The Gila River Indian Community Constitution and Bylaws, then and now

B.C. (Before Constitution) According to Gray’s research, before a Constitution, the Gila River Indian Community used the Chief system, where a group of Chiefs from each village would make decisions for the tribe. The last known Chief was Antonio Azul. When he passed away in 1910, his son, Antonio, led “loosely” for 13 years until his death in 1923 during a tumultuous time in the Community’s history. The water was taken away, there were years of famine and “instability within the Community,” said Gray.

Other groups—including the Indian Agent, irrigation councils, and church leaders—were yielding authority over the area. “The churches at the time also played a big role in the Community,” said Gray.

The power wouldn’t be consolidated until the 1936 Constitution was approved by the Secretary of the Interior. But according to Gray, the 1936 Constitution wasn’t the Community’s first. Santan established their own Constitution in 1901. A group of approximately 50 met and approved the draft and elected the late John Lewis as head Chief.

The Santan Constitution states: “We the Indians of the Santan Reservation, in order to promote the general welfare of our Indians do ordain and establish this Constitution and Bylaws for the Government of the Santan Reservation.”

Gray said that Community members who were educated back east brought back the idea to create their own Constitution. The Santan Constitution, however, didn’t last very long. “The Indian Agent at the time was shot and killed,” Gray said.

Continued on Page 3

A closer look at the 2020 Special Election outreach campaign

Robert A. Jackson
Gila River Indian Community

By Resolution GR-39-20, the Gila River Indian Community Council requested to have a Special Election on Nov. 3 to vote on amendments to the GRC Constitution.

The 2020 Special Election will put three articles to vote: Article III – Membership, Article XI – Districts and Article XV – Powers of the Gila River Indian Community Council.

Article III – Membership pertains to what is known as the 20-year rule. A “Yes” vote to the amendment will remove the language in the constitution that states a Community member who remains away from the reservation continuously for 20 years shall forfeit his or her tribal membership.

Article XI – Districts: A “Yes” vote on Article XI would change the legal boundary of the Co-op Village from District 7 to District 6.

Article XV – Powers of the Gila River Indian Community Council: A “Yes” vote on Article HI and XV will remove the Secretary of the Interior from Community Council’s ordinance and resolution approval processes. A “No” vote on these amendments would keep the current language.

Outreach Campaign
The Communications & Public Affairs Office presented a special election outreach plan and started their campaign in late February. Then came COVID-19.

On Jan. 29, Gov. Stephen R. Lewis had created the COVID-19 Task Force made up of the Office of Emergency Management, the Tribal Health Department and Gila River Health Care to address the coronavirus in GRIC. By March 11, the World Health Organization declared the coronavirus a pandemic.

Everything changed once the pandemic was declared. The Community was coming off the heels of the 58th Annual Mul-Chu-Tha Fair and Rodeo and there were no reported cases of the coronavirus on the reservation. But as expected, the numbers eventually increased.

According to the Oct. 4, COVID-19 Data Report, GRIC had 674 positives of enrolled members residing within the GRC boundary, 198 not residing within the boundary and 25 enrolled members have died.

So how did that affect CPAO’s outreach campaign? “When COVID-19 hit we had to get creative and think outside the box when it came to providing outreach to the Community for the 2020 Special Election. The ability to engage with Community members in person was no longer an option, and we had to adapt very quickly,” said Shannon Redbird, Community Relations Specialist, Communications & Public Affairs Office.

The campaign has consisted of flyers, graphics, a landing page on mygilariver.com, promotional videos, PSA’s, mailouts and banners.

Continued on Page 2
We Need 30% of Registered Voters

In order to change amendments to the Constitution, Article XVII states -

“Proposed amendments will be approved by a majority vote of the registered voters of the Community voting in an election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

Example:

6,536 registered voters
30% = 1961

*Numbers reflect registered voters as of August 29, 2020 and do not include voters registered September 16 - October 6.*

Outreach From PAGE 1

Early on in the campaign, the outreach group came up with the tagline: “It’s Your Constitution.” Redbird said it is more than just meant to be catchy.

“The tagline reinforces the idea that GRIC members should be empowered to make changes to the current Constitution, and the changes they make will have an impact for generations to come,” said Redbird.

Although their ability to hold events and meet face-to-face with Community members has been restricted, the outreach group still wanted to have enough promotional items in support of the 2020 Special Election. The group gave away T-shirts, cups, pens, hand sanitizers, clips and other items commemorating the vote on the Constitution.

Alie Walking Badger, Events Coordinator, said it was important to still provide promotional items to create a connection between the members and the purpose of November 3rd.

“Everyone enjoys promotional items; especially items like T-shirts, cups, and hand sanitizers that can be utilized regularly. Being able to provide items like these also promote the Special Election is a plus in our outreach efforts,” said Walking Badger.

Events during stay-at-home orders

A Constitution Convention was the original outreach plan, but restrictions on gatherings in the Community convinced the group to go virtual.

