

2003 Annual Report



"Chief" by Rodney Ironshield



NATIONAL CONGRESS OF AMERICAN INDIANS

About NCAI

The National Congress of American Indians

The National Congress of American Indians (NCAI), founded in 1944, is the oldest, largest and most representative national Indian organization. NCAI serves the needs of a broad membership of Indian and Native governments, organizations and people.

The founding members of NCAI stressed the need for unity and cooperation among American Indian governments and people, protection of treaty and sovereign rights, and efforts to promote improved quality of life for Indian people. From its modest beginnings with some 100 members, NCAI has become the leading American Indian and Alaska Native membership organization, now serving a diverse network of nations with a combined participation representing more than three quarters of the American Indian and Alaska Native national population.

The NCAI is organized as a representative Congress to establish a consensus on national priority issues. Tribal governments pass laws to become members of NCAI, selecting official delegates to the NCAI Convention, Executive Council, and Conferences. The delegates debate and deliberate on issues of pressing concern at NCAI forums, presenting viewpoints in accordance with their governments' policies, goals and needs. NCAI has led and participated in a range of coalitions with other Indian national and regional organizations, business interests, environmental and civil rights groups, legal and other professional organizations, and other entities to support the goals of NCAI's broad based membership.

The founding principles of the organization include the following:

- ▶▶ Protect and strengthen the sovereignty of Indian Nations and promote the "Government-to-Government" relationships between Indian Nations and other governments
- ▶▶ Protect Indian and Native traditional, cultural and religious rights
- ▶▶ Seek appropriate, equitable and beneficial services and programs for Indian and Native governments and people
- ▶▶ Secure and preserve Indian and Native rights under treaties and agreements with the United States, as well as under federal statutes, case laws and administrative decisions and rulings
- ▶▶ Promote the common welfare and enhance the quality of life of Indian and Native people
- ▶▶ Promote a better understanding among the general public regarding Indian and Native governments, our people and our treaty rights.

Dosha!

From the President

On behalf of the NCAI Executive Committee, I thank you for your ongoing support of the critical work of the National Congress of American Indians (NCAI). For 60 years, the NCAI has stood strong as a voice for American Indian and Alaska Native tribes and individuals in the nation's capital, fulfilling a role that is more critical today than ever.

As I conclude my second year as President of NCAI, I look back on two years of extraordinary challenges, and yet we have emerged with numerous victories thanks to the hard work of the NCAI staff and the stalwart support of tribal leaders and advocates and our friends in Congress and the Administration. Even as some have sought to restrict the federal trust responsibility to tribes, attack tribal jurisdiction on our lands, or misrepresent our successes in economic development to take away our sovereign rights to choose our own paths as self-determining tribes, we have stepped forward in a unified voice to turn back these attacks.

In the years to come, I see continued challenges for the organization, but also expanding opportunities. With expanded staff capacity, NCAI could not only turn back the negative attacks we have seen, but could also take on more of the proactive work that we need to be doing to stay one step ahead of those who would seek to undermine tribal sovereignty and self-determination. I challenge each and every one of you to ask what you can do to contribute to this much needed effort.

Thank you once again for all that you do to make this organization strong. Here's to 60 more years of effective education and advocacy by NCAI in support of the rights of Native people in this nation—as we raise our voices together in ever-stronger testimony to the truth we see today, I have no doubt that we will see a bright future for all of us and the generations to come.



Masehgedataz,

A handwritten signature in black ink that reads "Tex G. Hall". The signature is written in a cursive, slightly stylized font.

Tex G. Hall
President

Dear Friends of NCAI,

I want to thank each and every one of you for the role you have played in bringing the National Congress of American Indians into its 60th year. For three generations, this organization has played a critical part in turning back termination policies, ushering in an era of self-determination, laying the groundwork to build stronger economies, improving health and wellness indicators in our communities, opening doors to increased educational opportunities, and strengthening tribal governance infrastructure.

We have come an extraordinarily long way since 1944, when 100 tribal leaders gathered in Denver to say, "Enough is enough!" and stepped forward as a united voice against termination of tribal governments. But our work is far from over.

Tribes face new challenges today that we could not have dreamed of 60 years ago, and no doubt the political climate and the needs of tribes will continue to change over the years. Our work is needed more than ever today, and we must ensure the strength of the organization to carry us forward into the future as strong, vital, and dynamic tribal governments connected by a shared desire to ensure that our lifeways thrive into the generations to come.

We continue to see growth in the organization, as more and more tribes step forward to stand shoulder to shoulder in a strong stand for tribal sovereignty and self-determination. Tribal membership approved a

From the Executive Director

critical dues increase at the last Annual session, the first such increase in a quarter century. This could not have come at a more important time—as predicted, we have seen a year of new challenges that require NCAI to be as strong as it possibly can be, with capable staff and a broad span of tribal support to turn back ever-bolder attacks on tribes' very right to exist as sovereign peoples. Our presence ensures that tribes have an avenue by which to engage in the political process where it is needed most, developing unified strategies for approaching troubling trends in court decisions on tribal jurisdiction, and working to shepherd in a new era of improved trust relationship with the federal government.

On behalf of the NCAI staff and the generations of American Indian and Alaska Native people whose lives will be impacted by the work that we do in Washington D.C. today, I thank you for all that you do to support this organization. Together, I believe the staff, member tribes, and advocates and supporters that make up the NCAI family can effectively set a course for a future in which tribes not only survive but thrive.



Gunal Cheesh,

A handwritten signature in black ink that reads "Jacqueline Johnson". The signature is written in a cursive, flowing style.

Jacqueline Johnson
Executive Director

NCAI Policy Statement

The NCAI was founded in 1944 in response to termination and assimilation policies that the United States forced upon the tribal governments in contradiction of their treaty rights and status as sovereign entities. NCAI stressed the need for unity and cooperation among tribal governments for the protection of their treaty and sovereign rights. Since 1944, the National Congress of American Indians has been working to inform the public and Congress on the governmental rights of American Indians and Alaska Natives.

Over a half a century later, NCAI has grown to include 250 member tribes and thousands of individual members from throughout the United States, but our fundamental goals remain unchanged. Now as in the past, NCAI serves to secure for ourselves and our descendants the rights and benefits to which we are entitled; to enlighten the public toward the better understanding of Indian people; to preserve rights under Indian treaties or agreements with the United States; and to promote the common welfare of the American Indians and Alaska Natives.

Senator Daniel Inouye, (D-HA), vice chair of the Senate Indian Affairs Committee, addresses the NCAI Executive Winter Session in Washington, DC.



