

September 11, 2023

**VIA EMAIL** ([lwrightjr@ncai.org](mailto:lwrightjr@ncai.org))

Larry Wright  
Executive Director  
National Congress of American Indians  
Embassy of Tribal Nations  
1515 P Street N.W.  
Washington D.C. 20005

**RE: Agreement Between Eastern Band, Shawnee Tribe, & Ute Indian Tribe**

Dear Executive Director Wright:

Thank you for your communications on behalf of the NCAI Executive Committee and the Parliamentarian about working out a solution to the sets of proposed amendments to the NCAI Constitution submitted by the Eastern Band of Cherokee Indians, the Shawnee Tribe, and the Ute Indian Tribe. In response, the three Tribes have worked together and found a mutually agreeable solution that the three Tribes agree will give NCAI a clear choice on voting options.

The Eastern Band of Cherokee Indians and Shawnee Tribe's proposed language regarding Tribal Membership and Organization Associate Membership should be presented to the NCAI membership as proposed. The three Tribes have agreed that these proposed amendments should be presented as a package, separate from the Ute Tribe's proposal.

The Ute Indian Tribe's proposed amendments regarding Individual Indian Membership and Nominations should be presented to the NCAI membership as proposed below. The three Tribes have agreed that the Ute Indian Tribe will defer to the Eastern Band of Cherokee Indians and Shawnee Tribe's proposal on Tribal Membership, thus the Ute Indian Tribe agrees to withdraw its proposed amendment on Tribal Membership. The three Tribes have agreed that the Ute Indian Tribe's proposed amendments on Individual Indian Membership and Nominations should be presented to the NCAI membership as a package, separate from the Eastern Band of Cherokee Indians and Shawnee Tribe's proposal.

Attached to this letter is the two sets of proposed amendments that the three Tribes agree should be sent to the NCAI membership for consideration.

We greatly appreciate the Executive Committee's deliberation on these issues, and the Parliamentarian's willingness to work to find a reasonable solution.

Sincerely,

**PROPOSED AMENDMENTS TO THE NCAI CONSTITUTION OF THE EASTERN  
BAND OF CHEROKEE INDIANS AND THE SHAWNEE TRIBE**

The following are proposed amendments to the NCAI Constitution.

*Proposed amendments to NCAI Constitution Article II(B)(1)(d) follow in strikethrough and red:*

**1. Tribal Membership**

All Tribal Nations 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;~~

c. ~~— 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.~~

*Proposed amendments to NCAI Constitution Article II(B)(4) follow in strikethrough 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.

## **PROPOSED AMENDMENTS TO THE NCAI CONSTITUTION OF THE UTE INDIAN TRIBE**

*Proposed amendments to NCAI Constitution Article II(F)(1)(c) follow in strikethrough and red:*

### **Nominations**

Qualifications: (1) Only tribal delegates or alternates to NCAI in good membership standing shall qualify for nomination, election or office of the Executive Committee. (2) The Administrative Board Officers and Regional Vice Presidents shall be recognized members of an Indian tribe recognized by the U.S. Department of Interior in compliance with the Federally Recognized Tribes List Act (3) The Administrative Board Officers shall be tribal officials who are elected or appointed to represent their tribal government, and are supported by a resolution from their tribe. (4) ~~(3)~~ The Regional Vice Presidents shall be tribal officials who are elected or appointed to represent their tribal government.

*Proposed amendments to NCAI Constitution Article II(B)(2) follow in strikethrough and red:*

### **Indian Individual Membership**

Any person of Indian and/or Alaska Native ancestry in the United States, who is recognized as a member by an Indian tribe, or combination of tribes and bands, recognized by ~~either~~ the U.S. Department of the Interior; in compliance with the Federally Recognized Tribes List Act ~~the Indian Claims Commission, Court of Claims, or a State,~~ is eligible for Indian individual membership.