

COUNSEL OF RECORD REPORT #19

I am writing my Report from Albuquerque, NM where I am attending the 33rd Annual Federal Bar Association Indian Bar Association. U.S. District Court Judge Roberts has not issued his decision on the United States Defendants' Motion to Dismiss our case, Felter v. Kempthorne, Civ. No. 02-2156 D.D.C. Let's keep our Prayers and positive thoughts going that Judge Roberts will see the injustice that happened to all of you and deny the Motion to Dismiss.

You are part of an extremely powerful "social movement" to eradicate the evil of termination that remains as an active federal law and policy in the middle of the most democratic country in the world. Recent news reports tell of efforts by the Australian, Canadian and United States governments to "apologize" to the wrongs committed on their Indigenous Citizens who were powerless, in the past, to stop the theft of the lands, resources, tribal identities and tribal cultures. When I read these articles, I give out a laugh because as long as the Ute Partition and Termination Act (UPA) remains as law any so-called apology issued by the United States Congress is nothing but a cruel joke. Until Congress repeals the UPA, these proposed legislative apologies are just plain rubbish. Empty Words. Apologies are meant to paint over and hide the fact that the genocidal policy promoted by the United States government stands straight an tall right in Utah, supposedly one of the most religious states. The UPA is a federal law that justifies both the continuing theft from each of you of your sacred tribal identity and valuable land and resources and allowing non-Indians to reap the benefits of what is yours by all moral and legal perspectives.

All of us are not just telling a story on a piece of paper. We are all moving together to tell the American and international public your story - "America's own Tibet". More significantly, we are marching together before the Federal Courts to actively litigate your case. No one else at this time is taking this aggressive approach and attack on the evils of the UPA. Each of you are on the front lines of this battle and all of you who have joined this case as plaintiffs should be proud to be True Warriors to reclaim that which was stolen from you and your ancestors.

I will be filing a Motion to Add Additional Plaintiffs to add the names of those who have come on the Felter v. Kempthorne case since the last Motion to Add was filed and granted in December 2006. The Motion has been forwarded to the Assistant United States Attorney for her review and statement of whether she agrees, disagrees or has no position on it. This procedure is required by the Local Rules of the U.S. District Court for the District of Columbia. I remind those plaintiffs who haven't paid your funds in full to do so as soon as possible. If you no longer desire to stay with us or if you haven't paid up in full, I will be filing a Motion to Strike Plaintiffs very soon.

I leave you with part of the paper that I will present to over 800 lawyers at the Indian Law Conference to wind up this Report:

I live in Sacramento County near "Florin." Right before the surprise attack by Japanese forces on Pearl Harbor on Sunday, December 7, 1941, Florin was a very productive agricultural area full of farms owned by American Citizens of Japanese Ancestry. Strawberries and other varieties of vegetables and fruit abounded in this lush green area at that time. Then, the trucks and railroad box cars were loaded with our own Citizens under the guard of military troops with bayonets glistening in the sun – babies, teenagers, mothers, fathers and the elderly – sent to remote "internment camps" throughout the West. The Spirit of Geronimo was there with them to make them strong so they would survive this inhumanity and American horror authorized by our Congress.

The next stop of the same well-oiled Congressional machine that legalized the Japanese American Interment was in Utah beginning right after the end of WWII. I am counsel of record for the several hundred individual "Terminated Mixed Blood Uintas" in the pending case Felter v. Kempthorne, Civ. No. 02-2156, D.D.C.

This time, Congress successfully terminated the Mixed Blood Uintas after non-Indians and federal officials inflamed other bands of Utes against them. These other greedy Utes found a way – facilitated by non-Indians – to excommunicate a large portion of the tribal membership when they had held in front of them a huge Indian Court of Claims judgment award that suddenly promised to make them very wealthy. The Mixed Blood Uintas suffered *exactly* the fate in 1954 with the enactment of the infamous Ute Partition and Termination Act, as those recently stripped of their tribal identity by tribal actions. You can read about the Mixed Bloods' "Journey for Justice" at

www.undeclaredutes.net

Pray to the Great Spirit and keep your Head up in Battle and never give up!!

Dennis G. Chappabitty