Respect for Tribal Governance and the Federal Trust Relationship

- Healthy government-to-government relations between the US and Tribal governments
- Creation and nurture of institutions and processes to support meaningful and respectful government-to-government dialogue and consultation processes
- Respect and support for Alaska Native tribal governments
- Recognition of Native Hawaiian rights
- Positive working relationships with our neighbor State governments
- Full exercise of Tribal self-determination and self-governance
- Fulfillment of the federal Trust Responsibility via adequate annual appropriations for federal Indian programs and renewed honor in the trusteeship of tribal lands and resources
- Freedom from dual taxation created by imposition of state taxes on Indian reservations
- Fair and prompt processes for placing land into trust to begin to restore a small fraction of the countless acres of land that the federal government itself has acknowledged were wrongly taken from tribes
- Full acknowledgement of tribal sovereignty, including tribal jurisdiction over law enforcement and judicial processes on tribal lands, and the inherent right to prudent exercise of governmental immunity
- Honorable fulfillment of US treaty obligations and recognition of treaty rights

NCAI Policy Statement

Support for Healthy Native Communities and People

- Development of sustainable, diversified and vibrant economies in Indian Country
- Opportunities for employment training opportunities and meaningful employment at living wages for Indian people who wish to remain in their reservation communities
- Respect for tribal rights to make choices—just as states do—regarding revenue generation through taxation and pursuit of tribal business development in a range of areas, including gaming enterprises
- Provision of safe, affordable, and accessible quality housing for Indian people
- Improvement of transportation infrastructure and accessibility in Indian Country
- Concerted efforts to improve telecommunications and technology access in Indian communities
- Improved access to capital and financing options
- Fulfillment of the federal trust responsibility for Indian health, including full funding of need for health care services, preventive care, facilities maintenance and construction, and other components of a functional, tribally-driven Indian health care system, and full implementation of the Indian Health Care Improvement Act
- Renewed commitment to Indian education within the BIA school system and public schools, including full funding for tribally operated schools and resources for tribal language and culture programs in all schools with concentrations of Indian students
- Sustained support for tribal law enforcement and tribal courts
- Support for the unique needs of Indian youth, elders, veterans, and people with disabilities
- Enhanced tribal involvement and direct access to federal funds for TANF programs, adoption and foster care, and other social services
- Preservation of the important protections for Indian children and communities under the Indian Child Welfare Act
- Coordinated efforts to eliminate the devastating effects of alcohol and substance abuse in Indian and Alaska Native communities

- Protection of our environment, the quality of air, lands, and waters, preservation of healthy habitat for fish and wildlife, and restoration of endangered species
- Support for sustainable development of tribal resources
- Respect for exercise of tribal water rights
- Protection of tribal communities from the impacts of nuclear waste

Preservation of Human Dignity and Cultural Integrity

- Preservation of Native languages and free exercise of traditional practices
- Protection of sacred lands and practices, as well as access to and protected use of sacred sites no longer within tribal lands
- Free exercise of subsistence lifeways and protection of traditional crops and animal life integral to traditional tribal practices
- Full implementation of the Native American Graves Protection and Repatriation Act
- Recognition of the Rights of Indigenous Peoples internationally within the United Nations, the Organization of American States, and related arenas
- Cessation of discriminatory and derogatory practices against all people, including the use of Indian people as symbols and mascots for sports teams

60th Anniversary of the National Congress of American Indians

60 Years of Advocacy

NCAI Highlights in History

- **1940's** – In the largest pan-Indian gathering in history, nearly 80 delegates from 27 states representing 50 tribes and associations came together in Denver, Colorado in 1944 to found the National Congress of American Indians. By the following year membership had risen to more than 300, claiming members from nearly every tribe in the U.S. at the time. Among the first acts of NCAI was to file successful lawsuits in Arizona and New Mexico to press for Indian voting rights, firmly establishing a theme of Indian political participation.
- **1950's** – In February 1954, the NCAI called an emergency conference on the termination of Indian tribes in the United States, marking a turning point in slowing and stopping the coercive termination program. More than 4,000 newspapers and numerous radio/TV stations covered the event, including the BBC. At the November 1954 annual session, NCAI proposed a Point IX program as an alternative to the forced termination legislation. The proposal laid out a technical assistance program for long-term self-sufficiency. NCAI fought for Indians' unrestricted choice of legal counsel, crucial to Indian civil rights and self-determination in the early '50s.



The founding members of the National Congress of American Indians in 1944.

NCAI Highlights in History

- **1960's** – In 1961 NCAI helped plan the American Indian Chicago Conference, the largest inter-tribal gathering in decades, spurring public and Indian interest in Indian affairs. The conference resulted in a “Declaration of Indian Purpose,” a statement of Indian concerns and recommendations with an emphasis on Indian sovereignty and preserving Indian identity which was delivered to President Kennedy in the White House. Later in the 1960's, many of these proposals were implemented with Indian earmarks under Johnson's “Great Society” programs.
- **1970's** – In his July, 1970 Presidential Statement, Nixon called for an end to termination as a policy, and endorsed a self-determination policy for the first time. With support and advocacy from NCAI, in 1975 the policy was given permanence as Public Law 638, the Indian Self-Determination and Education Assistance Act. With significant advocacy work from NCAI, passage of the Indian Health Care Improvement act in 1976 as well as the American Indian Religious Freedom Act and the Indian Child Welfare Act in 1978 further underscored a new era of U.S. respect for tribal control over their own destinies and lifeways paired with a commitment to fulfilling the trust responsibility.
- **1980's** – In 1983, President Reagan issued an Indian Policy Statement signaling that the Administration's belief in local control applied not only to state and local governments, but also to tribal governments. Reagan's policy statement reaffirmed the Administration's intent to deal with tribes on a government-to-government basis, and underscored a maturing policy of self-government for Indian tribes without threat of termination. NCAI stood on the forefront in the environmental arena as tribes increasingly sought control of environmental protection and resource management. Passage of the Indian Gaming Regulatory act in 1988 ushered in a new era of opportunity and challenge for tribes.