On Saturday, Aug. 29, the Virtual Constitutional Convention was streamed live on Facebook and Gila River Broadcasting Corp. Channels 19.1 and 29.1 to promote the Gila River Indian Community’s upcoming Special Election to be held in conjunction with the General Election on Nov. 3. The virtual convention brought together Community members to watch presentations and discussions from Gila River Indian Community’s leadership and members on the proposed amendments on Facebook Live. Presenters answered questions sent in by email or commented during the live feed at the event’s conclusion.

Redbird said that going virtual was a productive alternative to the original plan.

“It was important to hold the Constitutional Convention so Community members had an opportunity to ask questions, voice their concerns and gain more information on the proposed changes to the Constitution. We teamed up with Gila River Broadcasting Corporation to stream the convention on Facebook and air it live on the GBRC TV stations for those who may not be active on social media. We were also able to reach a large number of Community members and had great engagement with viewers during the broadcast,” said Redbird.

CPAO also had to come up with other ways to do outreach, and on Aug. 15, they started the “Constitution Amendments Mobile Tour,” which traveled throughout the Gila River Indian Community to provide information on the upcoming Special Election and engage with Community members during the stay-at-home orders.

Three vehicles caravaned through all seven districts as an announcer provided messages through a PA system. They drove through residential areas and service centers with information and promotional items on the amendments.

Walking Badger said they gave out 230 T-shirts, and met with Community members who said they appreciated the information.

“Some Community members were waiting for the caravan to drive through their neighborhoods, to see their excitement when we came by with our information and promos was uplifting,” The Elders that do not have transportation or computer access were especially appreciative for the information that was received during the outreach campaign,” said Walking Badger.

Final push

Redbird said it would be disappointing if at least 30 percent of the voters didn’t participate in the election after the resolutions, planning and outreach. 30 percent of registered voters are required to participate in the 2020 Special Election for the results to remain valid.

“Every vote in the Special Election will shape the future of our tribe. It is crucial that everyone who is registered to vote participates in this Special Election,” said Redbird.

The outreach group is using these final weeks to increase awareness through GRIC’s social media platforms: Facebook, Instagram and Twitter. The social media campaign has included videos and clips featuring Gov. Lewis and Lt. Gov. Robert Stone, leadership from the Urban Members Association, Miss Gila River Alyse Marriotta as well as district elections judges.

The group is currently leaving promotional bags at Elder complex locations as well. The social media campaign has also included messages from GRIC members on the importance of voting in the 2020 Special Election.


"You can help determine the direction of our community now by casting your vote in this GRIC Special Election. Make sure you vote on November 3, 2020."

Alyse Marriotta
Miss Gila River 2020-2021

IT’S YOUR CONSTITUTION
MEMBERSHIP • DISTRICT • POWERS

Gila River Indian News SPECIAL EDITION October 2020

Page 2
Constitution History From Page 1

time, vetoed this Constitution. That was the end of it,” said Gray.

The Gila River Indian Community would be allowed to create their own charter and Constitution following the passage of the Indian Reorganization Act. In 1934, Congress passed the Wheeler-Hoover Act, also known as the Indian Reorganization Act or IRA.

“The Indian Reorganization Act of 1934 established modern tribal governments,” according to the Bureau of Indian Affairs website.

The Community then held a referendum to adopt an IRA-based constitution on December 15, 1934. Among the 2,308 eligible voters, 1,188 voted to accept the new constitution versus 116 against.

According to Gray, delegates from the Community and legal counsel from Phoenix drafted the Constitution. Indian enrollment in the Community was created on March 28, 1936 (753-167), and after Charles West, Acting Secretary of the Interior on May 14, 1936 approved it as well, the Gila River Indian Community had their first official Constitution and Bylaws and the foundation of today’s modern tribal government.

“IT created seven districts, and the Community Council and so forth,” said Gray.

Xavier Cawker was elected governor at the time.

A proposed constitutional amendment ratified a new Constitution in 1960, which is the current version. The late Gary R. Morgan Jr., was selected by the first governor under the 1960 Constitution, which was approved by Royer Ernst, Secretary of the Interior, on St. Patrick’s Day, March 17, of that year.

According to a Gila River Indian Community press release from 2008, “Gila River Morgan was instrumental with the development and enactment of the 1960 Constitution and Bylaws of the Gila River Indian Community.”

Previous Amendments

The 2020 Special Election is not the first time the Community has amended the Constitution. Javier Ramos, Senior Counsel, admitted the Community had a special election to amend the Constitution, which the Community Council, at the time, vetoed this Constitution by the vote in November.

The first amendment, approved on September 9, 1948, added a new article to the GRIC Constitution and Bylaws Amendment VI – Qualification of Officers, Article VII – Officers of the Council.

The second amendment lowered the voting age from 21 to 18 in 1974. The third amendment passed in 2013, which removed the need for the federal Bureau of Indian Affairs to call for “secretarial elections” to amend the Community’s Constitution. Amendments to the Constitution are carried forward by the Electoral Board by resolution of the Community Council approved by two-thirds (2/3) vote of the entire Council or by a petition signed by at least 30 percent of the registered voters in the Community.

