and back up those assertions with governing institutions that are both effective (they deliver the goods) and appropriate (they match their cultures). The challenge for tribes is building nations that work.

In closing, I would like to note that, while our work has been centered in the United States and our data is almost entirely U.S. data, there is growing interest in this research among First Nations in Canada. In the last two years, we have received a rapidly growing number of requests from First Nations or organizations to share our results with them and work with them on their own, emerging, self-governance and development challenges. We look forward to working with those nations and hope that we can make this work useful not only to them but to non-Native policymakers as well.

Finally, it would make eminent good sense to examine the limitations of the research I have reported to you and to inquire about the transferability of our findings to Canadian First Nations and to make a few points in this regard.

First, what I have reported to you is based almost entirely on U.S. data. We do not have comparable data on Canadian First Nations and, to my knowledge, no one else does either. No research comparable in scope has been done here, although we and others have discussed it.

Second, there are significant, relevant differences between the situation of Indian nations in the United States and First Nations in Canada. These differences are perhaps first and foremost legal or political in nature, but there are also demographic and geographic differences, very different relationships with the provinces compared to tribal relationships with the individual states in the U.S., and others. These may well complicate some of the relationships that we have seen.

Third, two of these differences deserve to be singled out. The first is the fact that the right of Indian nations to govern themselves is well established in the U.S., even if it is under frequent challenge. It is explicit in many treaties; it has found uneven but often robust support in U.S. courts, including the Supreme Court; and it has found substantial support on occasion among the U.S. population at large. It may be under attack, but at least it has been widely recognized and, as our research indicates, is a potent and viable development asset. In Canada, however, as I understand it, the appropriate extent of Native self-governance remains very much at issue, and Canadian First Nations do not at present enjoy the same degree the self-governing powers of Indian nations in the U.S.

The second difference we should note has to do with land base and population size. As in Canada, there is a large number of very small tribes in the U.S. with similarly small land bases, especially in Alaska and California. But there are also a number of U.S. tribes with populations approaching or exceeding 1,000 people, some with populations well over 10,000, and some with land bases of very considerable size.

A question arises: What should we make of these differences? That they are somewhat significant seems obvious. The question is: do they render our research results irrelevant to the Canadian case? I very much doubt it. We have seen tribes both small and large have significant effects on their development prospects by paying attention to the kinds of things that have emerged from this research. Surely the same principles—self-governance, good governance, cultural match, and strategic thinking—apply here in Canada as they demonstrably do not only among Indian nations in the U.S. but more generally, among the nations of the world.

The question is how to implement these principles. Certainly some workable strategies are available. For example, small bands can gain economies of scale in organizational alliance with bands of like cultural background, overcoming demographic disadvantages. In other words, size does not appear to be a necessary limitation on significant economic progress. Nor is the size of the land base. As the MississippiChoctaw and Citizen Potawatomi cases, among others, show, natural resources are not the essential key to development.

As for support for self-government, I think the U.S. case is instructive. The United States government spent most of the 20th century searching for a policy that would deal effectively with the poverty and related problems of Indian reservations. They tried shutting reservations down; they tried cultural suppression; they tried urban relocation; and so on. In the mid-1970s, partly in response to aggressive Indian demands, they turned to a policy of self-determination—self-rule. They gave it only half-hearted support, but Indian nations seized the opportunity and began to wrestle with the challenges of practical sovereignty—of genuine decision-making power. Some have done better than others at meeting those challenges. But one thing is clear: to date, self-rule is the only federal policy that has led to significant, lasting economic progress in Indian country. In a century of failing around, it is the only policy that has worked. I believe that constitutes a powerful recommendation.

The Northern Cheyenne Constitutional Reform

Article by Norma Gourneau
Interview by Ian Wilson Record

The Northern Cheyenne tribe is a sovereign nation. It is a federally recognized Indian tribe with powers and authority to govern the activities of its members. The jurisdiction of the Northern Cheyenne Tribe extends to the territory within the confines of the Northern Cheyenne Indian Reservation boundaries as established by Executive Orders of previous Presidents of the United States. The Tribe is governed by a Constitution and Bylaws first adopted on November 23, 1955. The governing body of the Tribe is the Tribal Council.

The Northern Cheyenne Constitution and Bylaws were first amended on July 8, 1960. Many changes have taken place since the Constitution was amended in 1960. The population of the tribal members has grown along with tribal government operations. The management and governmental functions outgrew sections of the tribal constitution. While certain sections were still relevant, other sections required changes. It had been 36 years since the Constitution and Bylaws had been amended by the Northern Cheyenne people.