NCAI Highlights in History

- **1990's** – In the wake of the 1990 Supreme Court decision in *Duro v. Reina* that tribes did not possess criminal jurisdiction over non-member Indians, NCAI pushed successfully for passage of a “Duro Fix” which affirmed and recognized tribes’ inherent right to exercise criminal jurisdiction over Indians. With input from the NCAI, President Clinton issued a memorandum to all Executive Departments in 1994 outlining Departmental responsibilities to consult with Native American Tribal governments in a government-to-government relationship. NCAI was closely involved in advocating for passage of the Native American Housing Assistance and Self-Determination Act in 1996, which gave tribes expanded self-determination authority over significant housing resources. NCAI also worked to secure an Executive Order on Sacred Sites Protection reflecting President Clinton’s interest in enhancing legal protections for Indian sacred sites. NCAI stood in the forefront of increasingly visible political participation by tribes over the course of the decade, culminating in the 1998 defeat of Senator Slade Gorton (WA), a staunch opponent of tribal rights.
- **2000's** – In 2000, President Clinton signed an Executive Order on Consultation and Coordination with Indian Tribal Governments, reaffirming the U.S. Government’s responsibility for continued collaboration and consultation with Tribal Governments in the development of Federal policies that have tribal implications. Tribes came together beginning in 2001 in a coordinated effort to address recent Supreme Court decisions that demonstrated an accelerating trend toward diminishing tribal jurisdiction on their lands...

AND THE WORK CONTINUES TODAY.



2003 ACCOMPLISHMENTS

NCAI Delivers First Annual State of Indian Nations Address

State of Indian Nations

On January 31, 2003, NCAI President Tex Hall delivered the first ever comprehensive address to the nation on the state of American Indian and Alaska Native tribes. In an event broadcast nationally from the National Press Club in Washington, DC, the State of Indian Nations address provided insight into three overarching concerns facing tribal leaders today: the future survival of tribes as independent, self-governing peoples; tribes' ability to move out of poverty and unemployment to meaningful development in their economies; and the well being and quality of life of American Indian and Alaska Native people in this nation for the next seven generations to come. The address called upon President Bush, the U.S. Congress, and other entities of the federal government to work with American Indians and Alaska Natives to reach these goals.

Excerpts from the State of the Nations Address...

...Today, Indian Country is in transition. Our options as individuals have broadened. Our capacity and complexity as governing bodies have deepened. Tribal leaders 100, 50, or even 10 years ago didn't face the same challenges—and did not have the scope of opportunities we enjoy. Our tribes' cultural traditions and unique ways of life remain a deep thread through our daily life. But our generation of leadership is charged with leading our people into an entirely new era with our core life ways intact, recognizing that the contexts of our lives have changed in some ways from those of our ancestors—just as most Americans live very differently than their grandparents did.

...One of the most important things to understand about American Indian tribes is the simple fact that tribes are governments—not non-profit organizations, not interest groups, not an ethnic minority. We are one of only three sovereigns listed in the U.S. Constitution, alongside the federal and state governments. We provide many of the same services to our people that state governments do: tribal fire departments, tribal police, tribal schools. We make governmental decisions to protect public safety, stimulate our economies, and ensure a bright future for our young people. Our tribal courts work to ensure that the rights of all are protected in our communities.

...As tribal governments, we face a troubling impediment in our ability to protect our citizens and provide basic services... recent Supreme Court decisions have clouded these historical relationships, and blurred the lines of jurisdiction at the borders between state and tribal lands. We need Congress to help clarify the authority of tribes to set and enforce laws on the lands they govern in order to protect public safety, for the sake of Indians and non-Indians alike within reservation boundaries. We are particularly concerned about domestic violence. Recent statistics from the Department of Justice show that the rate of domestic violence against American Indians is more than twice the rate for the nation – and 75% of the incidents involved a non-Indian offender. In talking with tribal leaders throughout the nation, I have found that perhaps the number one issue facing tribes today is this jurisdictional confusion.

...When you consider that every acre of this country once was under care of the tribes and provided for our people, it is easy to understand what is called the "trust responsibility." When these lands were taken from tribes, the U.S. gave its solemn promise to protect the rights of tribes to govern themselves, and to provide for the health, education, and well being of tribes. That commitment, the "trust responsibility"—is not a hand-out, but a contract—and that contract has been broken time and again by the federal government. It is time for the U.S. to honor those promises.

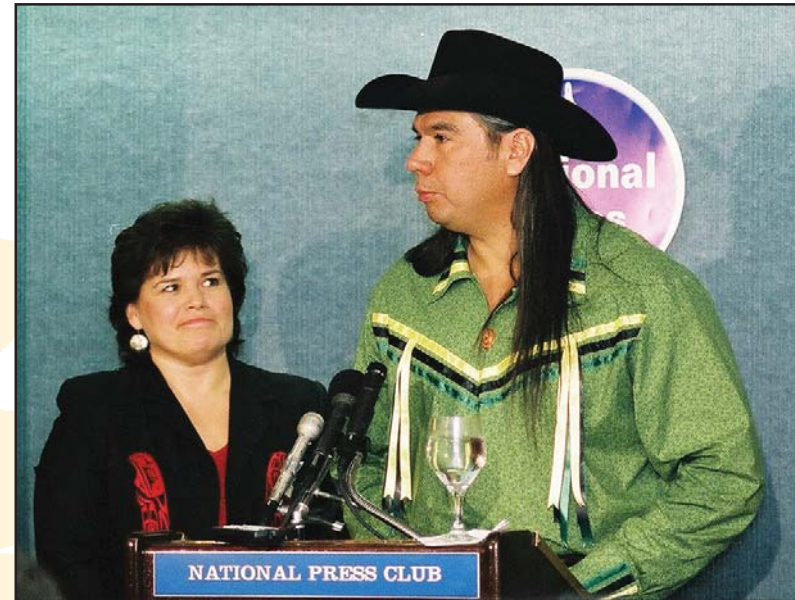
Excerpts from the State of the Indian Nations Address (continued)...

...With more than a quarter of Indian people living in poverty, and unemployment rates on reservations more than double the population at large—13.6% on average, and over 80% in some communities—there is no group of people with a more urgent economic crisis than American Indians. Our infrastructure, roads and bridges, telecommunications connections, and access to training often cannot support our best economic plans. Traditional sources of capital such as lending, banking, and bonding are all but non-existent on reservations. The piecemeal Indian Country development efforts of the past have been mere band-aids for a seriously suffering sector of the economy. We need a strong, coordinated, creative, comprehensive plan to truly bolster our economies.

...American Indians and Alaska Natives have a life expectancy 5 years less than all other races in this country. Our mortality rates from diabetes are more than three times the national average. These are lives, our children, our parents, our wives and husbands, not statistics to us. Until we have the resources to combat the epidemic impacts of diabetes, heart disease, cancer, suicide, and alcoholism—each disproportionately severe in Indian Country—our very existence is at risk. In spite of this disproportionate health care need, today the per capita expenditure for American Indian and Alaska Native medical services is less than one-third of the average annual expenditure for individual Medicaid assistance, and is even less than our per capita health expenditure for federal prisoners.