The most recent attempt to amend the Constitution did not meet the requirement of 30 percent of registered voters to participate in the election. In order to approve amendments to the Constitution, Article XVII states, “Proposed amendments will be approved by a majority vote of the registered voters of the Community voting in an election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

In 1960, Amendment XIX was passed requiring the Community to hold a special election to amend the Constitution, which the Community Council, at the time, vetoed this Constitution by the vote in November.

Voting. He also emphasized that everyone, every Community member, to participate in understanding the ballot it is their duty to be thoughtful about when voting. There is no way to return to the vote after it is cast.

In regards to this particular article, the members may want to read the entire Constitutions and Bylaws to see what each district, to educate and seek community members who had concerns in the Constitution were reformed. The most common concerns in the Constitution were regarding the disenrollment criteria. Newkirk agreed the Constitution should be reformed. The most common concerns in the Constitution were regarding the disenrollment criteria. Newkirk agreed the Constitution should be reformed.

“A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.

It is worthy to note that the current voting age was amended in 1960, amended twice since, and carries over some old language from the 1934 Constitution. The States government. Amending the Constitution requires 30 percent of the registered voters to vote in such election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

The Community has never enacted a majority vote of the registered voters of the Community voting in an election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

The most recent attempt to amend the Constitution did not meet the requirement of 30 percent of registered voters to participate in the election. In order to approve amendments to the Constitution, Article XVII states, “Proposed amendments will be approved by a majority vote of the registered voters of the Community voting in an election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

“A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.

It is worthy to note that the current voting age was amended in 1960, amended twice since, and carries over some old language from the 1934 Constitution. The States government. Amending the Constitution requires 30 percent of the registered voters to vote in such election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

The most recent attempt to amend the Constitution did not meet the requirement of 30 percent of registered voters to participate in the election. In order to approve amendments to the Constitution, Article XVII states, “Proposed amendments will be approved by a majority vote of the registered voters of the Community voting in an election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

“A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.

It is worthy to note that the current voting age was amended in 1960, amended twice since, and carries over some old language from the 1934 Constitution. The States government. Amending the Constitution requires 30 percent of the registered voters to vote in such election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.

It is worthy to note that the current voting age was amended in 1960, amended twice since, and carries over some old language from the 1934 Constitution. The States government. Amending the Constitution requires 30 percent of the registered voters to vote in such election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.

It is worthy to note that the current voting age was amended in 1960, amended twice since, and carries over some old language from the 1934 Constitution. The States government. Amending the Constitution requires 30 percent of the registered voters to vote in such election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.

It is worthy to note that the current voting age was amended in 1960, amended twice since, and carries over some old language from the 1934 Constitution. The States government. Amending the Constitution requires 30 percent of the registered voters to vote in such election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.

It is worthy to note that the current voting age was amended in 1960, amended twice since, and carries over some old language from the 1934 Constitution. The States government. Amending the Constitution requires 30 percent of the registered voters to vote in such election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.

It is worthy to note that the current voting age was amended in 1960, amended twice since, and carries over some old language from the 1934 Constitution. The States government. Amending the Constitution requires 30 percent of the registered voters to vote in such election called for the purpose by the Election Board, provided that at least thirty (30) percent of the registered voters vote in such election.”

A Community member may be a majority vote of the Council.”

The section that outlines the disenrollment does not say it is optional, it says it is required and the process, enforcement and method of re-enrollment.
ARTICLE III: MEMBERSHIP
Deleting the 20-year residency requirement for members: Currently, Article III, Section 3 of the Constitution states that a Community member who remains away from the Reservation continuously for 20 years shall automatically forfeit his or her tribal membership.

**YES**
A YES vote will remove this language from the Constitution and allow Community members to keep their tribal membership even if they remain away from the Reservation continuously for 20 years.

**NO**
A No vote will keep the current Constitution language.

ARTICLE XI: DISTRICTS
Currently, Article XI, Section 1 of the Constitution states that the area known as Co-op shall be within District 6, however, the legal boundaries stated in Article XI place Co-op within District 7.

**YES**
A YES vote will change the legal boundaries of District 7 and District 6 to move the area known as Co-op from District 7 to District 6.

**NO**
A NO vote will keep the current language.

ARTICLE XV: POWERS OF THE GILA RIVER INDIAN COMMUNITY COUNCIL
Currently Articles 3 and 15 of the Constitution state that the Secretary of the Interior has the authority to review certain kinds of ordinances and resolutions enacted by the Community Council, including civil and criminal codes, and ordinances regulating tribal membership.

**YES**
A YES vote will remove the Secretary of the Interior from the Ordinance and Resolution approval process.

**NO**
A NO vote will keep the current language.

FOR MORE INFORMATION ABOUT THE SPECIAL ELECTION, PLEASE VISIT: MYGILARIVER.COM/INDEX_PHP/SPECIAL-ELECTION-2020