VIA HAND DELIVERY AND EMAIL (fsharp@quinault.org)
The Honorable Fawn Sharp
President
National Congress of American Indians
Embassy of Tribal Nations
1516 P Street N.W.
Washington, D.C. 20005

RE: Proposed Amendments to the NCAI Constitution

Dear President Sharp and the NCAI Executive Committee:

In accordance with Article VII of the NCAI Constitution, we respectfully submit the enclosed proposed amendments to the NCAI Constitution to the NCAI national office and request that the Executive Committee review and submit them to the NCAI membership for consideration and vote at the upcoming Annual Meeting in New Orleans in November 2023.

The proposed amendments clarify NCAI’s definition of tribal membership so that NCAI may continue to effectively pursue its critical mission of preserving sovereign rights under treaties and agreements with the United States. The current NCAI definition of “tribal membership” establishes four subjective criteria that a "tribe" must meet to be eligible for NCAI tribal membership:

- "A substantial number of its members reside upon the same reservation, or (in the absence of a reservation) in the same general locality;”
- "It maintains a tribal organization, with regular officers and the means of transacting business and arriving at a reasonably accurate count of its membership;”
- "It is not a mere offshoot or fraction of an organized tribe itself eligible for membership; and,”
- "It is recognized as a tribe, or other identifiable group of American Indians by the Department of the Interior, Court of Claims, the Indian Claims Commission, or a State. An Indian or Alaska Native organization incorporated/chartered under state law is not eligible for tribal membership.”

For many reasons this definition is flawed. Most obviously, its vagueness renders it simultaneously too narrow and overbroad. On the one hand, the definition adds additional subjective tribal membership criteria for federally acknowledged tribal nations — e.g., a “substantial number” of members residing on a reservation. On the other, the definition allows groups with no acknowledgment from any other sovereign whatsoever to be full tribal members with the same voting rights as established tribal sovereigns. Groups claiming to be tribes that are acknowledged as tribes by states are also eligible for NCAI tribal membership but should not be. State standards for tribal acknowledgment are minimal at best. In fact, NCAI today includes as full tribal members state-recognized groups that were found to have little to no Native ancestry within their membership when they sought federal recognition through the federal
acknowledgment process. NCAI must get its house in order by addressing this flawed membership standard. Neglecting to do so undermines the sovereignty and voices of established tribal sovereigns.

We propose a simple solution to this problem. Federally recognized tribal nations should be eligible for tribal membership with full voting rights within the organization. The proposed amendments would permit only tribes with treaty and/or trust relations with the United States to be eligible for tribal membership. State-recognized groups could continue to participate in NCAI and hold Organization Associate Membership. Non-federally acknowledged groups that currently hold tribal member status would be deemed to be Organization Associate Members. With these much-needed corrections, NCAI will be poised to better act in the interest of its sovereign member tribes.

Finally, Inter-tribal organizations from across the United States support these changes. The Affiliated Tribes of Northwest Indians (ATNI), the Coalition of Large Tribes (COLT), the Great Plains Tribal Chairmen’s Association (GPTCA), and the United Indian Nations of Oklahoma (UINO) all support changes to NCAI membership.

Respectfully,

Principal Chief Richard Sneed
Eastern Band of Cherokee Indians

Chief Ben Barnes
Shawnee Tribe
PROPOSED NCAI CONSTITUTIONAL AMENDMENTS

The following are proposed amendments to the NCAI Constitution.

Proposed amendments to NCAI Constitution Article II.B.1 follow in underscore-strikethrough and red:

Tribal Membership

A tribal nation with treaty and/or trust relations with the United States, as demonstrated by inclusion on the list annually published by the Department of the Interior in compliance with the Federally Recognized Tribes List Act, shall be eligible for tribal membership. Any tribe, band or identifiable group of American Indians, Eskimos, and Aleuts shall be eligible for tribal membership provided it shall fulfill all of the following requirements:

a. — A substantial number of its members reside upon the same reservation, or (in the absence of a reservation) in the same general locality;

b. — It maintains a tribal organization, with regular officers and the means of transacting business and arriving at a reasonably accurate count of its membership;

e. — It is not a mere offshoot or fraction of an organized tribe itself eligible for membership; and,

d. — It is recognized as a tribe, or other identifiable group of American Indians by the Department of the Interior, Court of Claims, the Indian Claims Commission, or a State. An Indian or Alaska Native organization incorporated/chartered under state law is not eligible for tribal membership.

Reason:

This amendment to eligibility for tribal membership will strengthen and preserve the integrity of NCAI by ensuring that NCAI members with full voting rights that act as the voice for Indian country on issues of national importance are tribal sovereigns with treaty and trust relations with the United States.

Proposed amendments to NCAI Constitution Article II.B.4 follow in underscore and red:

Organization Associate Membership

Organizations and groups recognized as tribes by states but not by the United States shall be eligible for non-voting organization associate membership upon the payment of annual dues as fixed by the By-Laws. If a group does not meet the eligibility requirements for Tribal Membership in Article II.B.1, it cannot be grandfathered in as a tribal member or vote as a tribal member. Organizations may be admitted to non-voting associate membership upon the payment of annual dues as fixed by the By-Laws.
No individual or organization with known subversive activities or affiliation shall be admitted to membership, nor shall their contributions be accepted.

Reason:

This amendment clarifies that state recognized groups that do not have federal acknowledgment as tribes would continue have membership within NCAI but not voting rights as tribal members.