...Tribes have prioritized education in their communities, and there are signs of improvement—college enrollments and graduations are up. Our children are becoming doctors, lawyers, teachers, scientists, journalists—even candidates and politicians. Still, About 50 percent of American Indian students never finish high school. In some parts of the country the dropout rate is 90 percent or more. This is by far the highest dropout rate of any population in the United States and it has absolutely got to stop. The percentage of American Indian high school graduates who do go on to college is 17%, compared to the national average of 62%. We have to turn these statistics around—and fast.

State of Indian Nations



NCAI Executive Director Jacqueline Johnson and NCAI President Tex Hall deliver the first State of Indian Nations. “The problems we face...rest squarely in antiquated thinking that Indian Country need not be at the table when decisions are made impacting Indian lives. We must move beyond this thinking if we are to solve this crisis,” President Hall stated.

...What will be our legacy seven generations from today? Will this generation finally end the poverty that has plagued Indian nations throughout the 20th century? Will this generation choose to close the gaps in education and opportunity for Indian people? Can this generation carry our traditions, our languages, and our lifeways safely into a new era with strong, self-determining tribal governments? I believe it can. We look forward to a bright future for the seven generations to come and beyond, with roots in the past, flourishing in the future, if only we can work together today.

2003 Accomplishments

Tribal Sovereignty Protection Initiative

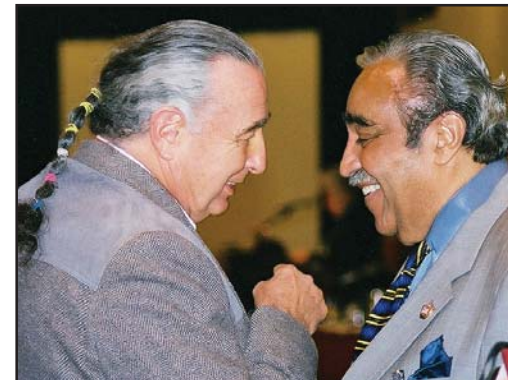
In recent decisions such as *Nevada v. Hicks* and *Atkinson Trading Co. v. Shirley* the Supreme Court has demonstrated an accelerating trend toward removing tribal jurisdiction. Under NCAI's leadership, the Tribal Sovereignty Protection Initiative was developed on September 11, 2001 as a national tribal effort to improve tribes' collective advocacy before the federal courts, to engage in public education about tribal governance, and to consider legislation to reaffirm tribal jurisdiction. The Initiative is directed by a Steering Committee of tribal leaders, and all tribal leaders are invited to participate. The Initiative encompasses several key components, all of which have been very active this year.

Tribal Supreme Court Project -The Tribal Supreme Court Project is a joint effort of NCAI and the Native American Rights Fund, and functions as an open working group of tribal attorneys coordinating on significant Supreme Court cases. The Tribal Supreme Court Project has been extremely active in 2003, with a number of very important cases before the Supreme Court. The Project is continuing its efforts in assisting tribes prior to the start of litigation and at the time of petition for certiorari, encouraging conservative litigation strategies by the tribes on federal matters in light of the current Supreme Court climate.

The Supreme Court handed down two important decisions in March of 2003 regarding tribal recovery of damages in breach of trust claims against the United States, and with one ruling in favor of a tribe (*White Mountain Apache*) and one against (*Navajo Nation*), the two cases set out significant new guideposts in Indian trust law. The Tribal Supreme Court Project participated with amicus briefs in both of these cases, and we greatly appreciate the tribes and attorneys who contributed to that effort.

In *Inyo County v Bishop Paiute Tribe*, The Supreme Court Project put together a terrific team effort on its first sovereignty case, collecting hundreds of tribal-state law enforcement agreements for a fact-based amicus brief, and convincing four state Attorney Generals to submit an amicus brief in support of tribal sovereignty and cooperative law enforcement. New Mexico, Arizona, Montana and Washington all signed on. In May of 2003, the Supreme Court issued an opinion in *Inyo County v Bishop Paiute Tribe* that avoided the major issue regarding tribal sovereign immunity and remanded the case. This case posed a very severe threat to tribal sovereignty and this result was clearly positive for tribes. The Supreme Court Project's efforts on this case demonstrate how strong coordination can improve the tribal advocacy on Supreme Court cases.

Colorado Senator Ben Nighthorse-Campbell (left), chairman of the Senate Indian Affairs Committee, shares a moment with New York Congressman Charles Rangel at the NCAI Washington DC annual meeting.



2003 Accomplishments

But the project's biggest challenge still lies ahead. On Sept. 30, the U.S. Supreme Court accepted the case of *United States v. Lara*. This case will resolve two very important questions for tribal sovereignty. First, can Indian tribes exercise criminal jurisdiction over Indians who are not members of their own tribes? Second, can Congress reaffirm an inherent authority of tribes when that power has been undermined by a previous Supreme Court decision? The case will have a major impact on the exercise of tribal sovereignty. The Supreme Court Project is filing two briefs, one a legal brief and the other featuring background facts on the first prosecution of Mr. Lara by the Spirit Lake Sioux Tribe. NCAI is also talking to State Attorneys General to try and develop a state brief in favor of tribal jurisdiction.

Legislative Drafting Committee - The TSPI Tribal Leaders Steering Committee instructed that an initial draft of proposed legislation be written to broadly affirm tribal regulatory, judicial and criminal jurisdiction on a territorial basis and to exclude all state jurisdiction in Indian country. The Legislative Drafting Committee advanced draft legislation which circulated for approximately a year and half, with a number of meetings held in all parts of Indian country to discuss the proposed measure.

The draft sovereignty bill contained three basic concepts. First, that Congress should reaffirm the principle that Indian tribes are the primary governments within Indian country and retain their inherent right to govern all people and places unless that power has been specifically limited by treaty or federal statute. Second, recognizing that any serious legislative effort must address the issue of civil rights, the bill would have provided for federal judicial review of tribal court decisions to guard the civil rights of non-Indians, while specifically protecting the right of tribes to create and maintain their own forms of government and their traditions, religions, cultures, languages and ways of life. Third, recognizing that tribal consent is critical, each tribe would have the right to opt in or out of the legislation and whether to exercise any or all aspects of jurisdiction offered in the bill.

