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# The Mixed Blood's Direction

*A Newsletter for The Plaintiffs of Felter-v-Kemphorne*



## Of Counsel Report #15

By: Dennis G Chappabitty OBA #1617

The purpose of this "Of Counsel Report # 15" will let you know the status of the preparation and filing of the Appellants' opening Brief in Felter, et al. v. Kemphorne, Secretary of Interior, et al.

I filed a motion to extend the time for filing our Opening Brief until Monday, August 21, 2006. This was a two week extension from the original filing date of August 7. By the time you receive this report the Opening Brief will have been filed. At the time of writing this report I am in the actual drafting process of the Brief and you should be informed of what we are dealing with in the appeal of Judge Robert's January 27, 2006 dismissal of the *Felter* Amended Complaint.

However, I have been asked to explain why we are going forward with a campaign to get support for our effort at seeking an Act from Congress to reverse the Ute Partition Act (UPA). You must understand that we have been diligently going through the federal courts to vindicate the fact that the federal government used the UPA to wrongfully take property and monies owned by the 490 that was *vested before 1961*. We are arguing that because the UPA was wrongfully implemented to cause this wrongful taking, the Act was breached and must be declared null and void! If we are right, then the breach of the Act would void it out and return everyone back to their original status they had before 1954.

Arguments on appeal are always very hard to win even in the best possible situation. If the Courts of Appeals agrees that Judge Roberts decision was correct, then we lose. We started our effort at getting tribal support by letting everyone know that we are going to present a Resolution to the National Congress of American Indians Grand Assembly to demand that the U.S. Congress repeal the UPA. We began this effort months ago with Oranna spending many hours of her own time printing and mailing thousand's of letter of support to those plaintiffs listed on the *Felter* Amended Complaint and to hundreds of Indian Tribes, plus individuals both Indian and non-Indian, asking for their support. If we wait until the Court of Appeal makes a ruling on our appeal it could be several more months down the line before they make a ruling. Because there is always a great risk that we will lose our appeal, we are forced to begin efforts to let the public know we want their help in petitioning Congress to reverse this evil law of extermination. Otherwise, we lose valuable time in seeking public support for our cause. We simply cannot wait on a decision to keep the ball rolling on getting support for an eventual repeal of the UPA by Congress.

If we persuade the Court of Appeals that Judge Roberts decision was wrong, then the Court will return the whole case or part of it back to Judge Roberts for more proceedings on the merits. You must understand that it is rare that a Court of Appeal reverses the district court judge's decision on lack of subject matter jurisdiction and send the case back to him for action on the "merits" of the complaint. In other words, even if we win before the Court of Appeals it does not mean we "WIN" the case with no further action required.

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If you think all of this sounds complicated, you are right! For those of you who have taken the time to read Judge Roberts decision dismissing the *Felter* Amended Complaint, I doubt that you are able to comprehend all of the legal technicalities involved in his January 27, 2006 Order. Even as an experienced attorney with many years of practice in federal court, I can say that understanding why Judge Roberts ruled against us the way he did has taken many many hours of sitting down and reading the complaint over and over. It has taken many more hours in researching the law he based his dismissal order on and to read over and over all of the contents of the Amended Complaint, the United States' Motion to dismiss, our Opposition to the Motion to Dismiss and the United States' reply.

In drafting the Appellant's Opening Brief, I'm required by the Court of Appeals to be 1) clear, 2) cite the record and legal authorities fully, fairly and accurately and in particular cite to controlling D.C. Circuit Law, and 3) be concise. This means in simple terms that I cannot submit arguments "out of left field" that is not already in the record of the proceedings before Judge Roberts. Many clients do not understand that their attorney on appeal is firmly restricted by rules of the court of appeal to stay within the record of district court proceedings and not go outside these definite boundaries.

Often, clients read the opening brief with the expectation that their attorney will deliver a "fire and brimstone" argument for the court of appeals to "bring the thunder out of the heavens and smite the evil-doers dead." When they read a brief that is "clear", "concise" and within the record, they become disappointed because they expected something more. This is not how the federal appellate process works. As a full member of the Court of Appeals for the District of Columbia Circuit, I'm ethically bound to adhere, to follow the Local Rules and prepare your Opening Brief in compliance with those Rules.

