

# SPECIAL EDITION

## 2020 SPECIAL ELECTION



# THE GRIN



SPECIAL EDITION

GILA RIVER INDIAN NEWS || [www.GRICNEWS.org](http://www.GRICNEWS.org)

OCTOBER 2020

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



Xavier Cawker was elected the first Governor (1936-1937). GRIC Photo

**Roberto A. Jackson**  
Gila River Indian Community

“The U.S. has a Constitution, and so do we,” said Anthony Gray, Culture Coordinator, Tribal Education Department during the 2020 Special Election Constitutional Convention on Aug. 29.

The History of the Constitution and Bylaws of the Gila River Indian Community may not be as widely taught as the U.S. Constitution or the iconic signing of the Declaration of Independence, but as Gray’s research showed, it is a story worth telling especially for GRIC members who may not know about the origins of this important document.



The Gila River Indian Community Governance Center located in Sacaton, Ariz., District 3. On Nov. 3, the Community is holding a Special Election on amendments to the constitution in conjunction with the General Election. Zachary Redbird/CPAO

**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 head Chief was Antonio Azul. When he passed away in 1910, his son, Antonito, 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 ap-



Jay R. Morago Jr. is considered the first Governor under the 1960 Constitution. GRIC Photo

proved 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

*Continued on Page 3*

## A closer look at the 2020 Special Election outreach campaign



Lorina Allison District 6 Election Judge holds up a 2020 Special Election promotional T-Shirt on Aug. 15. Zachary Redbird/CPAO

**Roberto 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 GRIC 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 III and XV will remove the Secretary of the Interior from Community Council’s ordinance and resolution approval process.

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 GRIC 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](http://mygilariver.com), promotional videos, PSAs, mailouts and banners.

*Continued on Page 2*

Gila River Indian News  
P.O. Box 459  
Sacaton, AZ 85147  
Change Service Requested

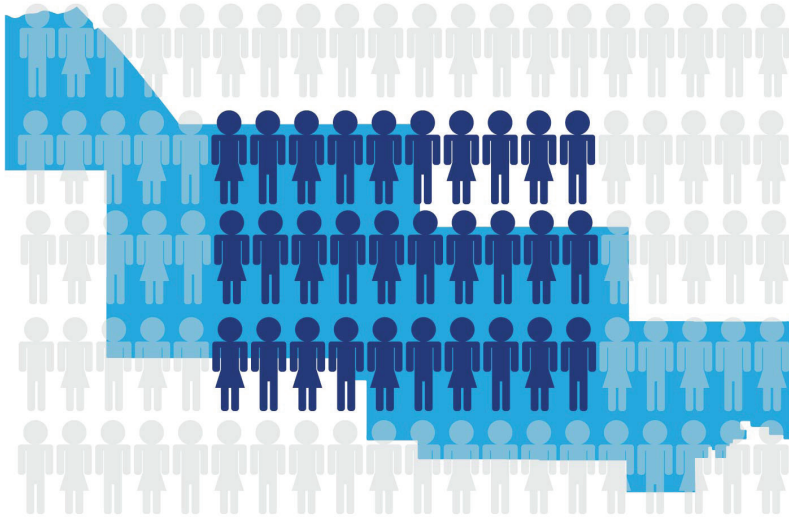
PRESORTED  
STANDARD  
U.S. Postage  
PAID  
Sacaton, AZ  
Permit No. 25



# 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 sanitizer, 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 that 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 in 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 GRBC TV stations for those who may not be active on social media. We were 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 caravanned 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

Marrietta 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.

For more information on the 2020 Special Election log onto facebook.com/gilariver, on Instagram at @gilariver and on <http://www.mygilariver.com/index.php/special-election-2020>.