In the early 1990s, in order to meet the demands of the expanding population and economic growth of the Northern Cheyenne Tribe, the Tribal Council determined that its Constitution needed to be amended. A Constitution Revision Committee was established to facilitate this process. The Committee was assigned the task of coming up with proposed constitutional amendments, hold public hearings and present their findings and recommendations to the Tribal Council. The Constitution Revision Committee worked on this task for approximately three years. Their recommendations were presented to the Tribal Council in 1995.

Finally, on May 10, 1996, a set of constitutional amendments was voted and adopted by the membership of the Northern Cheyenne Tribe. The amendments were divided into three parts: Governmental Reform, Separation of Powers, and Code of Ethics. Each section could be voted on independently of the other reforms. The tribal membership was requested to vote either yes or no on each amendment separately. The amendments are described in detail as follows.

**Governmental Reform**

This amendment proposes changes to four Articles of the Constitution and Bylaws. This section would reform tribal government in the following ways:

- A smaller, full-time Tribal Council of 11 members—10 district representatives plus the Vice President.
- Four-year staggered terms of office for the 10 district representatives.
- A Vice President elected by the people for a four-year term.
- A primary election within each district for the district’s Council seat(s).
- At-large primary elections for President and Vice President.
- Change the Tribe’s regular election date to the U.S. Congressional election date.
- Candidate filing fees for Council, President, and Vice President.
- Specific election rules.
- Specific rules for filling vacancies in office.

The significance of these changes was felt immediately. The first primary was held in October 1996, with the
First general election taking place in November 1996. The council consisted of 10 members, compared to 23 in the election held just two years earlier. The members now work full-time and have the time and resources to promote the best interests and welfare of the Tribe. The economic and financial stability of the Tribe has improved vastly in the past three years. While the Tribe is still dependent on funding from the federal government, it has built a financially sound base which should carry the Tribe well into the future.

**Separation of Powers**

The second amendment, called “The Separation of Powers,” consisted of an entire new article—Article XI—which would be added to the constitution in order to establish the principle of separation of powers. The amendment declares that the power of tribal government be allocated among three distinct branches—the legislative (Tribal Council); executive (President and Vice President); and judicial (tribal court system). Each branch would exercise its own powers and could not exercise the powers of another branch.

This concept, still new to the Northern Cheyenne people, has taken a little longer to implement and understand. Prior to adoption, the President, with consent of the Tribal Council, appointed the tribal judges. This gave the President the authority to terminate a judge who may have ruled against a family member or close friend. Justice was then dispensed based upon who you knew, not strictly on the merits of the case. Tribal judges are now elected by the people and cannot be terminated by the President of the Tribe. They can only be removed for cause following a strict procedure adjudicated by a three-member Constitutional Court comprised of licensed attorneys. The President and Council are no longer allowed to use their political power to intervene in a court matter. Tribal judges now implement a sound court system without fear of reprisals from the elected officials.

**Code of Ethics**

The third amendment also consisted of an entirely new article—Article VII—which would be added to the Bylaws in order to establish a Code of Ethics for the President, Vice President, Secretary, Treasurer, and all Council members. Seven ethic rules were set forth. The following is an excerpt from Article VII—Code of Ethics, Northern Cheyenne Constitution and Bylaws:

- Discharge the duties and exercise the powers of office in good faith and in a manner which the Tribal Official believes will best serve the interests of the Tribe;
- Not accept any compensation, gratuity, benefit or advantage (other than duly authorized emoluments of office) from any source other than the tribe in return for exercising or abstaining from exercising any duty or right of office in any particular way;
- Not use tribal money, property or personnel for personal benefits;
- Not disclose or use for personal gain any confidential information of the Tribe;
- Not knowingly falsify, alter, conceal or destroy any official book, record, account or other document of the Tribe;
- Not present, allow or pay any charge or claim against the Tribe which the Tribal Officials know to be improper; and,
- Not knowingly make a false statement in any official statement, report, certificate or other document, presented or offered on behalf of Tribal government or the Tribal membership, which has an adverse effect on significant interests of the Tribe or its membership.

The Code of Ethics was adopted to promote high standards of public service and to strengthen the confidence of the Northern Cheyenne tribal members in tribal government. The Code of Ethics amendment received the most “yes” votes of the three proposed sections to the Constitution.

**Conclusion**

This most current constitutional reform process has changed the basic structure of the Northern Cheyenne tribal government. It has streamlined the decision-making process and provides the tribal membership with access to their representatives on a day-to-day basis. Specific delineations of power between the legislative and executive branches still need refinement. The election process is clearly defined within the constitution and election ordinances. On the whole, the constitutional amendments have been a positive improvement for the Northern Cheyenne Tribe.

