

## **Counsel of Record Report #17**

On May 30<sup>th</sup> 2007, Hon. Judge Roberts of the United States District Court for the District of Columbia officially reassumed his jurisdiction, on remand, over Felter v. Kempthorne, a controversy over the legality of the Ute Termination & Partition Act.

Judge Roberts was ordered by the United States Court of Appeals for the District of Columbia Circuit to take further action to the question of whether P.L. 108-108 “saves” the action from dismissal under the 6-year federal statute of limitations. Plaintiffs in Felter are seeking an “accounting” of Individual Indian Monies (IIM) accounts held in the name of the “terminated” Mix-Blood members of the Uinta Band of Ute Indians. They alleged that the 490 Original Mixed Blood Uintas of the Ute Band have never been given an accounting of their IIM accounts, as required under the law.

A Joint Status Report was issued by Judge Roberts with the following dates:

- 1) Defendants Renewed Motion to Dismiss will be filed on or before “August 31<sup>st</sup>, 2007
- 2) Plaintiff’s “Response” will be filed on or before: “October 1, 2007.”
- 3) Defendants “Reply” will be filed on or before” October 26, 2007.”

I urge all of you who are formally on the Felter as plaintiffs to PAY YOUR ACCOUNTS IN FULL! Our efforts as a group dedicated to the “Journey for Justice” has proven to be successful because we have achieved a very important goal in this “one of a kind” case to eradicate “termination” from the face of the Earth and erase it from the State of Utah. I cannot tell you how much I thanked the Great Spirit when I got the Order from the Court of Appeals that let us keep the fight alive. I know from looking at the faces of the Honorable Judges on the Court of Appeals that they felt compassion toward you and what had happened over 50 years ago in a remote area of the United States. We just cannot let our frustrations and emotions interfere with our Mission. All of us must keep as strong of a Spiritual and Moral Commitment to everyone who cannot be here with us physically to fight the injustice that stalks and haunts the Land and creates hatred and tries to destroy our Righteous Efforts. I want you to know that when I argued the case before the Court of Appeals that I knew the Courtroom was full of the Spirit People who expect all of their relations living to be strong and keeping going. They expect that we keep our focus and shoot our arrows straight and true to the target and not hide or run away!

The funds necessary for keeping your case going are running very low. I want you all to understand that cases like Cobell cost hundreds of thousands if not millions of dollars to keep them alive until after trial. If you stare the facts in the face, what you as plaintiffs have paid is a drop in the bucket compared to Cobell. You should be proud that we have kept fighting for justice with funds that you paid that are just a fraction when compared to Cobell. I did not become Counsel of Record in Felter expecting that my clients would lose confidence in me and my hard work at taking this case to where it is at right now. I am proud of this but I am also

expecting that all of you will also be proud and not fade away in a fit of frustration. The Felter case is not a small civil case that doesn't affect a large group of people. Felter is a massive federal civil case that has educated the public about an evil and genocidal Act of Congress that should put every member of Congress to shame because it is still on the books as law. I know that someone will come forward and see that we have fought a proud battle with one hand tied behind our back against a one-eyed unfeeling giant, a Goliath, the Department of the Interior, that never sleeps and never feels bad about what horrors and agony it unleashed in 1954 on you, your parents, grandparents, great-grandparents, uncles and aunts. Our Mission is to bring this Goliath to its knees and make this hairy monster confess, with true compassion, for what it did to ruin and destroy the lives of the terminated Mixed-Blood Uintas.

You have to realize that "high ground" we have achieved comes at a cost to all of us. If anyone thinks that this Felter case is a "wounded horse" and we shouldn't be "feeding it", you need to go to a quiet corner of your home and pray for guidance and spiritual strength. I want to give my special thanks and deep gratitude to those of you who have stayed right up there with the lead plaintiffs and me in the smoke and dust of battle and paid your fair share. I want to encourage those of you who haven't paid a red cent or not paid your full share to live up to your solemn commitment as a plaintiff in this unique case. I intend to request a hearing before Judge Roberts after all the briefs have been filed. Going to Washington, D.C. to be there in the flesh and blood to deal with the one-eyed Goliath takes money. I do not believe that we had a chance at keeping Felter alive if I had not gone into battle before the Court of Appeals and delivered a strong oral argument to support our written legal brief.

I encourage as many of you to attend the scheduled Prayer Gathering on August 4 at 12 noon at Sonny Denver's Home on Whiterocks Hwy. I cannot be there but I will be there with you along those who can only be there in Spirit! For those of you who are considering joining up as Plaintiffs in Felter, you must make your decision very soon! For every one else, PLEASE CONTINUE TO MAKE CONTRIBUTIONS! Continue to write letters to Congress to let them know that they must take steps now to repeal the Ute Partition and "Extermination" Act even while we are fighting in the Courts.