**SPECIAL ELECTION 2020**  
NOVEMBER 3, 2020

“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 Marrietta**  
Miss Gila River 2020-2021

**IT'S YOUR CONSTITUTION**  
MEMBERSHIP · DISTRICT · POWERS





Governor

**Stephen Roe Lewis**

Lt. Governor

**Robert Stone**Community Council  
Representatives**District 1**Arzie Hogg  
Joey Whitman**District 2**

Carol Schurz

**District 3**Avery White  
Rodney Jackson**District 4**Jennifer Allison  
Regina Antone-Smith  
Delmar Jones  
Monica Antone**District 5**Marlin Dixon  
Thomas White  
James De La Rosa  
Brian E. Davis, Sr.**District 6**Anthony Villareal, Sr.  
Terrance B. Evans  
Charles Goldtooth**District 7**Devin Redbird  
Robert Keller, Tribal Treasurer  
Shannon White,  
Community Council Secretary

Gila River Indian News

**June M. Shorthair**june.shorthair@gric.nsn.us  
Director of CPAO  
(520) 562-9851**Roberto A. Jackson**roberto.jackson@gric.nsn.us  
Managing Editor  
(520) 562-9719**Christopher Lomahquahu**christopher.lomahquahu@gric.nsn.us  
Community Newsperson  
(520) 562-9718**Emma Hughes**Emma.Hughes-Juan@gric.nsn.us  
Community Newsperson  
(520) 562-9852**Kyle Knox**Kyle.Knox@gric.nsn.us  
Community Newsperson  
(520) 562-9717**Gina Goodman**gina.goodman@gric.nsn.us  
GRIN Secretary II  
(520) 562-9715

Write to:

**Editor, GRIN**P.O. Box 459  
Sacaton, AZ 85147

Published letters or columns do not necessarily reflect the opinion of the

Editor or Gila River Indian Community.

LETTERS POLICY: GRIN welcomes

letters and columns from readers. Letters

should be limited to 200 words and

be in good taste. Material that could be

libelous or slanderous is not acceptable.

All letters or columns should be signed

with the writer's true name, address and

telephone number in the event GRIN

may need to contact the writer. Only

the name of the writer will be printed in

the paper. Letters or columns without

a complete signature, name, address or

phone number will not be acceptable to

GRIN for publication. GRIN reserves

the right to edit submitted materials for

grammar, spelling and content.

**Gila River Indian Community**

P.O. Box 459

Sacaton, AZ 85147

(520)562-9715

www.gricnews.org

Material published in the Gila River Indian

News may not be reproduced in any form

without consent from the Gila River Indian

Community

**NAJA**

Native American Journalists Association

## Constitution History From PAGE 1

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

### Indian Reorganization Act

The Gila River Indian Community would be allowed to create their own charters and Constitution following the passage of the Indian Reorganization Act.

In 1934, Congress passed the Wheeler-Howard 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. The Community approved it 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 offi-

cial Constitution and Bylaws and the foundation of today's modern tribal government.

"It created seven districts, and established a Community Council, and so forth," said Gray.

Xavier Cawker was elected governor at the time.

The Community ratified a new Constitution in 1960, which is the current version. The late Jay R. Morago Jr., was considered the first governor under the 1960 Constitution, which was approved by Roger 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, "Governor Morago 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, Office of General Counsel shared this information during the 2020 Special Election Constitutional Convention on Aug. 29 as well.

The first amendment, approved on September 9, 1948, added a new article to the GRIC Bylaws – Article VII Bylaws on Land.

The second amendment low-

ered 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 may be proposed to the Election 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."

On May 3, 2016, the Community held a special election to amend the Constitution, which failed to meet the required 30 percent of participation from registered voters. Five questions were posed to voters for "Yes" and "No" votes to amend Article VI – Qualification of Officers, Article VII – Appointed Officials

and Committee Members, Article VIII – Tenure of Office, Article IX – Vacancies, Article X – Elections, Article III – Membership (Section 6 only) and Article XV – Powers of The Gila River Indian Community Council.

Who decided on the amendments?

The recommendations are a direct result from the Tribal Constitution Reform Project or TCRP.

In 2006, Community Council adopted Resolution GR-53-06 establishing the TCRP. In 2008, the project created a task force of Community members, one from each district, to educate and seek critical input from Community members about the Constitution and bylaws of the Gila River Indian Community, and possible reasons why the Constitution should be reformed.

The Tribal Constitution Reform Project actively engaged with Community members in a series of presentations in each district. With information from surveys that were given at those presentations, from 2008 to 2010, results showed that 93 percent of Community members who had participated in these surveys, agreed the Constitution should be reformed. The most common concerns in the Constitution were membership and powers of Community Council, according to a TCRP report submitted in 2011.

