

**The National Congress of American Indians**  
**Resolution #REN - 08-\_\_\_\_\_**

**TITLE: Repeal of the Ute Partition Act**

**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under the Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the NCAI was founded in 1944 in response to termination and assimilation policies that the United States forced upon the tribal governments in contradiction of their Treaty Rights and Status as Sovereigns; and

**WHEREAS**, the NCAI stressed the need for unity and cooperation among tribal governments for the protection of their Treaty and Sovereign Rights; and

**WHEREAS**, since 1944, the NCAI has been working to inform the public and the U.S. Congress on the governmental rights of American Indians and Alaska Natives; and

**WHEREAS**, the Uinta Valley Reservation was created by Executive Order of President Lincoln on October 3, 1861 and the Order was further confirmed by Act of Congress on May 5, 1864, when Congress set apart the Uinta Valley for the permanent settlement and exclusive occupation by the “Uintah Band”; and

**WHEREAS**, in 1880, the Whiteriver Band and the Uncompahgre Utes were brought under military escort to Utah where they resided on the Uintah Valley Reservation with members of the Uintah Band who, from the beginning, maintained a distinctly different culture and lifestyle from the other two bands; and

**WHEREAS**, in 1937, the three bands adopted a Constitution, pursuant to the Indian Reorganization Act, under a confederation known as the “Ute Indian Tribe of the Uintah and Ouray Reservation”; and

**WHEREAS**, in the early 1950's, Arthur Watkins, a U.S. Senator from Utah began to force the federal policy of "termination" on tribes nationwide through various questionable tactics and other forms of unethical and unconscionable coercion; and

**WHEREAS**, Sen. Watkins was able to gain, through unscrupulous means, the enactment of six termination laws during the 1954 Congressional Session that targeted the Menominee Tribe of Wisconsin, the Klamath Indians of Oregon, four Paiute Bands in Utah, the Alabama Coushatta Tribe of Texas and the Uintah and Ouray Indians of Utah for termination of their federally-recognized relationship with the United States; and

**WHEREAS**, on August 27, 1954, Congress enacted the "Ute Partition Act" (UPA), Pub. L. No. 671, 68 Stat. 868 (codified as amended at 25 U.S.C. §§ 677-677a (1982)) for the purpose of terminating all three Bands; and

**WHEREAS**, only the Uintah Band of Ute Indians remains subjected to the UPA; and

**WHEREAS**, all of the Tribes subjected to Acts of Congress in 1954 that resulted in the "termination" of their relationship with the United States, have been restored to federally-recognized status except the Uintah Band; and

**WHEREAS**, on July 8, 1970, President Richard M. Nixon sent a formal message to the U.S. Congress renouncing the federal policy of termination and calling upon Congress to take formal action to repudiate this policy that had devastating social and economic effects on many Tribes and their members; and

**WHEREAS**, in its October 1976 Final Report of the American Indian Policy Review Commission, "Task Force Ten", empowered by Congress to study and make recommendations on terminated and non-federally recognized Indians, described "a tribe ravaged and divided by termination, a "recognized Ute tribe subjugated to an impending "termination," and to further aggravate matters, a reservation rich in vital natural resources, such as natural gas, minerals and water; and

**WHEREAS**, Task Force Ten recommended further and immediate investigation by the General Accounting Office into the situation on the Uintah-Ouray Reservation, "involving BIA mismanagement of trust assets, and non-ethical and illegal BIA administrative actions throughout each phase of the termination process"; and

**WHEREAS**, the restoration of the Uintah Band of Utes to its original status as a separate and recognized Tribe is of critical importance to eliminating one of the last remaining federal "termination" laws, the UPA, that has served to the benefit of non-Indians and non-Indian organizations, such as the Church of Jesus Christ of the Latter Day Saints, the

Piper Corporation and the Wayne Hummer Corporation, who, as shareholders in the Ute Distribution Corporation, have reaped immense wealth from this termination law; and

**WHEREAS**, the continuing failure of the United States Congress to enact legislation to repeal P.L. 671 *et seq.* while increasing numbers of the original terminated Mixed-Blood Uintas die imposes circumstances of an extraordinary emergency nature that is national in scope due to the need to wipe out any remaining termination laws while those affected by its provisions are alive; and

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby endorse the repeal of the Ute Partition Act and the restoration of federally-recognized individual “Indian” status to those members of the Uinta Band who were “terminated” by this Act; and

**BE IT FURTHER RESOLVED**, that this resolution shall be the policy of National Congress of American Indians until it is withdrawn or modified by subsequent resolution.