However, at the 2003 NCAI Midyear Session, two resolutions set forth a change in direction for the legislative efforts of the TSPI. While recognizing the need for immediate Congressional action, NCAI member tribes expressed a lack of consensus to support the introduction of the comprehensive sovereignty legislation that has been developed by the TSPI drafting committee. Resolution PHX-03-011 recommends that the TSPI not support introduction of any legislation affecting tribal sovereignty until tribes have voted on the legislation. However, Resolution PHX-03-010 supports the development of legislation to address specific jurisdictional issues in Indian country. The goal of the new narrowly targeted strategy is to create more politically feasible ways to address the problems that are currently facing Indian country and to address the problems in a shorter timeframe. In keeping with this strategy, NCAI has addressed issues related to tribal involvement in the Homeland Security Act, jurisdictional concerns impeding domestic violence prevention and law enforcement related to alcohol and drug abuse, issues relating to tax jurisdiction between states and tribes, and jurisdiction for commercial activities.

Public Education and Outreach - The Education and Public Outreach committee is developing a public outreach strategy to educate federal, state, and local legislators, along with the general public, on the importance of tribal self-government, demonstrating that the co-existence of tribal government with federal and state governments is positive and necessary for both Indian people and the larger U.S. public.

Right now the project is focusing on a joint project with the Mohegan Tribe to improve NCAI's and Indian country's communication infrastructure. This project is under development and will be rolled out in full at the upcoming NCAI Executive Council Winter Session in February of 2004.

2003 Accomplishments

Trust Reform

On September 25, 2003, United States District Court Judge Royce C. Lamberth issued an opinion and order that details the responsibilities of the Department of Interior to Individual Indian Money (IIM) account holders in the wake of decades of gross mismanagement of trust accounts. Judge Lamberth's opinion consisted of two-parts: (1) Historical Accounting and (2) Fixing the System. NCAI submitted an amicus brief to the *Cobell* case on tribal interests in the trust system, and the Court adopted a number of the recommendations in the NCAI brief.

On the legislative front, NCAI has fought several attempts to circumvent the court decision in *Cobell* through appropriations riders. Most recently, the conference committee for the Interior Appropriations bill included a rider in their final bill language that limits DOI's responsibility for doing an accounting as required by the federal court in *Cobell*. While tribal advocates succeeded in generating a very close vote against this troubling rider, the language remained in the final bill. NCAI also worked earlier in the year to support amendments to the Interior bill that sought to halt the reorganization of trust functions within the Department.

NCAI continues to work jointly with the Intertribal Monitoring Association on a trust reform bill that would impose trust standards and structure the management of all Indian issues at the DOI under a single line of authority. NCAI has also been working with the Senate Committee on Indian Affairs, the Indian Land Working Group, California Indian Legal Services, and a number of tribes in developing technical amendments to the Indian Land Consolidation Act.

***NCAI Regional Vice President and Governor
of the San Ildefonso Pueblo John Gonzales
adds to the discussion on Trust Reform
during a special NCAI meeting
held in July in Portland, OR.***



2003 Accomplishments

State-Tribal Relations

In an era of ever more complex jurisdictional lines, devolution of resources from the federal level, and increasingly visible exercise of tribal governance, relations between tribal governments and state governments are under more and more pressure. NCAI has renewed its joint project with the National Conference of State Legislatures that seeks to improve state-tribal relations on critical public policy issues. With support from the W.K. Kellogg Foundation, NCAI and NCSL have developed an effective partnership to promote dialogue, disseminate relevant information to tribal leaders and state officials, and offer technical support to tribes and states in the areas of welfare reform, land into trust, and economic development. The extension of this partnership to new areas of work has been extremely well received by state and tribal constituencies. As a component of this core objective, NCAI has provided technical support to the State of Rhode Island and the Narragansett Tribe as they seek to move forward in rebuilding their relationship, with NCAI Executive Director Jacqueline Johnson serving on a special panel charged with reviewing the conflict that occurred between state troopers and the tribe and issuing recommendations for moving forward.



Arizona State Representative Jack Jackson Jr. speaks to improving state-tribal relationships during the NCAI Mid-Year Conference. Also pictured is NCAI Regional Vice President Evelyn B. Juan-Manuel.

Promoting Fair Taxation

Congress is currently considering two significant pieces of legislation that would impact tribal governments' ability to collect sales and excise taxes. First, the "Prevent All Cigarette Trafficking Act," S. 1711 and H.R. 2824, is aimed at the sale of cigarettes over the internet, but could affect all cigarette sales. NCAI has strongly opposed the provisions in this legislation, which would give states the ability to sue tribes in federal court and could damage the ability of tribes to set tax rates on their lands. Second, the State Streamlined Sales Tax Project (SSTP) seeks to create a more uniform system of state sales tax collection and convince Congress to allow sales taxes on out-of-state internet and mail order business. This is an extremely important issue, because it will create the sales tax collection system for the next century. However, the SSTP does not currently consider the role of tribal tax jurisdictions or Supreme Court decisions that govern taxation on Indian reservations. NCAI is working to urge Congress to consider the impact on tribes this legislation advances.

Contract Support Costs

The NCAI Contract Support Costs Policy Workgroup held two national meetings this year. Among the key issues addressed have been the BIA Direct Contract Support Costs policy formation, drafting legislation to address contract support costs issues, and updates on the many court cases concerning contract support costs. The NCAI submitted an amicus brief for the *Cherokee Nation v. Thompson* case and will remain involved as cases make their way up to the Supreme Court.

2003 Accomplishments

Economic Development

In February of this year, NCAI rolled out its economic development white paper entitled “Weaving Our Future.” This paper put forth a comprehensive view of how to pursue economic development, in a community-based and holistic manner. “Weaving Our Future” was presented to every member of Congress as a reminder that Indian Country should not be left out of any broad economic legislation. “Weaving Our Future” will be updated for the next Congressional session and will constantly evolve as issues in Indian Country progress.

pursue economic development, in a community-based and holistic manner.

Transportation

NCAI is working hard to ensure that tribal provisions are included in the reauthorization of the TEA-21 Transportation Bill when Congress moves forward with this major legislative effort to address the nation’s transportation infrastructure. In January, NCAI’s TEA-21 Task Force finalized a draft bill, which represented the most comprehensive look at tribal transportation needs presented to Congress to date. NCAI was able to secure the inclusion of many tribal provisions in S.281, the Senate’s Tribal transportation Act. We are still working to include these provisions and more in the larger reauthorization, which will take place in the next year.