**RED INK: What specific cultural, social, and economic forces sparked the movement for constitutional reform?**

**Gourneau: A smaller, full-time council enables the Tribe to concentrate on issues and to have the time and resources to pursue economic and social development projects. The staggered terms for council members mean that there is not a complete turnover of the council every two years as had been the case previously. Council terms are now four years, with an election every two years through the staggered process. The Vice President is now elected at large by the membership, whereas before the changes the Vice President was first elected to the council and then the council members selected one from amongst themselves to serve as Vice President. The primary system allows each of the districts to select their own representatives, because in the primary election, we can only vote for our district representative and the at-large positions. These positions are the President, Vice President and the tribal court judges. The two individuals that receive the most votes in the primary election for each seat are then put on the ballot for the general election. At the general election all the adult members can then cast their votes for each of the vacant seats.**

**RED INK: How was the original constitution satisfactory or deficient?**

**Gourneau: It wasn’t so much unsatisfactory or deficient, because we really had nothing to compare it with. However, there were certain provisions that had been discussed for many years. We felt it was time to initiate some of the changes that had been proposed to those provisions.**

**RED INK: What were the motivations behind each of the three major amendments to the constitution?**

**Gourneau: As far as Governmental Reform was concerned, we felt it necessary to make fundamental changes to the structure of our tribal government. These included a smaller tribal council, staggered terms to promote stability, a primary and a general election, and a different format for filing for candidacy.**

For Separation of Powers, it was necessary to provide a viable court system for the tribal members. The intent was to get qualified judges, meaning licensed attorneys, to serve as judges and begin a true and competent court system.

For the Code of Ethics, the reform was undertaken to promote an honest and ethical government for our people.

**RED INK: What have been the political consequences of the first amendment, Governmental Reform?**

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For the Code of Ethics, the reform was undertaken to promote an honest and ethical government for our people.

What specific cultural, social, and economic forces sparked the movement for constitutional reform?

The council was getting unwieldy. There were 23 council members who met once a month and were required to make major policy decisions for the Tribe, and they didn’t always have the correct and current information necessary to make those decisions. The membership of the Tribe was expanding and under the old constitution, there was a representative for every 500 people. The number of council members would have continued to grow in step with the expanding membership and have become even more unmanageable.

How was the original constitution unsatisfactory or deficient?

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Indian Economic Development and Tourism in Arizona: Accomplishments and Future Outlook

Joan Timeche

Arizona Indian nations control over a quarter of the land base within Arizona and constitute approximately six percent of the state's population. They contribute significantly to Arizona's economy through their agricultural products and mineral and natural resources. There has, however, been little recognition of such by the greater Arizona public and its government. And, despite the tremendous strides being made by Arizona Indian nations in improving housing, health, and other community/social services, disproportionately high unemployment rates, low annual incomes, and low job growth projections continue to exist on over half of the reservations in Arizona. Faced with these challenges and dwindling federal resources, Indian nations must assert their sovereignty in building a strong economic base that is sustainable over time.

The Arizona American Indian

Arizona is home to 21 diverse and distinct federally recognized Indian nations representing 17 tribes who control vast natural resource holdings and a land base that constitutes 26.6 percent (more than 27.7 million acres) of Arizona's overall land. The 1990 U.S. Census reported the following for Indian reservations in Arizona:

- **Population**: More than 200,000 Native Americans reside on 20 reservations in Arizona, equivalent to approximately six percent of the State's population. This figure reflected a 34.4 percent increase in the reservation population over the 1980 census and a median age in the early 20s.
- **Income**: Per capita income ranged from $3,113 to $6,499. Despite the fact that on many reservations income has significantly increased, poverty levels still reached 50 percent on as many as 13 reservations.
- **Unemployment**: Employment statistics were dismal, with unemployment rates ranging from 10.1 to 35.3 percent. (See Table 1. 1990 Profile for Arizona American Indian reservations for additional details.)

Arizona Indian Economies

In Indian Country, one will find that tribal governments own almost all of the businesses, with little or no non-Indian private sector on the reservation, and a healthy informal (micro-enterprise) economy.

**Tribal Enterprises**: Businesses are generally owned by tribal governments who usually control development by the mere fact that they are the only entity with the financial resources and capacity to do so. The tribal enterprises are generally:

- for-profit entities
- created and owned by the tribal government
- exempt from federal and state income taxes
- enjoy sovereign immunity

Variations in tribal enterprises are due to the amount of day-to-day control exercised. Some examples are:

- tribal-operated and managed by a board-of-directors
- enterprises established under management contracts with incentives
- operating-only lease contracts
- partnerships