The NCAI Executive Committee has received two proposed amendments to the NCAI Constitution that aim to address concerns over the Constitution’s membership criteria. The first proposal, received July 20, 2023, would amend the Constitution to limit tribal membership to only “tribal nation[s] with treaty and/or trust relations with the United States, as demonstrated by inclusion on the list published by the Department of the Interior in compliance with the Federally Recognized Tribes List Act.” The second proposal, received August 11, 2023, would amend the Constitution by striking the reference to state recognized tribes in the eligibility criteria for both tribal membership and individual Indian membership. The second proposal would also amend the Constitution to mandate that all NCAI Administrative Board Officer and Regional Vice Presidents are members of an Indian tribe recognized by either the U.S. Department of the Interior, the Indian Claims Commission or Court of Federal Claims.

Per Article VII of the Constitution, the Executive Committee “may review proposed amendments and make recommendations to the membership regarding whether the amendment is in order and promotes the purpose of NCAI to advocate for the interests of all tribes.” Upon review, we have confirmed that both proposals are in order with the requirements of the Constitution, and both will be voted on at the 2023 Annual Meeting in New Orleans. That being said, the Executive Committee does express some caution on whether the proposed amendments as written promote the purpose of NCAI to advocate for the interest of all tribes, despite the very real issue identified about entities across the country pretending to be Native American for personal gain.

State-recognized tribes have been full members of NCAI with voting rights for 52 years, following an amendment to the Constitution approved by our membership at the 1971 Annual Convention. For decades, state-recognized tribes and federally-recognized tribes have worked hand-in-hand as members of NCAI to make great strides for Indian country and to advance the mission and goals of NCAI, with many state tribes receiving federal recognition over that time period. To address the concerns noted, NCAI’s Bylaws already provide a rigorous process for vetting tribal membership in the organization to address the kinds of concerns that both proposals claim to target. Article III provides, “If the state does not have a recognition process or the status of state recognition is unclear, the appropriate NCAI regional caucus may sponsor the membership of a particular tribe after engaging in verification that the Indian tribe is a continuing community of interrelated descendants of a historic American Indian tribe or tribes. This proposed tribal membership will be reviewed by the NCAI Executive Committee and then forwarded to the Rules and Credentials Committee.”

Given all of the foregoing, the Executive Committee recommends forming a working group to further review the concerns raised and the current vetting process for tribal membership. We want to ensure that NCAI’s membership criteria position our organization to make it as effective as possible for all of Indian country. We also have instructed Executive Director Wright to conduct a full review of the existing membership to ensure all current member tribes are in compliance with our bylaws. All findings and recommendations of the proposed working group would be presented to the NCAI membership at the 2024 mid-year convention for further consideration by the broader membership.

Thank you for your consideration of the Executive Committee’s views as you review the proposed amendments. We look forward to our continued work together with all of NCAI’s tribal members and individual members in a spirit of unity to advance the mission and goals of NCAI for the benefit of Indian country.