The drafting of your Opening Brief involves a very time-consuming, tedious and difficult examination of everything in your case so I can maximize our efforts at getting Judge Roberts' Order of Dismissal reversed in whole or part. The fact that we are dealing with a very difficult legal issue involving the technicalities of Federal Rule of Civil Procedure Rules 12(b)(1) and 12(b)(6) require a very clear "on point" discussion of legal issues as viewed against the allegations contained in the Amended Complaint. I'm also duty bound to make clear and concise argument against the Judge's decision and insure that each of those arguments identify the basis for the argument that is contained in the record. This requires me to check and cross-check to insure my arguments originate from something that we, the United States defendants or Judge Roberts stated in all of the documents in the record. Unless you know the process and follow it to the tee, you would go crazy trying to understand what to do so you make good arguments asking the Court of Appeals to reverse the Order of Dismissal.

You must also understand that drafting and filing Opening Briefs on appeal require many hours of printing, 2

copying and binding the documents in 14 bound copies with one bound original. I must collect relevant documents and compile them into an "appendix" and deliver to the Court of Appeals 11 of these copies not to mention copies for the United States. All in all, this is a very tedious job even when the issues are restricted to a limited district court record.

I wanted to let you know in my Report the details of the situation and what efforts I'm required to engage in to advocate for your interest to the best of my ability. I have many hours left in finalizing the Opening Brief and Appendix. While we wait for a decision on our appeal, I urge all of you to continue your efforts at asking the public and your local U.S. Congressional members for support.

Without a doubt, I will have my hand full researching and drafting the Appellant's Opening Brief and Appendix. There is a great deal of work that must go into finalizing a legal brief on appeal and making sure all the legal issues are adequately addressed. Recently, we have initiated a very intensive letter writing campaign to seek support from the Indian Nations in the United States and Canada. Around 1,200 plus individual letters have been sent out by Oranna and over half of those were to case members. I understand that most of our case members did not take the time to fill them out and get them back to her when Indians all over the United States have sent in their letters. **GET YOUR LETTERS OF SUPPORT BACK TO ORANNA NOW!** This effort at seeking support from the public to write letters to their Congressmen and Senators urging them to repeal the Ute Partition Act takes a great deal of time, effort and money.

Another aspect of our "Support" campaign is the drafting of a resolution of support for presentation to the Tribes attending the 63rd Annual Convention of the National Congress of American Indians in Sacramento, CA. The NCAI Convention is scheduled for October 1 through October 6. We firmly believe that the passage of a resolution by the Tribes and individuals attending the October Convention will add pressure on Congress to repeal the Ute Partition Act.

I urge all of you to write your own letter to your Congressional delegation and keep the effort up at educating our federal legislators and the general public about the need to repeal the UPA and restore the stolen identities to all the 490 terminated Uinta's and their descendants! We must have the commitment of each of you to keep up the Battle and help us in this very important public awareness campaign.

One thing is that we cannot give up and let up on our efforts to keep the "ball rolling." I feel that many of you threw up your hands in disgust and frustration when Judge Roberts dismissed our case. I am challenging you to "relight the fires" and let everyone in the Civilized World know we are not going to back down. Let's not give the scoundrels who cheated you out of your land and stole your identity any comfort knowing that we are running away with our tails between our legs. We are not going to back down!

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# Commentary

By: Oranna B. Felter, Lead Plaintiff

I told Earl and Dennis that I wanted to do the Commentary for this Newsletter simply because I felt I should touch base with all of you “my people.”

It’s hard to believe that we filed our case almost “four” years ago, and we are still hoping for a decision in our favor. We can’t give up, Look at the Cobell Case they have been in the Courts for ten going on eleven years, can you imagine how hard its been for them and yet they “hang together.. Never giving up or giving in.”

I catch myself thinking if I had to do it all over again would I, knowing now all the hard work, expense, stress and all of the other things that are associated with a case such as ours. I have to tell you it has “not” been an easy job, and thank goodness for Dennis, He’s been a lifesaver and has worked closely with me in all of the decisions I’m faced with working on the case, and believe me it has been a “tremendous” amount of work. Dennis is always available to give me a helping hand, making sure things are done right. Would I do it again? Yes I would!

