

COUNSEL OF RECORD REPORT # 7

Reflections on American Values and Brown v. Board of Education.

In my last Counsel of Record Report, I had predicted that U.S. District Court Judge Roberts would issue his decision on whether to dismiss our federal civil action in *Felter v. Norton* by March 26, 2004. Judge Roberts has not yet issued his decision on defendants' motion to dismiss. We are all anxiously waiting for his decision and I will make sure that the decision is posted on the our internet website as quickly as I receive it.

While we all wait for a key decision that will tell us whether the federal court system will give the terminated Mixed Blood Uintas their day in court to remedy their termination, I do note that recent events in America and worldwide have heightened my senses about the terrible and undeniable injustice that was forced upon the original 490 Uintas and their descendants. Comparing these events to those events foisted by the United States against the 490 in 1954 and into this new century 2004, I cannot help but wonder why the Mixed Blood Uintas' forced "march" to the "death camps" has not caused your local state and federal legislators to raise up in arms and reverse this despicable chapter of American history and restore the Uintas to their original status as federally-recognized Indians. No one has convinced me that the Mixed-blood Uintas "voluntarily" gave up their cherished status as members of the Uinta Band and willingly handed their land over to the modern fiction called the "Ute Indian Tribe." It is my firm belief that what we refer to as "American values" can never arise to a very high level of international dignity and respect so long as the 490 remain disenfranchised from their identity as members of the federally-recognized Uinta Band.

Brown vs. Board of Education.

America's own legacy of racial hatred toward Black Americans began to unravel when the U.S. Supreme Court decided the landmark case of *Brown v. Board of Education* in May 1954. Like the Uintas' termination, American segregation or "Jim Crow" had its roots in economic incentives favoring the powerful over the oppressed and weakened minority. Slavery of Black Americans allowed America to develop its economic infrastructure for several hundred years on the sweaty and bloodied bodies of working slaves and their families kept in a forced state of ignorance and abject poverty. Termination of the 490 Uintas was also motivated by economic factors deeply rooted in racial hatred that the United States of America used very effectively to pit "Indian against Indian" to strip the Mixed-bloods of their identities and steal their land. This fact is undeniable when you examine the list of shareholders of the Ute Distribution Corporation and the other two corporations. If I were the Ute Indian Tribe and the non-Indians who connived many of the Mixed-blood out of their UDC shares, I would hang my head in sadness and sign over the UDC shares back to the Uinta families who were shamelessly exploited while the United States stood back and allowed it to happen. Furthermore, the U.S. Court system cannot hold itself out to other countries as a "model" when it has allowed its own citizens in Utah to openly take advantage of the Uintas and take their land and legacy as their own. The forced march of the terminated Uintas to their destruction is at the root of "America values" and until the United States of America corrects this violent and forced massive human rights abuse it can happen to anyone else by a stroke of a pen.

Last month, I keenly listened to President Bush when he made a televised speech in Topeka, Kansas to inaugurate the school where *Brown* had its origins. The President stated that the U.S. Supreme Court decision in *Brown v. Board of Education* “changed America for better and forever.” He said that the Supreme Court’s decision issued on May 17, 1954 was a “day for justice” that wiped “segregation and humiliation of an entire race” from the American landscape. The President then said with great emotion that the rule of Jim Crow dictated that “color of skin determined where you could get a haircut and who you could fish with.” This comment by President Bush has been dramatically raised in light of the decision to exclude “non-Indians” from the Ute Sundance this year. Isn’t it extremely pitiful that our own so-called “spiritual” Indians and medicine men set a rule for an indigenous religious ceremony intended to pray for healing and compassion toward “all our relations”? The damnable rule of exclusion from the Ute Sundance originates from the same kind of dark closet that racial segregation and racial hatred toward Black Americans came from that the President condemned in his speech in Topeka last month. I am offended that anyone who claims to believe in the Great Spirit, a compassionate force who requires our love and compassion toward our own Native People, would lower themselves to a point where they become willing participants in the old well-worn game used by our enemies to get our own Indians to continue the entire charade called the “Ute Partition Act” that keeps on hurting and dividing our own tribal people. The kind of racially based rule that will result in the exclusion of many of the illegally terminated Mixed-blood Uintas from the Ute Sundance this year is nothing but a mockery of what these deeply spiritual ceremonies are intended by the Great Spirit to accomplish - Healing and Togetherness. The President called the Jim Crow laws that legally allowed Black segregation a “codified cruelty at the service of segregation.” This same description can be applied over 50 years after the *Brown v. Board of Education* decision toward the Ute Partition Act - it too is a “codified cruelty at the service of segregation.”

