

RESOLUTION OF THE PAPAGO COUNCIL

NO. 51-72

WHEREAS, the Papago Tribe and its Council has received requests from individuals, both Indian and non-Indian, from time to time for Papago tribal business records; and

WHEREAS, The Papago Council has requested and received a legal opinion from its law firm of Whitehill, Berger & Karp, P.C., stating:

First, the documents and files of The Papago Council are tribal business records and are not Papago Agency or BIA records subject to the provisions of the Freedom of Information Act;

Second, the documents such as leases, contracts and personnel records were given to the BIA in confidence by the Papago Tribe;

Third, a specific statutory exemption for the documents is set forth in 5 U.S.C. § 552 (b) (4):

§ 552 (b) (4) of Title 5 U.S.C. provides:

"This section does not apply to matters that are . . . trade secrets and commercial or financial information obtained from a person and privileged or confidential . . ."

and

WHEREAS, it would be against the best interests of the Papago Tribe for the Tribe to release this type of information; and

WHEREAS, it would also be against the best interests of the Papago Tribe for the Secretary of the Interior, Commissioner of Indian Affairs, the Area Director, the Superintendent of the Papago Indian Agency, or any of their delegated officers to release any Papago tribal documents without prior consent of the Papago Council and/or its officers.

NOW, THEREFORE, BE IT RESOLVED BY THE PAPAGO COUNCIL that

1. No Papago tribal business records are to be released to third parties without prior consent of The Papago Council and/or the Chairman and Vice Chairman of The Papago Council for the reasons set forth above.
2. The Secretary of the Interior, the Commissioner of Indian Affairs,

the Area Director, the Superintendent of the Papago Indian Agency and their delegated officers are hereby requested not to release any Papago business records without the prior consent of The Papago Council and/or the Chairman and Vice-Chairman of The Papago Council for the reasons set forth above.

The foregoing Resolution was duly enacted by The Papago Council on the 14th day of August, 1972, at a meeting at which a quorum was present with a vote of 19 for, -0- against, 3 not voting, and -0- absent, pursuant to authority vested in The Papago Council by Section 2(f) of Article V of the Constitution and By-Laws of the Papago Tribe of Arizona ratified by the Papago Tribe on December 12, 1936, and approved by the Secretary of the Interior on January 6, 1937 (48 Stat. 984) pursuant to Section 16 of the Act of June 18, 1934. Said Resolution is effective as of the date of its approval by the Superintendent of the Papago Indian Agency and is not subject to review by the Secretary of the Interior.

THE PAPAGO COUNCIL

ATTEST:

Betsy J. Norris
Betsy J. Norris, Secretary

By: Augustine B. Lopez
Augustine B. Lopez, Chairman

Joseph M. Lucero
Joseph M. Lucero
Superintendent
The Papago Indian Agency

APPROVED: Sept. 8, 1972