After we received word that Judge Roberts had ruled that our case was dismissed because of the “Statutes of Limitations” it was very hard to go on, especially when I seen a proud group of American Indian People loose confidence in a case that is so very important. I was disappointed in our group, especially when I have spent years fighting battles to hopefully some day make things better for us, our children, our Grandchildren and our Ancestors.

I’m one of the “Original Terminated 490” and I was here when termination started. I was eleven years old when we were terminated. I’m now sixty-one years old. When I was younger I didn’t know or understand what had happened to us. I had always been raised knowing who I was and living as an Indian. Then when Termination hit the Mixed Blood Uinta’s like a bomb in the Nevada desert in the 1950’s it totally “ripped the hearts and souls out of most of our people.

I watched as our people who were once proud Cattle and Sheep Ranchers and had Lands all over the Uinta Basin; go from being wealthy Indians to hardly having a place to lay their head to rest at night. Termination not only broke their “spirits” it broke our people. Most had to sell their Sheep and Cattle, because Lands were taken that was suppose to be held for summer and winter range. They had nowhere to run their Livestock. Ute Distribution Stock shares were sold for Nickels and Dimes, (when they were worth Millions) or were traded for Grocery bills, Tires, Doctor, Dentist and Hospital Bills. I seen Mixed Blood Uintas loose their homes for taxes, and a lot died because they could not afford to buy health insurance. I watched while some of our people drank themselves to death, because they could not cope with living in two different

worlds, one Indian the other White, and not accepted in either. My Mother was killed in the car she traded her UDC stock shares for. Ute Distribution Stock shares were sold to non-Indians for practically nothing... Non-Indians were so eager to get their hands on the stocks that “Open Bidding” took place in our Courts.

How do I know this, I know this because it happened to me with my Mothers Stock that she inherited from my little Sister, that she still had in her possession when she was killed. The Judge “allowed” open bidding to take place in his courtroom, for my Sisters five shares of Ute Distribution Stock Shares. The highest bidder paid \$402.00 a share, this person was a well-known Attorney from Roosevelt and had represented my Mother on many occasions in legal issues. Where was the Ute Distribution Board of Directors? They were supposed to guard against anything happening like this. There was a Federal statute in place to protect the Stocks of “Original Stockholders” from having to sell their stock for bills, loans, etc. Ute Distribution did not abide by their own Constitution & By-Laws, according to Article V111 and Public Law 87-698 was enacted and approved on September 25, 1962 that stated that UDC stock shares would “NOT” be subject to “Mortgage, Pledge, Hypothecation, Levy, Execution, Attachment or other similar process, when the stock remained in the ownership of the “original owners or their heirs.”

No one was there to protect me, acting as the Administratrix of my Mothers Estate by letting the State appoint me as an Administratrix when according to P.L. 671, I couldn’t obtain my U.D.C. stocks, monies etc. out of my IIM account until I was 21 years old. I wouldn’t be 21 until November of 1965 almost a year later. Where were the Secretary of the Interior and the Ute Distribution Board of Directors? A “Minor Child” was appointed to resume the roll of an adult who had no idea of what was happening, or what the value of the UDC stock shares were. We know now that the stocks are worth a lot more than “\$402.00 a share!!” Today I see the UDC stockholders list with the Attorneys Family enjoying the benefits from the UDC stock shares of my Little Sister that should have stayed in the Bumgarner family. I also see the list of UDC stockholders list with the Ute Indian Tribe holding title to approximately. “874” shares of the Mixed Bloods UDC stock shares, receiving monies that should be going to the Mixed-Bloods.

This is only one of so very many injustices that has happened because of the Governments experiment called “Termination” that has “ripped the hearts and souls out of so many of our people lives for over 51 years!!

Over the last few months I have sent out over “Twelve hundred Letters of support” to you the Plaintiffs of Felter-v-Kempthorne, various Indian Tribes, Individuals, civil

rights groups etc.” I’ve done this alone, without any help from anyone, except Earl who has been posting some of the responses back form tribes, etc. This “Letter of Support” will be presented to President Joe Garcia, President of the “National Congress of American Indians” in Sacramento, CA. in October to have Public Law 671 of the 83<sup>rd</sup> Congress “Repealed” and “Done away with.” We have had so many “good responses” from Tribes, Tribal Members, the Dis-enrolled California Indians, Non-Indians etc. from across the U.S. and Canada.