Federal Appropriations

In an attempt to ensure that Indian country does not lose more ground in an already base-line budget, NCAI has aggressively advocated for adequate funding for programs in Indian Country. NCAI staff and tribal leadership met with numerous Congressional staffs throughout the 108th Congress to discuss Indian Country’s appropriations priorities and concerns. NCAI, along with the National Indian Gaming Association and the Native American Rights Fund, battled several harmful appropriations riders this year. Unfortunately, not all battles were won. A provision in the Interior appropriations bill passed both chambers and delays the court-ordered *Cobell v. Norton* accounting for one year. This coalition of tribal organizations did successfully defeat an early legislative rider in the CJS appropriations bill which would have allowed litigation costs for tribal suits on trust mismanagement to be taken out of the already scarce BIA budget. Another defeated rider would have allowed additional scrutiny of Indian gaming enterprises.

NCAI’s long-standing efforts to increase federal appropriations were given additional support this year when the US Civil Rights Commission issued a report entitled “A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country”, which documented the drastic under funding of Indian programs in the federal budget.



NCAI Recording Secretary Juana Majel-Dixon addresses delegates at the NCAI Mid-Year Conference held in June at Gila River.

2003 Accomplishments



Vivian Juan-Saunders, Chair of the Tohono O'odam Nation, addresses members of the media from the Senate Indian Affairs room during a press conference to raise awareness about tribal Homeland Security shortcomings.

Emergency Preparedness and Homeland Security

NCAI continued to advocate on behalf of tribes for a legislative remedy to the Homeland Security Act of 2002, which designates tribes as local governmental entities and precludes tribes from federal government funding and technical assistance for homeland security services. NCAI assisted in coordinating a tribal leaders forum on Homeland Security and a hearing before the Senate Committee on Indian Affairs. NCAI will continue its effort of tribal government inclusion in national homeland security strategy. NCAI staff have continued providing technical assistance to tribal governments seeking to develop or enhance tribal emergency response plans. Funding was secured this year to conduct an NCAI Tribal Response/Emergency Preparedness workshop in spring 2004. The workshops are designed to train emergency management officials in tribal communities. NCAI staff assisted in conducting two emergency management courses at the National Emergency Training Center's Emergency Management Institute. Supported by a cooperative agreement funding from the Federal Emergency Management Agency, NCAI conducted a national tribal pre-disaster mitigation workshop on the Flathead Indian Reservation to assist the tribal community prevention efforts and inform tribal officials about new regulations and requirements for disaster assistance. NCAI assisted in the development of a tribal pre-disaster mitigation course which will be offered in 2004 at the Emergency Management Institute.

Environmental Protection and Energy

As the Energy Bill progressed through Congress over the past year, NCAI sought to bring together tribal leaders, advocates, and Congressional staff to address grave concerns over provisions in the bill impacting tribes. NCAI has continued to monitor this measure as it has advanced, keeping tribes informed and engaged in the process. NCAI has written letters in support of comprehensive energy legislation that includes tribal government access and participation in economic development through power generation, as well as communications calling upon Congress to require tribal consultation in hydropower licensing procedures where tribal natural and cultural resources are impacted.

In the environmental arena, NCAI developed congressional testimony for tribal environmental program funding for tribes seeking to regulate environmental quality on their lands. NCAI interacts and communicates on a regular basis with national tribal organizations, and participates on national tribal air and Superfund workgroups. NCAI continues to assist tribes involved in protection and clean up of Department of Energy sites containing radioactive and hazardous materials which impact tribal resources. The NCAI also monitors ongoing and proposed activity of federal radioactive waste management programs, including transportation of spent nuclear fuel and high-level radioactive waste through tribal lands and communities. In 2003, NCAI also participated in a collaborative effort with the Department of Defense to develop site prioritization protocols to reduce risk and enhance environmental protection in disposal of munitions on and near tribal lands.

2003 Accomplishments

International

In 2003, NCAI joined national and indigenous in Geneva to participate in the United Nations Working Group on the Draft Declaration on the Rights of Indigenous Peoples. The two-week meeting was held in Geneva, Switzerland. NCAI, along with the Native American Rights Fund, participated in the Indigenous Caucus and offered interventions on proposals attempting to limit indigenous self-determination. NCAI also participated in the February meeting of the Working Group to Prepare the Draft American Declaration on The Rights of Indigenous Peoples. NCAI President Tex G. Hall presented testimony before the Inter-American Commission on Human rights as one of the two North American Indigenous representatives.

NCAI attended the United Nations Permanent Forum on Indigenous Issues in New York, New York and submitted written interventions on sacred places protection and the quality of and limited access to health care for American Indians and Alaska Natives. NCAI participated in the Organization of American States meeting at the Department of the Interior in Washington, DC, offering interventions concerning the right of Indigenous peoples to self-determination, education, recognition, relocation, religious and cultural resources, access to media, labor law, and other international documents during the United Nations Working Group on the Draft Declaration on the Rights of Indigenous People.

Education

The NCAI helped to draft and advocate for the new Indian Education Executive Order which is expected to be signed by President Bush later this fall. The NCAI also hosted two Tribal Education Department Forums at the Mid-Year conference and the 2003 Annual Convention. Staff have continued to engage with the National Indian Education Association, as well as partners within the administration to advance the goals of improved education for Indian youth. Staff has also routinely met with the Office of Indian Education Director to receive updates on the Department of Education's Indian education initiatives. NCAI staff continues to monitor the implementation of the No Child Left Behind Act in Indian Country and provide tribes with information and updates.

Sacred Lands Protection

NCAI President Tex Hall joined Rep. Nick J. Rahall, ranking member of the House Resources Committee, for a press conference on the Native American Sacred Lands Act, H.R. 2419. This bill protects Native American sacred lands located on federal lands. NCAI also participated in the planning of the Tribal Federal Summit on Protecting Sacred Places held in November in Santa Fe, New Mexico.

Civil Rights

Several high profile issues, including the Rhode Island State Police's raid of the Naragansett smokeshop, the DC District Court's rejection of the challenge to the trademark and logo of the Washington Redskins, and developing voter rights violations in South Dakota, have all presented Indian Country with new challenges in the civil rights arena. We are working hard to protect the civil rights of Indian people and have been leading the charge in demanding substantive response to the United States Commission on Civil Rights' report entitled "A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country" that details federal funding of Indian programs.

