

NEWS RELEASE- FOR IMMEDIATE RELEASE

**UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION CALLS OUT THE BIDEN ADMINISTRATION FOR HYPOCRISY IN ITS PROMISE TO HONOR THE FEDERAL TRUST RESPONSIBILITY TO TRIBAL NATIONS**

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The Ute Indian Tribe of the Uintah and Ouray Reservation says that last week's Supreme Court decision in the consolidated cases of *Arizona v. Navajo Nation* and *Department of the Interior v. Navajo Nation* is a national disgrace as it significantly limits the ability of Indian tribes to hold the Federal government accountable for the mismanagement of all Indian trust assets, not just reserved water rights. And the Tribe says the Biden Administration is largely responsible for that result, emphasizing that the Biden Administration petitioned the Supreme Court to overturn a Ninth Circuit court decision that ruled in favor of the Navajo Nation.

"We need to see the Biden Administration for what it is—hypocritical and no friend of Indian tribes," stated Julius T. Murray, III, Chairman of the Ute Indian Tribe's Tribal Business Committee. The Tribal Business Committee noted the hypocrisy between the Biden Administration campaign pledge to Indian Nations during the 2020 presidential campaign and the Biden Administration's action in litigating aggressively to terminate any federal trust responsibility to Indian tribes in the Navajo case. "In October 2020, Joe Biden and Kamala Harris released the *Biden-Harris Plan for Tribal Nations*. In it, Biden and Harris promised that, if elected, the Biden Administration would 'honor the federal trust responsibility to Tribal Nations.' The pledge was warmly welcomed in Indian country. Yet today—and for all time—the Biden Administration will go down in history as having substantially gutted the federal trust responsibility to Tribal Nations."

In its 5 to 4 ruling last week, the Supreme Court sided with the Biden Administration and ruled that the Navajo Nation's 1868 Treaty does not impose any trust obligations on the Federal government to secure water for the Navajo Nation. The Navajo ruling significantly diminishes the *Winters Doctrine*, a long-standing legal doctrine named after the 1908 Supreme Court decision in *Winters v. United States*. In that case, the United States acted affirmatively and initiated litigation on behalf of the Fort Belknap Indian Reservation in Montana in order to judicially recognize and protect that Tribe's water rights in the Milk River in Montana.

"In the 2023 *Navajo* case, the Biden Administration took exactly the opposite path, affirmatively pursuing litigation in order to judicially diminish and leave Indian water rights unprotected," said Chairman Murray.

The Ute Indian Tribal Business Committee said it agrees with the assessment expressed last week by Arizona Congressman Raúl Grijalva. Rep. Grijalva decried the Navajo ruling, calling it "a dangerous decision that moves us backward to our shameful past in which treaties were promises not worth the paper they were written on."

The Tribal Business Committee says the Ute Indian Tribe believes the Navajo decision will return Indian tribes to a pre-*Winters* landscape in which politically and economically powerful non-Indian water users will have free rein to divert and appropriate Indian waters away from Indian reservations and tribal uses. The Tribe says that outcome will be devastating to Indian reservations, tribal self-determination and self-sustainability, and the continued economic viability of Indian tribes.

**About the Ute Indian Tribe** - The Ute Indian Tribe resides on the Uintah and Ouray Reservation in northeastern Utah. Three bands of Utes comprise the Ute Indian Tribe: the Whiteriver Band, the Uncompahgre Band, and the Uintah Band. The Tribe has a membership of more than three thousand individuals, with over half living on the Uintah and Ouray Reservation. The Ute Indian Tribe operates its own tribal government and oversees significant oil and gas deposits on its 4.5-million-acre Reservation. The Tribal Business Committee is the governing council of the Tribe.

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