When I sent the Letters of Support out to “each of you” I asked that you return them as quickly as possible. Very “few” of our members have sent their Letters back to me as requested. This is not a game we are playing, we’ve spent hours and hours and a lot of money doing this Letter of Support, then to have our own Members “Sit on their hands” and not respond is a “Slap in the Face” to me and all the others who work for you, and believe me you are making the Government damn happy by doing nothing.” (We’re keeping a list of our members who send in their “Letters of Support”). We do the work that “each” and “everyone of you” should be willing to do yourselves, we ask nothing except get the letters back as soon as possible. The ones that live here close to me seems to be the worst. We cannot force you to get your letters back... but its time you are helping if you want “your Case” to be won and public law 671 repealed! If you don’t feel this is an “Important enough letter and you don’t want to be bothered, then I feel really sorry for you, and ask what the heck are you doing on a case such as ours? All you’ve had to do is pay your requested donations, in which a lot of you haven’t done and you need to get this in as the case’s monies is running low after expenses etc.

After three going on four years of expense and when Dennis gets called back to Washington D.C. to argue our case, the money needs to be there for him, it costs money just to do this Newsletter, letter writing campaign etc. get your requested donation in if you haven’t done so... don’t ride on the shirt tails of other members...”We’ve heard that some of our members are saying” there is money there, don’t give any more donations”... this is really stupid thinking... as each day goes by and as each of us work on the case, there is expenses that needs to be paid. So little by little the funds are going down, that is why Dennis has repeatedly asked if you haven’t paid your “original amount to join the case.. then please get it paid, and if you haven’t paid the two hundred dollar donation that he requested this Spring please get this in, as quickly as possible. Through working with Dennis the first thing he wanted to do was make sure People across the U.S. knew who we are and what our Journey to Justice is about. We’re almost there but we have to continue to put the word out of who we, what were doing, and what we hope to accomplish. This has been a big job, believe me and it takes a lot of funds to keep hammering away.

I work sometimes until two and three in the morning on this case... do I get tired? Yes I get tired...I’m older I

have a family. Sometimes I would rather be spending time with them...but I committed myself to this case, to you and I will continue to work on it until the end! It would also be nice to hear some “compliments” and “thank you’s” once in a while to us, the ones who keep “YOUR” case going. Do you have any idea the time and money it takes to send out over twelve hundred letters of support and then have our own members sit idly by?

You needs to “Wake Up!!” come to life and get back on track. Start doing what you started out doing...“have Faith and Trust, in our case, in Dennis, Earl, Me and mostly in “Grandfather.” Have faith in your Ancestors, our “Spirit People” who are expecting you to “Stand Up” for them, and generate a “power of pride, determination that will be so strong that it can never be broken.” You said when we started this case you We’re proud to be “American Indian!” Now is the time to prove it!

If you want “nothing to change” “do nothing” if you want changes and see Public Law 671 stripped of its power and sent back to the congress where it was “born.” Come forward and show your support. When Dennis asks for more Donations etc. and I ask for your help, lets see all of our members pitch in and help. What donations you pay is very little compared to the “hours and hours of work that Dennis, Earl, Cal, and I put in on this case. Be happy, generate a radiation that will glow in each ones faces and tell the enemy we will never in a million years give up or give in... we are closer now than we have ever been in 52 years!!

Lets keep the “Fires Burning..” and I will guarantee you we will come out of this winners! Don’t get discouraged, stand up tall, and let the enemy know this loss in Judge Roberts Court only made us stronger! Stand up for the ones of our case who has Journeyd on who are watching to see that we don’t forget them... for “Big Sonny, for Edith D. Gardner” for Lura Reed, for my Mom, my Dad. For all the Moms and Brothers and Sisters, Grandma’s and Grandpa’s, Aunt’s and Uncle’s. Take pride in who you are, their blood runs through your vains. Make them proud, make yourself proud!!

I also want to request that you start using “American Indian” not “Native American.” We are Americans!! We are “American Indians!!”

See you at National Congress of American Indians in Sacramento, CA the first week in October. Earl will have the dates and places listed on the last page.

