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# Mixed Blood's Direction

*A Newsletter for The Plaintiffs of Felter-vs-Norton*



## From My Heart and in Response to Judge Roberts' Decision

Dennis G. Chappabitty, Attorney at Law, OBA #1617

U.S. District Court Judge Richard W. Roberts issued his Order dismissing your case on January 27, 2005. In his Memorandum Opinion explaining his dismissal he stated: "Because plaintiffs fail to allege any acts within the six-year statute of limitations, defendants's motion to dismiss will be granted." Judge Roberts decision is extremely disappointing to me as your Counsel of Record in Felter v. Norton. We have waited since November 26, 2003 for his decision on the

federal defendants' motion to dismiss the Felter complaint. Our anticipation was flavored with great expectation that the United States Federal Court system would finally give you, as terminated Indians, some measure of justice so your case could proceed to trial. The terminated Uintas remain as the only Tribe among the first group of terminated Tribes who have not been restored to federally-recognized status by Act of Congress.



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When I became your attorney, I knew that we would have a difficult battle against the federal government, State of Utah, the Ute Indian Tribe and very powerful organizations whose only mission was to make sure that each of you would never get back your Indian identity. We nonetheless went forward with meager financial resources and absolutely no help offered by anyone outside of our plaintiff group. We had nothing but our moral convictions and spiritual beliefs that we could make a difference and vindicate the terrible wrongs done to the terminated Uintas in the federal courts.

While representing your legal interest in Felter, I was comforted by the courage and enthusiasm that each of you put forth in our "Journey for Justice." We have walked together in protest and written numerous letters to many sympathetic persons about the truth of what happened in Utah. Earl Denver has dedicated his technical knowledge and webmaster expertise to keep "The Mixed-Blood Uintas of Utah" website up and continuously operational. I watched a group of proud and courageous Uinta Indians all come together as a "force" committed to fight for the restoration of your Tribe and your Indian identity. What was done to you remains as a shameful monument to the United States of America's dishonorable treatment of an indigenous Indian Tribe that was the victim of racial and cultural extermination by an Act of Congress. We must remain united to tear that monument down if this Country expects to hold itself out to other Nations as a "model" for respecting the human rights of its own original inhabitants.

I look at Judge Roberts' decision as just one more obstruction put in our path that must be overcome one way or the other. I have had a great deal of discussion over the past few days with Oranna Felter on the decision to dismiss your case. I told her that I cannot give one ounce of comfort by giving up to those unscrupulous cowards who took your identity and land. I told Oranna that I would never waiver in the face of only one

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### Latest Plaintiff's that have passed on since our last edition:

Dennis Reed (No known address)

Sharon Harris, wife of Buddy Harris  
634 south 900 west, Salt lake city, Utah 84104

loss in a long battle for legal and social justice.

We are moving on and I expect our members to stay solid and united to the end of this battle, no matter how long it takes. I am angry that Judge Roberts' decision will be seen by the unscrupulous cowards as giving them a victory. All of our enemies must understand that we will continue to stand united and stay rock strong in support of the fight to the end. Some of you may decide that you are not willing to remain beside those of us who will keep the faith and go forward. I thank you for your efforts and comradery.<sup>1</sup> If we do not hear from you we will assume that you are staying with us.

### Our Direction

I urge each of you to obtain a copy of the decision and read the decision against the facts we alleged in the Felter Amended Complaint. I will be working diligently to analyze Judge Roberts' decision for the purpose of determining whether "good faith grounds" exist for an appeal. Until I am completely comfortable with my professional analysis of the decision, I will not be able to make a decision on whether to appeal. Appeals cost time and money and your financial contributions will be very important in the event we decide to file an appeal.

I duly advised Oranna that appeals of decisions like that of Judge Roberts always have a certain amount of risk with nothing guaranteed. A decision to file an appeal of an adverse decision by a U.S. District Court Judge is always difficult and such a decision cannot be taken lightly.

Those professional fees and cost associated with the filing an appeal in the federal court of appeals in a case of this nature is usually around \$ 7,500. These are my estimates only.<sup>2</sup> These fees and cost include all research time by the attorney, drafting the Opening brief and the Reply brief, filing fees, printing, binding and mailing. This type of effort is very intensive in time as the attorney must make sure the appeal is well-grounded and filed for the proper reasons. A great deal of advance preparation must take place before the appeal is filed.