## Yes or No: Voters will decide on 20-year rule in Special Election

### ARTICLE III--MEMBERSHIP

**Sec. 3. A member who establishes residence off the Reservation and remains away from the Reservation continuously for a period of twenty (20) years shall automatically forfeit membership. If he returns to the Reservation, he may be reinstated as a member by a majority vote of the Council.**

**Kyle Knox**  
Gila River Indian News

The Gila River Indian Community is preparing for the Special Election on Nov. 3 with a vote on three amendments to the GRIC Constitution including Article III – Membership.

Currently, Article III, Section 3, states, "A member who establishes residence off the Reservation and remains away from the Reservation continuously for a period of twenty (20) years shall automatically forfeit membership. If he returns to the Reservation, he may be reinstated as a member by a majority vote of the Council."

This section of the constitution currently establishes a way to disenroll members from the Community legally or for GRIC members to forfeit enrollment in the Community automatically. The Community has never enforced this constitutional provision regarding forfeiting membership in the Community. The Community, in addition does not have an ordinance, rule, or policy that defines the residential criteria.

This constitutional provision is concerning for Community members living off the reservation due to the ambiguous language that doesn't give a clear justification for its exist-

ence and there is not a policy that outlines the disenrollment process, enforcement and method for re-enrollment.

It is worthy to note that the current constitution was adopted in 1960, amended twice since, and carries over some old language given by the Bureau of Indian Affairs and the United States government. Amending constitutions is a natural process for any government, although the process to modify it varies based on the body by which it governs.

Amendments to the GRIC Constitution require 30 percent of registered voters to participate for the results to be valid. Therefore, to make any changes on Election Day, 30 percent of Community members who are registered to vote must vote and an amendment is passed if approved by a majority margin.

In regards to this particular amendment, Javier Ramos, General Counsel, Office of General Counsel said, three possible outcomes exist: 1) 30 percent of Community members vote and a majority vote down the amendment, in which case no change is made and the 20-year rule remains in the constitution; 2) 30 percent of Community members vote and a majority vote in favor of the amendment to remove the 20-year language; and

3) less than 30 percent vote, and no change is made regardless of how a majority votes—and therefore the 20-year rule remains in the Constitution.

To this day, the enforcement of this article has never happened, and no Community members have had to forfeit their enrollment. No matter the case, many Community members would like to see the removal.

Anthony Newkirk, PhD, District 3, former Chairperson for the GRIC Urban Members Association Inc. (GRIC-UMA, an Arizona & IRS designated 501c4 non-profit grassroots organization), provided insights into what the decision could mean for the Community that makes up GRIC-UMA and at-large members residing off the Community.

GRIC-UMA "emphatically" seeks to have that language removed from the current constitution by the vote in November. GRIC-UMA feels that the presence of Article III, Section 3 in the constitution is troublesome.

Though Article III, Section 3 consists of only two sentences, they bear a burden on members who fall within that 20-year residential criteria. Newkirk understands the complicated process of making changes to the constitution but remains vigilant in educating members about the vote

and its implications on keeping or removing this portion of the constitution.

Newkirk said, "We're all in this together," and this vote is something for the Community to be thoughtful about when voting. He also emphasized that to back the change wholeheartedly, everyone must do their part in understanding the ballot wording for this, and all ballot measures up for vote, come November. When that language is published, outreach and education will be conducted by the GRIC-UMA to inform and encourage everyone to cast an educated and informed vote.

GRIC-UMA is hopeful of striking this language from the constitution so that the Constitution remains inclusive to all members, be it local, urban, and across the country. Newkirk wants to remind everyone that, "We're all Community members, we're not just numbers, we're your relatives that live in California, Chicago, down the street, and across the border... we should be doing what communities do and stick together."

On Nov. 3, Community members will have the opportunity to decide whether to keep or remove this portion of Article III during the Community's Special Election.



# SPECIAL ELECTION 2020

## Amendments to the Constitution

### SAMPLE BALLOT

#### 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.



***IT'S YOUR CONSTITUTION***  
***MEMBERSHIP • DISTRICTS • POWER***



FOR MORE INFORMATION ABOUT THE SPECIAL ELECTION, PLEASE VISIT:

**[MYGILARIVER.COM/INDEX.PHP/SPECIAL-ELECTION-2020](http://MYGILARIVER.COM/INDEX.PHP/SPECIAL-ELECTION-2020)**