



## UNITED SOUTH AND EASTERN TRIBES, INC.


USET Resolution No. 2003:016


### CONFIDENTIALITY OF TRIBAL COMMUNICATIONS

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** for over two hundred years the United States has engaged in confidential communication with Indian tribes and their members pursuant to a relationship of trust; and
- WHEREAS,** the United States is obligated to protect Indian Trust land, water and other trust assets against others, to assist tribes with business transactions with others, to approve business agreements related to Trust assets between the tribes and others, and to otherwise enable tribes to develop economically; and
- WHEREAS,** since the passage of the Freedom of Information Act (FOIA) in 1966, the United States has objected to disclosure of Indian trust communications when requested by others under the FOIA and subsequent federal open government laws; and
- WHEREAS,** a recent decision of the U.S. Supreme Court in the Department of Interior v. Klamath Water Users Protective Association has undermined the ability of the United States to keep Indian trust communications confidential; and
- WHEREAS,** the Supreme Court recognized that its ruling in Klamath was inconsistent with the trust obligations of the United States to Indians and Indian tribes; and
- WHEREAS,** the Court declared that "[t]he Department is surely right in saying that confidentiality in communications with tribes is conducive to a proper discharge of its trust obligations;" and
- WHEREAS,** the Klamath decision denies the United States the ability to use the FOIA to shield from public disclosure privileged information shared within the U.S.- Indian trust relationship; therefore, be it
- RESOLVED** that the USET Board of Directors call upon Congress to correct the ruling in Klamath by affirming that the United States shall keep confidential any communication between it and any Indian or Indian nation.

### CERTIFICATION

This resolution was duly passed at the USET Annual Board Meeting and EXPO, at which a quorum was present in Uncasville, CT, Thursday, October 31, 2002.

  
Keller George, President  
United South and Eastern Tribes, Inc.

  
Beverly M. Wright, Secretary  
United South and Eastern Tribes, Inc.

*"Because there is strength in Unity"*