I love you my People!!! Stay Strong...in Body, Mind, and Spirit ...show me, show Dennis and most important show our Ancestors that “you” have not forgotten them, and “you” never will, this is for them, this is for “you”, and this is for all American Indians to make sure this “Genocide of American Indians” Never, Never happens again in the United States of America! God Bless America!

May Grandfather Bless you!!! And Keep you Safe.



# Mary (Reed) Harris

By: Nola Zuniga

My Christen name is Nola Zuniga; I am called "Saw-Guv" (sage). I'm the Grand daughter of of Mary May (Reed) Harris.

My Grandmother took me as an Infant and raised me as her own. Her Daughter Adiah was sick and unable to care for me. I'm a Terminated Mixed Blood Uinta Band member Roll No. 490.

I'm going to tell the story about Grandmother, the way she told me long ago. My Grandmother told me that she was born on November 7, 1859 in Green River Wyoming to James B. Reed and Margaret "Wy-Vee-Da" Young. She was one of 10 children. They moved from Green River to Browns Park above Vernal, Utah.

Later on her Father moved the family to Whiterocks, Utah, where he opened and operated the "Reed Trading Post." Her young years were spent in learning the ways of her Native Mother. Her young life was a happy one. Her parents were loving but stern with their children. Grandmother had four Brothers and Three Sisters.

Her Father sent her to the "Teller Institute" in Grand Junction, Colorado. It was there that she met Henry Harris, a Northern Piute from Pyramid Lake, Nevada. Mary May and Henry E. Harris Sr. were married and made their home in White Rocks, Utah. They were blessed with Four Sons and Four Daughters. John E. Harris, Della H. (Curry), Clarence (Pamp) Harris, Muse Harris, Henry Harris Jr, Ada H. Zufelt, Mary H. (Denver,) and Lula H. (Murdock)

Grandpa Harris was a farmer, Rancher and also worked for the Northern Ute Tribe as their interpreter. When the Ute's fled to South Dakota, he was the one that went with the Calvary to interpret for them, and when they returned, Grandpa let some of the Ute family's camp under his cottonwood trees at his home until the Government could build Houses for them.

Mary enjoyed "Beading" and she would bead beautiful belts for her Grandsons to wear in the Sundance. She could make almost anything that could be beaded, she also croquet, knitted, and embroidered and was an excellent seamstress, she was very creative, very spiritual, and in a matter of a few hours could cook enough food to feed an army. She believed and lived the "Indian way" she knew how to tan hides, dry berries and dry Deer meat. She knew what roots and herbs to gather for medicine and knew how to prepare and use each of them. Grandma was fluent in Ute, Piute, Shoshone and English.

She loved her family and installed in them the values of togetherness. She taught them to love one another. Her family was always her first priority.



Grandma lived peacefully on the Reservation her whole life. Her children grew up got married and had families of their own. Mary loved her Children and her people. Grandma had many stories to tell about her life. If I were to write them, they would fill a book. She told me many things, which I will never forget. She was a pillar in the community; she had a lifetime pass to the Roosevelt Theatre and Echo Drive in Roosevelt, Utah.

On her Birthday November 7<sup>th</sup> many telegrams and gifts would arrive from local Merchants she was known well in both Uinta and Duchesne Counties. She participated in the local Indian Programs, and many times rode in the Parade. She was an inspiration to her grandchildren, who called her "Grandma." Her Great-grand Children all called her "Ole' Grandma", she has many descendents named after her. She was the backbone that held the family together.

She never got to see the effect that "Termination" did to her loved ones, but when She learned from her children that they would no longer be considered Ute's of the Uinta Band, because white men in the east, in a place called Washington D.C. said that she and her family could "no longer live life as they knew it. Her Heart and Spirit was broken. She could not understand that her relatives within the Uinta Band could no longer be her relatives and that her own life would be changed forever. No longer could she go to the Uinta Mountains that she loved so very much to camp, pick Berries, gather Herbs, hunt, fish and tan Hides. What would happen to her and Her family? She now wondered if when her time to "walk the Spirit Road" would come, would her Robe, (body) be permitted to lay in the ground where the "Blood of her Ancestors" was spilled, and it grieved her to think about it.

