

## Counsel of Record Report #8

As we are all aware, U.S. District Court Judge Roberts has not yet rendered his decision in our federal civil action, *Felter, et al. -v- Norton, et al.*, No. 1:02 CV 2156 (RWR). The U.S. District Court, District of Columbia, is a court where many civil actions of major proportions are filed against the United States government. Many of these federal civil actions seek to question various aspects of the federal government's legal duties and responsibilities in administering Acts of Congress such as the Ute Partition Act. Other plaintiffs sue the federal government over interpretations and applications of the Constitution and its Amendments. Because of the typically high level of complexity of these cases filed against the United States, the Judges presiding over cases pending in the District of Columbia have a difficult and extremely burdensome responsibility in dealing with the various aspects of litigation in each case before them. This is only one reason why it has taken so long for the Court to render its decision.

In our case, we may just be waiting in line while Judge Roberts and his law clerks diligently handle other cases that have priority because of their filing date. It could also be that Judge Roberts realizes the extreme significance of our case and wants to thoroughly review the opposing parties legal briefs and conduct a very methodical analysis of the law cited by the parties and compare that law with the facts alleged in the Complaint. Even if the Court is currently working on the federal government's motion to dismiss in *Felter*, Judge Roberts must allocate adequate time to deal with all of the other cases that have been assigned to him. Indeed, justice can be very slow in coming, as you all know. I am hoping that Judge Roberts will see the *Felter* case as a very significant federal civil action that seeks to resolve a long overdue controversy over the failure of the United States, acting through the Department of the Interior, to implement the Ute Partition Act as intended by Congress.

My only advice at this moment is to pray that Judge Roberts will let our case live and see the light of day and not dismiss it as the United States desires. Those who took great and unconscionable advantage of the 490 terminated Uinta's want to see the case dismissed so they don't have to give up their ill-gotten gains or be called on the carpet for letting it happen right under their noses and on their watch. They want to see the victims of one of America's Darkest Chapters of History, i.e., an Experiment in Racial and Cultural Genocide called the Ute Partition Act, all die off so no one will ever speak again of the injustice that happened in Utah beginning in the early 1950's. That sickness, a malignancy called "termination" spread throughout "Indian Country" until President Nixon finally condemned it as a failed federal policy. I have always said that the only reason the Uinta's have not been restored to federally recognized status is that someone will have hell to pay for the damages done to the terminated Uinta's.

You have very powerful politicians in Utah who do not want any degree of light to be shed on an injustice that will put them to shame in the eyes of the International Community. If legislation were to reach Congress asking for the restoration of the Uinta Band as a federally recognized tribal sovereign, these federal and state legislators would

cringe in fear of its successful passage. This is why they will also fight to keep the idea of legislation locked away in a cold desolate back room like an abuser keeps his or her victims out of the view of anyone who might see that something is very wrong with the picture of wholesomeness and happiness painted by them to the observing public. This is hypocrisy in its most extreme state.

We must also pray for the health of our Elder plaintiffs who have stood ramrod straight with us despite their health problems. I am proud to have stood with them, these Elders, in this battle to correct a legal and moral wrong committed on America's own Indigenous People, the Uinta's.

Please continue to speak to anyone you can about the *Felter* case and tell them to look at our website, [www.undeclaredutes.net](http://www.undeclaredutes.net). Earl Denver has done a very fine and professional job at maintaining the website and the latest numbers of visitors shows that we have gotten the word out about our efforts to the public both here and abroad. We can't let up on publicizing all of our efforts to reverse, by judicial action, the most evil of laws ever passed by the United States Congress, the Ute Partition Act.

In closing out this Counsel of Record Report #8, I deeply appreciate the efforts of all of you who have made a personal commitment to become plaintiffs in *Felter* and who have paid in full to sustain the cost of keeping our hopes alive that the American Justice System does mete out justice when the situation demands. I hope to personally see all of you very soon with good news from Judge Roberts!

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