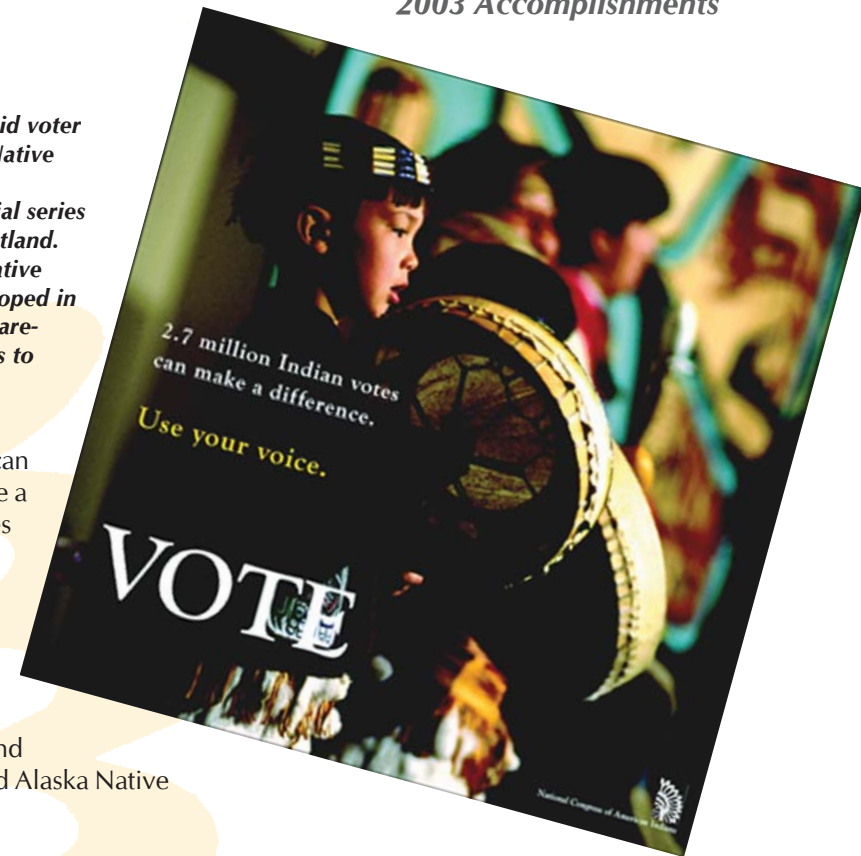
2003 Accomplishments



Osage Chief Jim Gray said voter turnout is essential for Native Vote 2004 to achieve its objectives during a special series of NCAI meetings in Portland. At right, is one of the Native Vote 2004 posters developed in conjunction with the awareness campaign as it seeks to mobilize Native voters.

Native Vote

Recent elections have demonstrated to the nation that when American Indian and Alaska Native voters turn out to the polls, they can make a decisive difference in several areas of the country. NCAI recognizes the need to maintain and build upon the momentum of increased voter turnout in the 2000 and 2002 elections to improve voter education and participation in the 2004 elections. This increased participation is critical to ensuring that elected officials recognize their accountability to American Indian and Alaska Native voters and act with integrity on issues of concern to tribes. Native Vote 2004 is a broad effort to coordinate and support grassroots efforts and encourage voter education and participation in American Indian and Alaska Native communities in anticipation of the 2004 election cycle.



NCAI held the first of several important meetings regarding Native Vote 2004 in July in Portland, Oregon. Tribal Leaders, students and experienced Campaign staffers and pollsters participated in this meeting, shaping the objectives for the Native Vote 2004 initiative. Several workgroups were formed and have been actively planning and developing materials for tribal communities to use at the local level. Jacqueline Johnson, NCAI Executive Director, participated in *Realizing the Power of the Vote: A Discussion on Political Participation and Mobilization Among Racial and Ethnic Minorities*, a panel sponsored by the National Women's Alliance.

In the month of October, NCAI sent a questionnaire to all of the US presidential candidates, seeking their position statements on key concerns to tribes. NCAI also released a draft policy platform statement that was presented to Democratic and Republican leadership. NCAI participated in CNN's "Rock The Vote" Democratic Presidential Candidate Forum. This event was filmed live and appeared primetime on CNN.

2003 Accomplishments

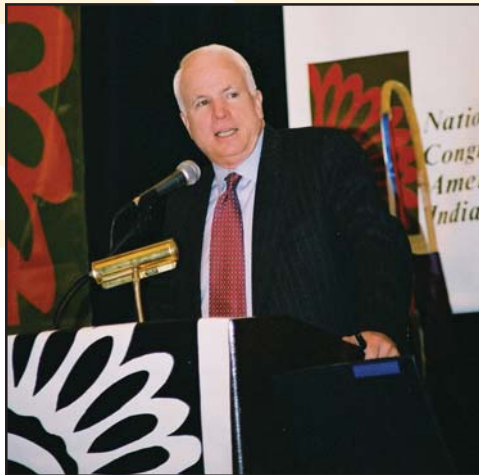
Health and Human Service

NCAI participated in and helped to facilitate the Department of Health and Human Services Tribal FY05 Budget Consultation Session. NCAI played a large role in the session by presenting opening tribal remarks, moderating the morning session, and discussing the reorganization of the Indian Health Service. NCAI also provided testimony on a number of Indian health issues before Congress throughout the year, including minority health and diabetes issues.

At the National Indian Health Board Consumer Conference, NCAI President Tex Hall presented remarks on the status of healthcare in Indian Country and the importance of Tribal Leaders in the United States and Canada working together to combat health disparities.

Congressional Outreach

A core component of NCAI's work in Washington is its constant interaction with members of Congress and their staff, providing education and information as well as advocacy on behalf of tribes. NCAI provides testimony on key issues before Congress several times a month, shaping its testimony in broad consultation with tribal interests nationwide. NCAI regularly communicates with members of Congress via position letters and direct conversations as well. In September, NCAI and nearly 30 tribal leaders met with 12 Senators and high-ranking staff to discuss Indian Country's national priorities. NCAI, with other national organizations, met in October with House Deputy Minority Leader Steny Hoyer who sought advice on Indian issues. As tribes become more politically visible, NCAI is increasingly approached by members of Congress wishing to better understand the needs and concerns of tribal governments and individuals.



Arizona Senator John McCain (left) and Washington Senator Maria Cantwell (right), both members of the Senate Indian Affairs Committee, were among many members of Congress and the Administration to address tribes at NCAI national gatherings.



