

## Counsel of Record Report #13

### How to turn water into wine and a piece of paper into gold

The realities of Federal Indian Law prove that cheater, deceivers, and liars often win over honest citizens simply seeking justice in the Federal Court to correct injuries to their property or rights caused by the United States of America (USA). My Report will explain some of the basic tricks of the trade employed by the USA to make sure the thieves and liars keep what they stole from Indians that is supposed to be zealously protected by the “Great White Father”.

In general, there is absolutely no doubt that the USA openly and intentionally violates the letter of law and regulation on a daily basis, knowing that it will likely never be brought to justice for its illegal actions. When those persons injured by the clear illegal actions of the USA file their lawsuits to correct injustices caused by malicious minded federal officials, the federal defendants resort to a simple tactic in litigation that has, too often, proven successful in allowing them to evade responsibility for their intentional but illegal actions - pursue a defense built on the most complicated and confusing facts that no federal judge can understand which way is up or down. If the USA is successful in perpetrating this strategy when it is haled into court to answer for its wrongdoings, the federal judge will defer to the “discretion” of federal administrators and rule in their favor - “case dismissed”. The citizens who filed their suit leave court scratching their heads wondering why the Judge was blind to undeniable facts of wrongdoing.

In my personal opinion, the UPA was legislated by the U.S. Congress for one and only one purpose, to cheat the Uintas out of their ancestral land, which naturally included their land, water rights, and extremely valuable mineral property in terms of oil & gas rights. Long before 1954, repeated attempts were made at various times to connive the true owners of the “Uinta Valley Reservation” (later to become the “Uinta & Ouray Reservation”) the Uinta Band, out of their land. Then U.S. Senator Arthur V. Watkins and lawyer John S. Boyden strolled in. Not many Indians in the modern day realize that the federal policy of termination began with deep religious underpinnings linked to attitudes developed over time toward Native Americans living and owning fertile lands in Country called “Deseret” - the key actors in executing the genocidal federal policy of termination were members of the Church of Jesus Christ of Latter Day Saints. See *“Termination’s Legacy - The Discarded Indians of Utah, R. Warren Metcalf, Univ. of Nebraska Press, 2003.* How was a very fervent Mormon, Sen. Watkins, able to promote a law that had devastating long lasting effects on hundreds of thousand of (ex) terminated Indians all over the U.S.?

First, you identify where you’re more powerful, well monied and influential political constituency live. Then, you find out what it is that they want to take and own that belongs to the weak, poor, and unrepresentative Indians who will be powerless to oppose federal legislation. You also need to pour into this poisonous mix another key ingredient, federal officials who have a proven historical record of dereliction of duty and willingness to unlatch the gates of the hen house to the vultures who have been circling waiting to prey upon the weak and defenseless.

Now, the next requirement for legitimizing an otherwise illegal and immoral theft is to create an immensely complicated Act of Congress, the UPA that no one, including Federal Judges, could interpret or even understand even in its barest form. Amending the UPA by defrauding Congress is the next step in making “gold” out of nothing more than a piece of paper. You must be able to mix up some “poisonous” ingredients and concoct a recipe made out of crooked U.S. Senators, lawyers with conflicts of interest, and federal

officials willing to allow their wards to become the prey of buzzards and bottom feeders. Then force-feed this poisoned soup down the throats of the Indians you want to steal from.

In the course of our continuing research, Cal Hackford, Oranna Felter, and me examined an amendment to the UPA enacted on September 25, 1962. (“An Act to amend the Act of August 27, 1954 (68 Stat. 868) with respect to the Uinta and Ouray Reservation in Utah.”). It was the Amendment that removed the restriction on the sale or transfer of the Ute Distribution Corporation stock. The roots of the 1962 Amendment had their origin in the actions of an purported Committee that was totally unauthorized to take any action on behalf of the Mixed-Bloods to even propose the removal of restriction on the sale or transfer of any “stock”. It turns out that the Board that started the Amendment process rolling was not legally voted in the “Affiliated Ute Citizens” Board of Directors. John Boyden put this “bogus” Board in place so he could secure Congress’ approval to remove the prohibition against selling or transferring the stock. This prohibition is listed under 677o of the UPA. Of course the BIA had every reason to allow Boyden to defraud Congress as it knew from the start that the UPA was only a pretext for opening up the Reservation to a modern Oklahoma style “land run” with non-Indians gaining ownership of huge chunks of land and underlying valuable minerals.

