elected or appointed for successive terms.

Section 9. The Governor, Lieutenant Governor, Chief Judge, Associate Judges, councilmen, and officials duly appointed or elected to office prior to the adoption of this Constitution shall serve until their respective successors have been duly elected or appointed and qualified.

ARTICLE VIII-ELECTIONS

PROPOSED CONSTITUTION AMENDMENTS

Section 1. The election of the Governor, the Lieutenant Governor, the Chief Judge and the Associate Judges shall be held annually on the first Tuesday of May, beginning May 1960, for Council persons whose terms expire the following June.

Section 2. Council elections shall be held annually on the first Tuesday of May, beginning May 1960, for Council persons whose terms expire the following June.

Section 3. All adult members of the Community who have attained the age of eighteen (18) years and who are Registered Voters shall, unless non compos mentis, have the right to vote in any election.

Section 4. The manner of making nominations and holding elections shall be in conformity with appropriate ordinances enacted by the Council.

Section 5. The Council shall be the final judge of all elections.
The following FAQ is based on questions following the Constitutional Amendment informational meetings from Community members who attended the employee meetings, district meetings, Elderly Concerns meetings and Council of Elders.

Q: If the GRIC Governor and Lt. Governor are unable to serve their terms and the Community Council members chosen to replace either position have not-soon-to-expiring terms, what action would be taken?
A: That decision would be made by the Gila River Indian Community Council as described in the Constitution. It would be recommended that a Community Council member, who could fulfill their term, be selected for either position. If the selected Council member could not fulfill the term of Governor, then Council would select another member to serve the position until the next election.

Q: What is the total number of enrolled members in the Gila River Indian Community?
A: The certified membership as of Dec. 31, 2015 is 21,814.

Q: When was the last time the Gila River Indian Community Constitution was amended?
A: In 2013 the Constitution of the Gila River Indian Community was amended to remove the Secretary of the Interior from the Secretary of the Interior from having authority to reject Community laws that are enacted by the Council.

Q: Why do Council members only need to have high school degree or a GED to be qualified for their respective seat?
A: This proposed amendment is a balance between requiring Council members to have an education requirement, without it being an impossible college degree for many. This kind of amendment has been enacted by many other tribes.

Q: Did GRIC Community Council visit all seven districts before they voted to move forward with the Special Election?
A: Yes, GRIC Council visited all seven districts during each of their respective district meetings.

Q: If the proposed constitutional amendment for Article VII – TENURE OF OFFICE has been passed, when would the increased terms of office take effect?
A: The proposed constitutional amendment for Article VII of the Constitution of the Gila River Indian Community will take effect on April 4, 2017.

Q: What if a Community Council member from a district with only one representative, is next in line of succession?
A: This proposed constitutional amendment for Article VII of the Constitution of the Gila River Indian Community will take effect on April 4, 2017.

Q: According to Article VII of the Constitution of the Gila River Indian Community, do you think a bachelors degree is required to sign a notarized oath stating that they meet the qualifications to serve in the Community Council?
A: Yes. This proposed constitutional amendment for Article VII of the Constitution of the Gila River Indian Community will take effect on April 4, 2017.

Q: If the GRIC Constitution Reform Project is passed?
A: The Constitution of the Gila River Indian Community passed Resolution GR-53-06 on April 6, 2006. A task force was created to gather information from all Community members, inside and outside of the Community’s boundaries, in order to find out the top concerns GRC members had with the Community’s current Constitution.

Q: How many GRIC Community members are registered to vote?
A: There are over 6,000 registered voters.

Q: How many registered voters participate in the Special Election?
A: There are six thousand registered voters.

Q: What is the Tribal Constitution Reform Project?
A: The Constitution of the Gila River Indian Community passed Resolution GR-53-06 on April 6, 2006. A task force was created to gather information from all Community members, inside and outside of the Community’s boundaries, in order to find out the top concerns GRC members had with the Community’s current Constitution.

Q: What if a Community member is selected to fill the vacant Governor position, that Community Council position will be vacant until the next Governor is selected, will there be a regular or special election?
A: Yes, the information will be available at the polls.

Q: What other voting options are available for those living outside of the Gila River Indian Community?
A: GRIC registered voters unable to vote in person at a polling place on Election Day can vote by Absentee Ballot; Absentee Ballot voting opens April 12 and closes May 2.

Q: If information is available to the public, how can one request it?
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TCRP recommendations used as framework for Constitution amendments from page 1

stitutional process be Community member-driven and that transparency should be the cornerstone throughout the process.

The TCRP began by asking Community members if they thought the GRIC Constitution needed to be changed, and if so, how.

In its first round of surveys, the TCRP found that 93 percent of Community members surveyed answered yes, the Constitution should be changed, but their ideas of how it should be changed varied greatly. Those surveys were collected from July to December 2008 and included 244 Community members (including 31 from Los Angeles and San Francisco) participated.

The TCRP held a second round of surveys from January to April 2009 to narrow down peoples’ concerns in broad topics; fifteen people submitted responses in the form of Opinion Sheets.