2003 Accomplishments

Partnerships

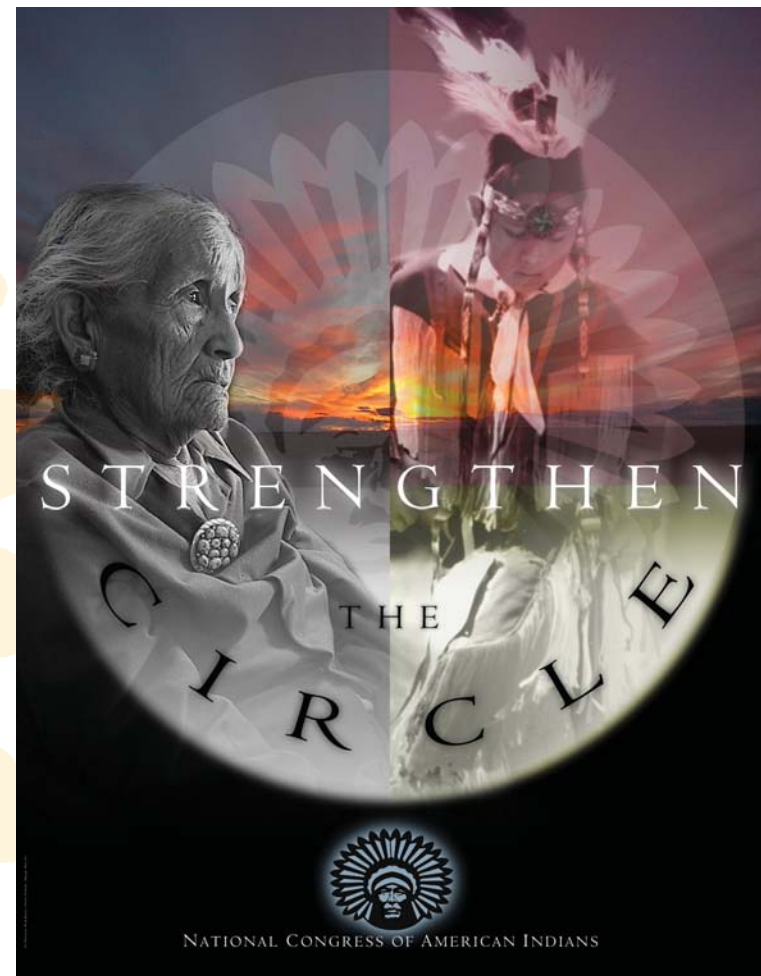
In 2003 NCAI has continued to serve on the executive board of the Leadership Conference on Civil Rights, a coalition which has led the fight for equal opportunity and social justice since 1950. With a broader membership of more than 180 national organizations committed to the protection of civil and human rights, this coalition has provided rich opportunities for NCAI to provide education and outreach to groups that might not otherwise be exposed to the concerns of American Indian and Alaska Native tribal governments.

NCAI has also continued to participate in the National Voices for an Inclusive 21st Century coalition under the wing of the National Conference for Community and Justice, and with the Joint Center for Political and Economic Studies' NABRE (Network of Alliances Bridging Race and Ethnicity) coalition.

Membership

At the Executive Council Winter Session, NCAI launched its new membership campaign: "Strengthen the Circle". Through this initiative, NCAI is reaching out to Indian Country to further develop a strong and united voice in Washington, DC and nationwide. The Refer a Member piece of the membership campaign allows people to receive gifts for helping others to join NCAI. NCAI had an advertisement created for Tribal Leaders to put in their Newsletters to encourage their membership and others to join NCAI. This advertisement was sent out to Tribes, Indian Organizations and Friends for the purpose of letting others now about NCAI.

The NCAI Strengthen the Circle membership campaign.



2003 Accomplishments

Educating Members and the Public Through the NCAI Sentinel and NCAI News

It is essential that NCAI continue to provide the information and data necessary to effectively address the problems and needs of American Indian and Alaska Native tribal governments and their communities. Information sharing is one of the most important tools available to empower tribes and individual American Indian and Alaska Native people to get engaged in the decisions that affect their lives. NCAI continues to expand its web presence and electronic broadcast capabilities, and has brought a full time communications and public relations specialist on board to help in expanding this outreach.

Public Education

NCAI board members and staff engage regularly in public education, accepting invitations to speak at national events, community gatherings, and in classrooms throughout the year. Student groups also visit the NCAI office frequently for classes on history and contemporary policy issues in American Indian and Alaska Native affairs.

Employee Retention and Development

NCAI has taken several steps over the past year to ensure that the organization is able to cultivate and retain top-notch staff. Most notably, NCAI put in place a 401-k plan to address a longstanding need for retirement planning options for staff. In addition, the organization accepted five new fellows for year-long appointments, with hope of making several additional staff hires from the pool of talented young attorneys and advocates who have joined the organization for the year.



Members of the Ft. McDowell Yavapai Nation Veterans Association participate in an NCAI fundraising golf tournament in June.

Fundraising

The Fundraising Committee has been very active in the past year. The Committee, made up of Committee Chair, Ron Allen, and Chairman of the Jamestown S'Klallam Tribe, NCAI First Vice President Joe Garcia NCAI, NCAI Recording Secretary Juana Majel, Area Vice President Jefferson Keel, and Area Vice President Richard Milanovich, has met via teleconference on a monthly basis to discuss the ongoing projects in the area of fundraising and the membership campaign. The Committee focuses on areas of strategy, coordination and follow-up seeking NCAI funding and meeting the needs of out supporters.



*National Congress of
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Jacqueline L. Johnson, Executive Director

John Dossett, General Counsel

Robert Holden, Director, Emergency Management & Radioactive Waste Programs

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Irene Masayeva, Legislative Associate

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Sharon Ivy, Accountant

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Jaime Loretto, Membership Coordinator

Bernida Humetewa, Director, Development

Cherie Ike, NCAI Fellow

Okwaho (James) Washinawatok II, NCAI Fellow

Christina Morrow, NCAI Fellow

Sequoyah Simermeyer, NCAI Intern

Gyasi Ross, NCAI Fellow

Amber Ebarb, NCAI Fellow



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*Mandan, Hidatsa, and
Arikara Nation*

FIRST VICE-PRESIDENT
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*Ohkay Owingeh
(Pueblo of San Juan)*

RECORDING SECRETARY
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Yupiaq

EASTERN OKLAHOMA
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Chickasaw Nation

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Coeur d'Alene Tribe

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James M. Potter
Prairie Band Potawatomi

EASTERN - NORTH
Kevin Seneca
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GREAT PLAINS
Harold Frazier
Cheyenne River Sioux

PACIFIC
Richard Milanovich
*Agua Caliente Band of
Cahuilla Indians*

SOUTHWEST
John Gonzales
San Ildefonso Pueblo

EASTERN - SOUTH
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*Poarch Band of Creek
Indians*

MIDWEST
Bob Chicks
*Stockbridge-Munsee Band of
Mohican Indians*

ROCKY MOUNTAIN
Geri Small
Northern Cheyenne Tribe

WESTERN
Evelyn B. Juan-Manuel
Tohono O'odham Nation

About the cover...

"Chief" was painted by Rodney Ironshield, Hunkpapa Lakota.

He is a student at the Institute of American Indian Art.