On June 27, 1960 Grandma laid her robe (body) down to walk into the "Spirit World" at the age of "102". Mary was laid to rest beside her Husband in the Ft. Duchesne Cemetery on the Uinta Indian Reservation.

It is 2006; 46 years later and I know that Grandma's spirit is strong and is around all of her family, especially me. I can feel her close by everyday. She will always be around her family to help them through the many struggles and hardships in this life.

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Our NCIA efforts will take money to achieve our goal in Sacramento. Those who will be attending the Sacramento Convention with me to convince the Tribes that we need their support must rely on you to continue paying so we will be successful in October. Cal, Oranna and Earl who have spent many many hours on the case will be attending the NCIA Conference with me and it is because of case funds are starting to run low that they will be paying their own way on an important part of the case that should be paid by funds sent in by you. You need to help all you can, regardless of what someone says or how much you have paid. If anyone has extra funds, we could use it and the ones who haven't paid their initial amount and their requested two hundred dollars need to get their funds in immediately!! Even though Cal, Oranna and Earl will be paying their own expenses to get to and from Sacramento on this important Mission, we will still have other important things like flyers, posters and other informational material to hand out at the NCIA Conference. This cost money!

**PAY YOUR DUES ASAP! DO NOT GIVE UP! STAY WITH US IN THIS MOST SIGNIFICANT BATTLE TO REVERSE A LIVING AND BREATHING GENOCIDAL ACT OF OUR OWN U.S. CONGRESS.**

I remind you that I am a direct descendant of the Warm Springs Chiricahua Warriors, Women and Children who suffered the same mistreatment when they were captured and sent off in railroad box cars to the deadly heat and humidity in Florida and Alabama. Many of my Chiricahua Relations died along the way and they are buried far and away from their Southwestern Desert Home and Strongholds. It was because of my own personal and undying hatred for what was done to my Great-Grandfather, Nico Pas and my Grandmother, Minnie Nicholas, that I became involved in your case. I wanted to be part of a legal and Congressional effort to eradicate and stomp out an evil Act of our own U.S. Congress that has caused so much damage to those terminated members of the Uinta Band. I feel badly when key plaintiffs like Oranna B. Felter, Cal Hackford and a few others that are out there with such personal dedication to every aspect of this Sacred Battle and they don't get the highest level of moral and monetary support from each one of you.

It's because of my Chiricahua ancestors that I am here on this Earth fighting this battle with you today. These Apaches faced a deadly foe, made very tough decisions and it is because of their standing together over a hundred years ago in battle that I carry forward with each of you. Once we break apart and lose out Spiritual direction and energy, then the thieves and scoundrels who call your land their own know that Utah's own dirty little secret will remain hidden.

**STAND UP AND WRITE THOSE LETTERS OF SUPPORT! REACH DOWN INTO YOUR HEARTS AND SOULS AND ASK YOURSELF IF YOUR FAMILY MEMBERS WHO HAVE GONE ON TO THE SPIRIT WORLD WOULD WANT YOU TO GIVE UP!**

Dennis G. Chappabitty, OBA #1617



## “A THANKSGIVING PRAYER”

We return Thanks to our Mother, the Earth which sustains us.

We return Thanks to the “Rivers & Streams” which supply' us with water.

We return Thanks to all “Herbs” which furnish medicines for the cure of our disease.

We return Thanks to the “Moon & Stars” which have given us their light when the sun was gone.

We return Thanks to the “Sun” which has looked upon the earth with a beneficent eye.

Lastly, we return Thanks to the “Great Spirit” in whom is embodied all “goodness and who directs all things for the good of her children.”

Iroquois Prayer



## Smoke Signals

Plaintiff's who has passed on since our last edition:

Phyliss (Daniels) Oberhansly, original #322

Richard Garcia, husband of Oreane (Curry) Garcia, original #63

Plaintiff's who are suffering and are in need of our prayers.

Nola Zuniga, original #490,

General Delivery, Roosevelt, Utah 84066, Arthritis.

Allan Craig Bumgarner, original #33

675 West 75 North #52-11, Roosevelt, Utah 84066, Heart Attack and Heart Problems.

Bette (Oberhansly) Springer, Daughter of Edith (Denver) (Oberhansly) Gardner, original #321.