For these reasons, I am asking each member to send in \$200.00 or more as soon as possible so we can begin preparations for get the appeal going. There could be the need for more funds down the road. For all of you who have not paid anything, you need to get your original amount in right now and show your commitment toward the case.

The Federal Rules of Appellate Procedure require that Notice of Appeal from a Federal District Court decision be filed not later than 60 days after the decision becomes final or March 28, 2006.

I will keep you informed about what direction we intend to take in our quest for justice. We will not rest for the sake of our "Spirit People" who will know that we fought on and against all odds to recover the most valuable stolen treasure from the thieves and corrupt hooligans - your Uinta identity and your Land.

Dennis G. Chappabitty

<sup>1</sup> Please contact Oranna Felter and she will remove your name from the list of plaintiffs.

<sup>2</sup> Fees for an appeal can vary depending on the familiarity of the attorney with the case.



## FACE'S

Commentary by: Oranna B. Felter, Lead Plaintiff, Felter-vs-Norton.

As I sat here today at my computer after Praying and Smudging, because I know in my heart that I need to touch base with you my people. The Plaintiffs of Felter v. Norton.

We know that there are many "Faces" that access our website and read our Newsletters who are deeply concerned about our case. Many Native American Brothers and Sisters from across this Great Land are praying for our cause and us for justice. Then there are groups of individuals who hope we will fall on our "Face", such as B.I.A., State and Local Government Officials.

I looked on the wall at my Great Grandmother's picture. As I looked at her, I asked "what can I say to my people... to our people?" Then, the thought came tome of what I would say. Looking at the picture of my Great Grandmother, I see a strong Elder of Native American

Descent. I see the deep lines of age and knowledge imbedded in her "Face". I see the black scarf that is tied around her pretty and totally "Sliver Hair"... and eyes that are piercingly dark brown, but full of sadness.

I look across my office room and see another picture of Grandma sitting in her Native Dress, wearing blue and white beads and a beaded headband. I sit and look at the picture of my Grandmother and ask myself "what the hell did termination do to this beautiful Native American lady? I think of how she suffered after termination and like Nola Zuniga her Granddaughter that she raised put it "Mary's Heart and Spirit was broken". She could not understand that her relatives within the Uinta Band would no longer be her relatives, and that her own life would be changed of

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forever. No longer could she go into her Uinta Mountains that she loved, to camp, pick berries, fish and dry meat. She wondered if when her time to walk the "spirit road" comes, would she be permitted to "lay in the ground where the Blood of her Ancestors was spilled?" She died at the age of 102 still waiting for things to go back to the old way.

I look around at all of the members on our case... I know most of you by "face"... I knew the "faces" of your Families... These are all our "Spirit People Now"... I see "Grandma Sarah Hackford "face" a proud little woman. With a big smile on her face, but smart as a whip". Now gone. I see Clarence and Winnie Harris, "faces" that hoped for a better tomorrow... now gone...

I see Quintin Kolb "face" who wrote me and told me he hoped so bad we would win our case... now he's gone. I see Edith Denver Oberhansly Gardners "face".. Who always told me the "Angels sent Dennis Chappabitty to us! That we needed to stay "united" and we would "win" now gone...

I see Anita Reyos "face" and Dot Hendricks "face" fighting on the Reyos Case. Setting on the Affiliated Ute Board of Directors with me... now gone. I see Melvin Reeds "face" coming to my house to ask me to make him Ribbons for Sundance, calling me his little sis... now gone. I see. "Lorraine Reed Nielson" with her breathing machine. But hope in her voice and eyes for a better tomorrow... she's gone... I see the "faces" of my Mother, Elizabeth, my Sister Marleen and my Brother Reggie, "faces" of my Grandparents, Oran and Della Curry... gone. I see the "face" of Kolen Sixkiller Martines. . A descendent, who was so faithful in attending the meetings... and having such great hope of being who she was, "Native American Indians" now gone. I see Dennie & Lura Reeds "Faces" walking in the Spirit World with Stacy and Elsie Reed their parents. I see Joan Caudell's "Face"... Kenneth Hackford.."Face".. and Elmer Hackford's "face", Elmer being the last of the very first original Affiliated Ute Board of Directors. Sitting "laughing and teasing as he always did..." encouraging everyone to go with Dennis. Now gone. I see a little man's "face" crying as I interview for this case... "Alvin Denver" one of our Lead Plaintiffs... whole life was this case... he died with hope in his heart for a better life for his children and grandchildren... These are a few of our "Spirit people..." who are depending on us... to carry this through. We will refuse to let these spirit people down... they are part of us... we are part of them. And they will be there for us! Soon they will be able to rest in peace.