This bogus Board also paved the way for the removal of the restrictions on the sale or transfer of the stock when it approved the Ute Distribution Corporation (UDC) Articles of Incorporation. To Congress, however, it appeared that the terminated Mixed-Blood Uintas were willingly to allow their stock to be sold or transferred out from under them for little or no value in return. Of course, today this stock has immense value. Until the 1962 Amendment to the UPA was passed, the UPA had no provisions in it allowing a terminated Mixed-Blood to transfer his UDC stock and thereby lose total control or voice in the affairs of the UDC. In a brief span from 1954 to 1962, the crooks had been able to fleece the defenseless Mixed-Bloods out of their pride, identity, and land legacy. No one subjected to “termination” of his or her legal status as an Indian could have made a successful transition from Indian into mainstream American society in a short span of 8 years. Tells me a great deal. From the start, Watkins and Boyden obviously never intended to let anyone of the 490 Mixed-Blood Uintas keep their UDC stock so they could at least have some chance of establishing a place in American society. Dupe the poor and defenseless Mixed-Bloods out of their stock and you achieve your goal of slamming the doors of justice shut on them so the rich and powerful can keep their ill-gotten gains that can be traced back to the fleecing and defrauding of Congress.

The various provisions of the UPA comprise an immensely complicated and tangled Act of Congress that accomplishes the thief’s goal of creating confusion so no one can figure out what is legal and what is illegal. In a recent article printed in the Deseret News, “Uintas’ Ute status debated”, William R. McConkie, attorney for the Office of the Solicitor, stated that 24 federal lawsuits have been filed over the UPA. If the UPA was implemented as Congress originally intended, there should be no lawsuit filed over this termination law. This fact of numerous suits filed over what the UPA means or how it should be implemented proves that the thieves goals of shrouding this law with a blanket of confusion so no one, particularly the terminated Mixed-Blood, could have any fair chance of straightening out this terribly distorted Act of Congress. Had McConkie and crew not engaged in any trickery and corrected the actions of an unethical and overreaching lawyer, John Boyden, no lawsuit would have been filed at all. No bogus Board would have been put in place to act as “Puppets” for the thieves. It is a fact the Boyden’s unethical acts also served to undermine the traditional leadership of the Hopi Tribe so Peabody Coal Company could cheat the Hopis out of a fair deal when their lands for leased for mining purposes. Boyden made sure that the Hopi traditional government was destabilized and replaced with his own

hand picked Council who would be tricked in accepting a raw deal directed to them by Boyden, who was also the lawyer for Peabody.

From the same Deseret article, Maxine Natchees, claims that the Uintas willingly voted to put the noose around their necks and hand off their Indian identity. Natchees' views in this regard are based on ignorance and self-serving interest. If she had bothered to research the true facts of this historical charade, she would see that Boyden and his cohorts manipulated the whole situation that caused Congress to enact a racist and genocidal Act that destroyed the Uintas and allowed the Ute Tribe and non-Indians to take land and minerals from the Mixed-Bloods while they had their hands tied behind their backs so they would be defenseless against such an unprecedented onslaught.

Can Ms. Natchees show me a document that proves the purported vote taken by the Uintas to cut their own throats was legal in the first place? She should read about the Hopis' bad experiences with Boyden and crew. If she did she would see that Boyden was a well-accomplished con artist very adept at tricking and manipulating other tribal governments (Hopi) and making it look like they gladly agreed to be cheated when they leased their land for coal mining. Boyden was also very smart when it came to installing ""Bogus Boards", as this Board was placed into motion under the ten (10) year program, this was done to defraud Congress into believing the Mixed-Bloods were willing participants in handing over their stock for nothing but a few beads and trinkets. There is no doubt that the Amendment to the UPA enacted by Congress in 1962 was a product of fraud, trickery and deceit just like the original UPA brought about in 1954 upon yet another in a series of misrepresentation made to Congress that the Mixed-Blood Uintas voted themselves out of existence in legal compliance with the plain terms of the 1937 IRA Constitution.

To continue the whole trick to make it look legal, you shuffle and mix up the grazing rights granted to the Mixed-Bloods upon enactment of the UPA with the UDC stock that were non-transferable at least until the Amendment came along in 1962. If you look closely at Sec. 677o of the UPA, you will see that the transfer to "other assets" no susceptible to equitable and practicable distribution would remain subject to the Act as non-transferable. Gas, oil and mineral rights were clearly in the category of "other assets" not susceptible to equitable and practicable distribution. How did non-Indians obtain ownership and title to gas, oil, and mineral rights that were and are, by law, non-transferable?

If you slowly peel back the many layers of successive fraud, deceit and trickery anyone can see how the thieves were able to use "smoke and mirrors" to make folks like Natchees believe that all this, the UPA and the 1962 Amendment, originated from legal and honorable processes. With the layers of deception pulled back, the sad facts show that conniving legislators, backstabbing unethical lawyers and faithless federal officials can pull off one of the most shameful and dark chapters of American history and make everyone believe that the Mixed-Blood Uintas voluntarily cast their vote in a legal election in the 1950's so they could intelligently get rid of their UDC stock and commit themselves, their children and other of their generations to a life of impoverishment all without an identity. McConkey, Natchees and others with their same view of termination need to wake up out of the delusions and false illusions they have themselves created.

I will pray to the Great Spirit during this 2005 Holiday Season that they find some degree of compassion in their hearts when they stare the Sacred Truths behind this story of fraud, treachery, and deceit. The sheer magnitude and complex web of deceit surrounding the individuals involved and organizations in this "conspiracy of confusion" is mind-boggling, even for the most astute of us.