At this point the TCRP compiled its data from the surveys, meetings with tribal leaders, legal counsel, and developed a rough draft of a new constitution.

The TCRP presented the first Draft Constitution to members in the summer of 2009 and conducted a third survey with the participation of nearly 139 members participated.

The third survey asked Community members what parts of the Draft Constitution they were satisfied with and what specific items they would adjust. A detailed analysis from August 4, 2009 (Attachment I, pages 302-388 of the TCRP report) shows how participants from each district, the Urban Members Association, and elders’ meetings responded. The TCRP task force used those surveys to fine-tune the Draft Constitution.

The TCRP developed the Final Draft Constitution on September 1, 2009.

The fourth survey, conducted in 2010, consisted of only two questions: (1) Overall, do you think the changes in the Final Draft Constitution meet the needs of the Community? and (2) If elections were held today, would you vote to approve the Final Draft as the Community’s revised constitution?

Results showed that 79 out of 93 (84.95%) people surveyed supported the Final Draft Constitution, whereas 14 people said they would not vote for it.

The final version of the Draft Constitution was presented in the TCRP report.

Over three years the TCRP conducted four rounds of surveys to gather Community member input. It should be noted that in each round of surveys, the TCRP reached out to members from each of the seven districts of the Community and Urban Members Association. Most of the surveys were also presented to the Youth Council, Elderly Council and different members in Phoenix, Los Angeles and San Francisco.

From its work, the TCRP task force generated a number of proposed amendments to the Constitution, nearly all based on Community member requests.

Instead of holding one vote to approve all of the changes at once, the Community is holding a series of special elections to make changes at a time; next month Community members are voting on seven of them.

Explanations of Proposed Amendments

As stated earlier, all of the proposed amendments on the May 3 special election ballot come directly from the TCRP Draft Constitution.

For example, in the Draft Constitution, articles governing Memberships and Powers of the Gila River Indian Community Council, specifically the U.S. Secretary of the Interior authority over the Community’s affairs have been included.

Those same changes have been applied to the proposed amendments the Community is voting on in the next few weeks for Articles from term 3 to term 4 for it to be deemed valid?

A: To be a valid election, 30 percent of all registered voters must participate in the Special Election.

Q: Why are we just hearing about the amendments now? Why were we not told or have hearings to discuss this?

A: On February 17, 2016 the Community Council approved the resolution to hold a special election for the proposed amendments on May 3, 2016.

Q: Why are Community members changing their terms from three years to four years? It seems

A: On the 139 people surveyed in District 1 through 7, Urban Members Association, Los Angeles and San Francisco, 91 (66%) people liked the changes of the lengthened terms and 48 (34%) people did not. Community members have been asked to vote on four TCRP surveys.

1. “Should term limits be lengthened when people have enough experience do it if they’re working hard enough?”

2. “Sometimes long terms not good especially if everything goes wrong continues to go wrong.”

3. “These terms are too short to accommodate the increase in the size of the Council, and we need to balance the Council’s power over Community actions in such a way that the power of the Interior won’t be in serious violation. This Article is not intended to be an exhaustive description of the Treasurer’s functions or responsibilities.”

There is only one addition to Article IX – Vacancies, which provides a procedure in the case if a vacancy in the offices of the Treasurer and the Lieutenant Governor. Other sections of this article have simply been rearranged.

The amendment is based on a change included in the TCRP Draft Constitution, but in that case the vacancy would be temporarily occupied by the Treasurer (as detailed on page 59), “The crime-free provision increased from one (1) to five (5) years and now includes felonies.”

The proposed amend- ment version of Article VII – Appropriations is broken into three sections for (a) Treasurer, (b) Appropriations Committee, (c) Appropriations Committee and Members. Letter (c) reflects no changes in the TCRP report, “Should a vacancy exist due to the death or permanent disability in both the offices of the Governor and Lieutenant Governor, the Council shall select an Interim Gover- nor and Lieutenant Coun- cil. The Interim Governor shall exercise all duties and responsibilities of the Governor and the Lieutenant Governor. Such an elected governor, if a successor is elected at a special election called by the Council in accordance with the terms of this Article VII.”

The proposed amend- ment to Articles VIII – Tenure of Office and X – Elections go hand-in-hand to increase term limits from three years to four years for Council members, the Governor, Lieutenant Gover- nor, Chief Judge and As- sociate Judges and to make sure elections are scheduled every four years to coincide with election of the President and the Secretary of State. Sections 3 and 4 have been removed from Article VIII because the start dates for the president and the secretary are detailed in the proposed article VII.

This amendment was also taken directly from the TCRP Draft Constitution. The report says (on page 65), “Elected officials’ term of office is increased to four years,” and (on page 71), “The general election is held every four years to accommodate the increase in the term length.”

The special election on May 3 is a continuation of the goals outlined in the TCRP. Though that proj- ect has long-since ended, its objectives are still being carried out through the election process. The sovereignty belongs to the Community, but the power is in the hands of the government in a Community as small as Gila River, every vote counts.