If you know of any plaintiff's who are sick. Please inform Oranna or Earl. We ask that you pray for those listed above and let then know you are thinking of them by sending them a card. Let them know they are not along in their hour of need.



# From the Desk of the Publisher

By; Earl Denver

## Ute Tribe supports Termination

In the August 22, 2006 edition of the Uintah Basin Standard, a letter to the editor was submitted by a member of the Ute Indian Tribe, titled "Terminated Uintahs should not be allowed to reclaim membership." In this letter this Tribal member spoke about a number of issues. I would like to focus and comment on two issues raised in this letter, those two issues are Termination and Tribal Sovereignty.

There are many issues American Indians disagree on, but without exception Tribal Sovereignty and Termination is not one of them. But it seems that the Ute Tribe of the Uintah and Ouray Indian Reservation and its members are an exception.

Termination was discredited during the 1960's and by the early 1970's formally renounced by the federal government. By opposing the efforts taken by those Terminated "Mixed-Blood" Uinta Band members, the Ute tribe and its full-blood member's have demonstrated that they are the only group of American Indians in the United States that is in favor of and supports this discriminatory policy known as "Termination." It is a well known fact that the Colorado Utes have always been envious and Jealous of the Uinta Band, especially those who are labeled "Mixed-Blood."

Now that I've (hopefully) got your attention I'll endeavor to explain! when the Uinta Valley Reserve was established and the Indians of the Salt Lake and Utah Valley's were removed to the Uinta Basin, they were forced together along with the original Uinta's and became known as the Uinta band. Out of this, a new culture was born. The Uinta's culture was more open inclusive and because of this inclusiveness they were able to marry individuals from other Indian Tribes and non-Indians. Due to this intermarriage, over the years from the mid-1860's up to the passage of the Ute partition Act in 1954, those Uinta's became better educated and had a higher standard of living than the Colorado Utes who's culture was exclusive, not able to accept others into their bands which was opposite and incompatible with the Uinta Band's ideology. Unfortunately those full-blood Uintah band member of the Ute tribe have forgotten the true culture of the Uinta's and have accepted the propaganda that the mixed-blood's want to take from the Tribe and this is simply "NOT TRUE"!

Tribal Sovereignty is an issue each tribe has to struggle with each day. Some Tribes are using the issue to suppress individual tribal members from voicing opposition to tribal policy. A case in point is the Pechanga Indians of Southern California who uses tribal sovereignty to keep disemrolled member, who were disemrolled for speaking out on tribal policy, from appealing their disemrollment.

This Uintah band member wrote he supports the effort the Northern Ute Indian Tribe is taking to protect what is left of the tribe's homeland and sovereignty. This person needs to take a look at what the Tribe has done and is doing when the Tribes sovereignty is involved. Another case in point is the on going case of the State of Utah vs. Reber. In this case the Ute Tribe is doing everything it can to abandon the jurisdiction it was given by the 10th circuit Court in 1985, known as (Ute III) and affirmed again in 1997 (Ute V), in 1999 notwithstanding the win's in "Ute III" and "Ute V" the tribe surrendered to the State of Utah all the Jurisdiction it had won. The Ute Tribe agreed to be bound not by the ruling of Ute III and Ute V but by the absolute 1983 (Ute II) defeat, which was overturned by Ute III and re-affirmed in Ute V as mentioned above.



## NCAI Information

NCAI's 63rd annual Convention, October 1-6, 2006 in Sacramento, CA at the Sacramento Convention Center, downtown Sac. Some of us are making the trip and will be in Sacramento on the 5th and 6th. Start making plans now to attend this very important event which will help end the heartache of the original 490 terminated Uinta Band.

On the 6th Dennis will present a resolution to the NCAI asking the NCAI to back a partition to repeal the UPA.

We will also meet with the American Indian Rights and Resources Organization (AIRRO) and will try to join them for a protest rally on the steps of the State Capitol.

Those of us who will be attending would like to encourage each of you to make plans to join us. I know this is a short notice but this is so important for us not to let you know and to ask.



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Grandma is watching and waiting for the effects of the Termination of her people to come to an end. She will be happy when the termination of her family is ended, and they once again regain their identity as "Uinta Band American Indians."

To Grandmother and all the spirits of the Uinta s "A-Ho"... all my Relations.