Toward the end of President Bush’s speech, he spoke of the courage of the children involved in the *Brown* case and whose battle in the federal courts against forced segregation in schools changed the landscape of American society. He said that on “May 17, 1954, a system of racial oppression in America lost its hold.” He also said “Yes, this is the United States and, yes, there is a reason why I salute the flag - a place where the oppressed can stand their ground and win their case.” We will soon see if President Bush’s last statement about the oppressed standing their ground and winning their case has any truth in America society.

Iraq.

Once again, the matter of national and international concern over “American values” was shoved into the spotlight over the mistreatment and torture of Iraqi prisoners by our own military troops. I heard many commentators try to explain why common and average Americans who came from “small town” America could do such things to other human beings who were at their mercy while in chains and blindfolded. Get a grip on all of this my fellow Americans. Look what happened in Utah and the United States Congress against the Mixed-blood Uintas in 1954 when Black Americans had their chains taken off by the *Brown v. Board of Education* decision. Look at the federal public servants who lied to Congress by telling Senators and Congressman that the Mixed-bloods *willingly* gave up their Indian identity and voluntarily handed their UDC shares over to non-Indians. These lies and misrepresentations that the Mixed-blood Uintas voluntarily asked the federal government to strip them of their souls, identity and land achieved the passage of the UPA. Over the passage of

50 years, the Ute Tribe and others who absconded with the terminated Mixed-bloods' land and legacy have actually began to believe the endless parade of lies and fraudulent misrepresentations made by federal civil servants beginning in the early 1950's. By refusing to see the true picture that the termination of the Uintas was forced and not willing, the Ute Tribe and the non-Indians can comfort their consciences and continue to enrich themselves at the expense of what was originally stolen from the *Felter* plaintiffs though the evil piece of federal legislation that stands for nothing but pure racial hatred against Americas' own original Indigenous Uintas. Yes, average Americans just like you and me can engage in unspeakable humiliation and torture other human beings *when the circumstances allow for such inhumane and callous behavior*. Similarly, average Americans just like you and me had no problem in engaging in shoddy, immoral and unconscionable dealings with the terminated Mixed-blood Uintas many of who were forced to sell their UDC shares to feed their families *when the circumstances allow for such inhumane and callous behavior*. Just ask any of the non-Indian UDC shareholders. The UPA was enacted into law at a time *when the circumstances allowed for such inhumane and callous behavior*. *Federal policy supported "termination."* Now, the UPA can't be reversed by the same Congress that enacted this evil racially based piece of dishonorable legislation since the Ute Tribe and other undeserving parties have gained immense economic benefit from their wrongful takings and they will fight to their death to hang on to their ill-gotten gains. This is why they will never admit the truth of the matter that nowhere is there proof that the Mixed-blood Uintas willingly gave up their identities and their land. We must pray for these poor pitiful and pathetic souls who have fallen victim to the Ute Partition Act fallacy and now believe that what the U.S. Congress did to the *Felter* plaintiffs in 1954 was just fine.

As we await Judge Robert's decision in our case, we must all put all of our collective energies to reflection about "American values" in the context of why the federal court system eradicated the legacy of racial segregation in 1954 while that same court system permits itself to perpetuate and justify the evil that remains on the books in a Nation that holds itself out to the international community as treating its minorities with justice and equality.

In closing, I want to stress that everyone of us involved and committed to the *Felter v. Norton* case need to remember all of the original 490 who have gone on to the Spirit World and who are here in Spirit on Mother Earth to help us on our difficult Journey for Justice. In the middle of all the controversy that comes and goes in this case, I certainly appreciate all of you who have diligently stood tall by our side and not "strayed" from our mission of seeking justice for what was taken away from the Uintas by a malignant piece of federal legislation, the UPA, that must be wiped off the books of our Great Country. I ask all of you to pray for intervention of the Great Spirit as we continue our Journey for Justice and wait for Judge Robert's decision.

Remember: "We speak the language of social justice and spiritual truth against liars, thieves and hypocrites."