I see the "proud faces" of our Sundancer's many of who are members of this case, as they walk toward the Sacred Corral to Pray for everyone and hope we will have better lives and come together as a united people. The "Faces" of our Sacred Sweat Lodge people praying.

When we started Felter V. Norton. I saw the proud people come forward. To help carry this case forward... I saw the "faces" of all of you who was filled with "hope" and a determination that nothing would stop us.

As the years passed by waiting for the Judge to come

down with a decision... I could start to see in your "faces" and looks of discouragement, and loosing focus. Then when we got the decision, and the judge ruled on the "Statute of Limitations" which meant, we weren't any better off or any worse off than when we filed our case in 2002... I seen the "faces" of disappointment... hurt...tired...and discouraged.

I watched the "faces" of my loved ones... as I myself knelt down by my husband and buried my face into his shoulder and cried... I seen the "faces" of my own children and grandchildren filled with disappointment. The "faces" of my co-workers. Cal, Sonny, Earl, and I know Dennis. We poured our hearts and souls into the Felter Case... spending countless hours working, preparing Newsletters, Pow Wow's, meetings, raffles, walks, letters, e-mailing, printing flyers, going to rallies, news paper meetings, correcting news reporters, giving speeches, being on the "talk radio shows, studying papers, preparing letters to send to senators and congressmen etc. The list goes on and on. Three years of our lives waiting and waiting, working and working... we were as heartbroken as anyone else was.

When Dennis emailed after going over the decision and talking to Cal and I back and forth and said he was going to Appeal the decision. I was so grateful! I should have known he would. Dennis is not a quitter. I have much trust and admiration for this "Indian man" that Grandfather sent to help us. He is one of a kind.

Dennis had me send a report to each of you titled: "FROM MY HEART" after the decision came down. Dennis told you in that Report that he had seen a group come together with "courage and enthusiasm". He told you we had "walked together" and "written letters together." as he watched a group of "Proud" and "Courageous" Uinta Indians come together with "force." committed to "fight" for the restoration of our tribe and our identities. He told you we must remain "united". He also told you his fees to do the appeal would be approx. \$7,500.00 and asked "Each of the members to send in \$200.00 or "more" as soon as possible so we could begin preparation to get the "Appeal" going. He also told you there could be the need for more funds down the road and for those who have not paid your original amount to get it in. "which you agreed to do when you signed on the case, with the donate and 'pledge'". I was thinking as I write this... How many times has Dennis asked members of the case to please help?

How many of you have helped? How many of you have sat and waited for someone else to pay your way? How many of you can find every excuse in the book not to help? "Believe me I have heard them all." I know our members and we know who has done what Dennis has asked. We know the ones that say. 'Oh, we'll get ours in" and we never hear from them again. I know the ones who drive big fancy cars and four wheels drive pickups... and live in modular. And new homes. and haven't paid.. and are riding on the backs of other members. I saw the "faces" of the ones who are dedicated to helping this case. The ones who have donated and kept the case alive... should be proud and know you are appreciated! Our members who haven't done their part should be "ashamed" as they haven't done what was asked

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of them... this is not the Native Way that our Spirit People would be proud of. When called upon you help. With faith and gladness in your hearts that you know you have done your part. I see the faces of our members who get extra funds running to places like Wendover, Mesquite, Salt Lake, Las Vegas, etc. and not helping to do their share that is asked of them...not thinking about "tomorrow" but only of today... I see the "faces" of our members who still own UDC stocks and are being paid big dividends every 3 months. I hope you will find it in your hearts to help, just a little more, where most of our members have nothing. This will make you feel good inside and you will be blessed for it.

Now my People as I come before you. I ask you to "come together". "To be strong" "to have faith" in our Attorney... to have faith in the ones who are working for you. Encourage your Children not to leave the case... this is not only for the original identity etc. its for them! They have to learn to stand strong... stand beside us... we are in a battle for our lives, our identity, for our spirit people, for the unborn babies... We're not "Quitters". The Descendents needs to hang tight... and know we are all being tested...They need to "Stand Tall" by their elders and help in anyway they can. This is a good learning for the descendents. They need to know nothing comes easy. "QUIT" and you will be falling toward your enemy... "STAND UNITED" behind one of the best Native American Federal Attorneys there is... and we will "win." "They Won't!" We will fight to the end... We are "Warriors and Warriors" do not give in to the enemy, if it takes us another fifty years of battle!

I am going to call for a "Spiritual and Come Together Rally" soon... for all of our case members. I want you to get focused back to what this whole lawsuit is about...It seems to me that a lot of the members are focused on "how much money" its going to cost them, instead of what the outcome could be for them. Get your Copy of the Complaint that Dennis filed in Washington D.C. out and read it, focus on it, keep it in your mind as we go forward.

From this point on, I'm asking you to think only "positive thoughts" about our case. No "Negative thoughts." Don't become impatient. Look at the Cobell case. It has been a long haul for them... but slowly they are winning! Federal Court has Come and gone... Its time to move on! Do what Dennis has asked get your asked donation of \$200.00 in immediately... get writing letters to senators and congressmen... government officials. Senate selects committee on Indian Affairs. State and County Legislatures... try and get on Talk shows... spread the word we are moving on... on our "Journey to Justice." and ask them to follow us and help us.

When I see each and everyone of your "Faces" at the upcoming Rally.... I ask that you be "Proud" of who you are, where you came from and what you are fighting for. I want to see "determination" and "Confidence"... "Pride"... and "Honor" in your "faces". I want to see the glow

back in your "Spirit"... and when our "Drum Group" sings our songs... I want you to feel the "beat of the drum in your heart... and know it was your ancestors that put the beat there... and it'll always be there".

That's why its so very important that you be there... representing you... and your ancestors... Dress in Native Dress... become who you are... but if you can't come in native dress... come anyway. You're a big part of this case. You're important.

I ask there to be "Prayers" and "Smudging" continually as we move forward back into our circle! I ask for your prayers and support for Dennis, Cal, Earl, Sonny, and I. that we may stay strong and continue to represent you in the most honorable way possible, and for anyone else who helps our case to be strong.

I ask for "Peace" among our group... Let our Hearts be filled with "Joy and Happiness" that as Native American Indians... we will be strong... We will stay strong... and we will "Win!!"

May Grandfather Bless you, for all our relation.

Oranna B. Felter



**Plaintiff's who are suffering from illness or infirmed:**

Sandra Hackford Asay .....(Battling Cancer)  
P.O box 353, Lapoint, Utah 84039

Bernard Lucero .....(Recovering from Back Surgery)  
P.O. box 319, Neola, Utah 84053

James Murray .....(Recovering from Kidney Stones)  
2564 A Route 2, Roosevelt, Utah 84066

Lajeau N. Richman .....(Lung Infection)  
Route 1 Box 1341, Roosevelt, Utah 84066

Robert I. Russell .....(Heart problems)  
Rt 1 Box 1025, Roosevelt, Utah 84066

Connie Mack Denver JR .....(Stroke and Kidney Failer)  
23393 Gazelle St. Excello, MO. 65247

Naturist K. Nielsen .....(Golden Age Center)  
822 Lagoon, Unit 56-15, Roosevelt, Utah 84066

Mark Hackford .....(Diabetes and Back problems)  
HC 67 Box 105, Lapoint, Utah 84039

We ask that you pray for those listed above and let them know you are thinking of them by sending them a card. Let them know they are not along in their hour of need.

## Letter to Utah Senator Orrin Hatch (R)

February 24, 2006

Hon. Orrin Hatch (R-UT)  
United States Senate  
104 Hart Senate Office Building  
Washington, D.C. 20510-4402

Dear Senator Hatch:

On November 4, 2002, the terminated “mixed-blood” Uinta Ute’s filed an action in the U.S. District Court, District of Columbia, alleging that the U.S. Department of the Interior failed to properly implement the “Ute Partition Act”, thereby illegally stripping them of their “Indian” status. *Felter, et al. vs. Norton, et al.*, 1:02CV02156 RCL. On January 27, 2006, their case was dismissed on the basis of their failure to file within the six-year statute of limitations. We will appeal the Court’s order dismissing the Felter case to the U.S. Court of Appeals.

The termination of my clients by Act of Congress is an ugly mark on the State of Utah that must be repealed. This lamentable episode in history of our Nation has left deep wounds on those originally terminated Uintas that have never healed. The enactment of this genocidal and racially based federal law resulted in non-Indians enjoying the immense profits arising from a corporation, the Ute Distribution Corporation, the majority of its shareholders are “white” or non-Indian. We cannot stand back and allow these non-Indian individuals and corporations to hide their role in this despicable and morally corrupt chain-of-events.

Our government criticizes other nations for their bad human rights records. The socially destructive, backward, and abhorrent policies of Apartheid in South Africa, Jim Crow in the South and Communism in the Soviet Bloc are dead. Yet, this Nations’ fraudulent termination of the “mixed-blood” Uinta Ute’s remains alive as one of the civilized world’s darkest stains where the rich and powerful dominated the weak and intimidated the poor and defenseless Indians.

We are committed to tell the terminated Uintas’ story to all Nations so they will see if our current federal administration is willing to “do the right thing” as a deeply moral, religious, and spiritual Nation based on Christian concepts of fairness and justice.

On behalf of my clients, I am requesting that you express your support for legislation to restore the terminated Uintas to their federally recognized Indian status. We are urging other plaintiffs in the Felter to write similar letters requesting your support against this cowardly act against our own Indigenous People in Utah.

Respectfully,  
Dennis G. Chappabitty  
Attorney at Law



# Special Announcements:

## Newsletter:

After the ruling was handed down by Judge Roberts. It has been decided to start publishing the Mixed-Blood's Direction Newsletter biannually, (every six months). This edition will be the last quarterly edition. The next edition of the newsletter will be published in September, 2006.

This decision was reached after analyzing the monetary situation pertaining to the case. It was felt that under the current circumstances it would be more cost effective to start publishing the newsletter biannually until such time as the case is in a better monetary position.

I encourage each plaintiff to search His or Her heart. I pray you'll come to the decision to continue on with our case.

Help support Dennis in appealing Judge Roberts ruling. This can only be accomplished by showing Dennis you are behind him, willingly supporting Felter-vs-Norton with the finances necessary to carry on!



## National Congress of American Indians

On October 1, 2006 through the 6th. The National Congress of American Indians (NCAI) will be holding it's 63rd annual convention in Sacramento, California.

Dennis Chappabitty is planning on introducing a resolution on getting the NCAI as an organization to support reversing the Ute Partition Act.

Start making plan's to attend the NCAI convention this October in Sacramento to show support for this resolution; Mark this date on your calander as a reminder.

As a group united; we can make a difference, and have our voice's heard; But only if you'll attend.

I encourage each individual Plaintiff to attend this very important event.



## Special "THANKS" To: Dennis & Linda Chappabitty

We would like to thank Dennis and Linda for being there for our people for the last three plus years and for being the most sympathetic, understanding attorney our people has ever had.

Dennis is dedicated to standing up for the ones who have had their lives taken away from them through hook and crook. He stands tall. Never afraid, though him, the world will know the truth about what happened to our people...

### The Mixed Blood's Direction

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Let us know your thoughts and what is happening with the people we all shared our lives with, write and let us know. Write to the Mixed Bloods Direction at the address below or e-mailing edenver@bak.rr.com. We're looking forward to hearing from you...

The Mixed Bloods Direction  
27913 Taft Hwy  
Taft, CA 93268

Thanks to Dennis... After fifty years of "silence" we finally have a voice. Though him, the truth of what happened to us fifty years ago will be told and the wrongs put right!

Dennis is a true Native American Indian. And a proud descendent of the Apache Chief "Cochise". He stands beside us... Speaks for us... And tells the world what happened to us. He is a United States veteran... Has served our county well. And is still serving the most important person there is... "Grandfather" In fighting for the rights of "native American Indians who have fell by the wayside. To lift them up again and let them know... That there is "life" out there. And never to give up... To stand tall and fight for what we've lost... And most important fight for the "spirit people". Who will not rest in peace until this most important "battle has been won...!"

Thanks Dennis G. Chappabitty, "Native American Federal Attorney" and Linda Chappabitty for all you have done for us... We wish you both good health, in body, mind, and spirit.

From all the plaintiffs in Felter-vs-Norton. From all who know you.

We Thank You!