#### **CERTIFICATION**

The foregoing resolution was adopted by the General Assembly at the 2008 Mid-Year Conference and Tradeshow of the National Congress of American Indians, held in Reno, Nevada on June 1-4, 2008 with a quorum present.

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President

**ATTEST:**

Recording Secretary



THE NATIONAL CONGRESS OF AMERICAN INDIANS

RESOLUTION SUBMISSION FORM

Deadline: May 16, 2008 to NCAI Office

Resolution Number: REN-08-\_\_\_\_\_

Resolution Title: Repeal of the Ute Partition Act

Sponsor of Resolution: Dennis G. Chappabitty, Comanche Nation/Counsel for Plaintiffs in *Felter v. Kempthorne*

*(Please include Name & Tribe/Tribal Organization)*

Submitted by: Terminated Mixed Blood Uintas of Utah

*(Member in good standing)*

Contact Person: Dennis G. Chappabitty (916) 682-0575 (voice/fax) email:

[chaplaw@earthlink.net](mailto:chaplaw@earthlink.net) and Oranna Bumgarner Felter email: [mykewass@ubtanet.com](mailto:mykewass@ubtanet.com)

-----**(Do not write below this line)**-----  
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Received by: \_\_\_\_\_

Committee Assigned:

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|--|---|--|
| <input type="checkbox"/> Economic & Finance                          | <input type="checkbox"/> Natural Resources                            | <input type="checkbox"/> Human Resources               |
| <input type="checkbox"/> Housing                                     | <input type="checkbox"/> Trust Lands, Natural Resources & Agriculture | <input type="checkbox"/> Health                        |
| <input type="checkbox"/> Economic Development, Finance, & Employment | <input type="checkbox"/> Energy & Mineral Development                 | <input type="checkbox"/> Education                     |
| <input type="checkbox"/> Transportation & Infrastructure             | <input type="checkbox"/> Environmental Protection                     | <input type="checkbox"/> Indian Child & Family Welfare |
|  |   | <input type="checkbox"/> Disabilities                  |

Telecommunications

& Land Use

Elders

**Litigation & Governance**

**Veterans**

Tribal Gaming

Jurisdiction & Tribal Government

Human, Religious & Cultural Concerns

Taxation

Date: May 12, 2008

Dear Honorable Tribal Council Members, Individual Native American Groups, Spiritual Leaders, Individuals and all Concerned Individuals,

I am writing to you to ask for your support in our effort to restore, through Act of Congress, the members of the Terminated Mixed-Blood Uinta Band to federally-recognized status. In December 2002, we filed a federal civil action to seek relief from the 1954 Act of Congress, the "Ute Partition Act", that terminated our Uinta Band. Our case was dismissed, appealed then remanded to the U.S. District Court, District of Columbia for further action.

The "Ute Partition Act" was nothing more than the most disgraceful abuse of Congressional plenary power that has been repudiated by President Nixon in 1970 when he flatly proclaimed termination as "morally and legally unacceptable." We watch greedy non-Indians and large corporations continue to reap vast wealth from land, water, minerals in the form of oil & gas. They do this by virtue of a massive BIA contrived masquerade that has covered up the fact that nobody has shown any proof where we gave our legal consent at a duly called meeting in the early 1950's to exterminate ourselves. There are absolutely no facts to prove that the vote to terminate the Mixed-Blood Uinta Band members was lawful and in accordance with the Tribe's Constitution.

Our outrage at what this shameful chapter of American history stole from our Proud Uintas has kept us fighting against this injustice. Many of our Elders died wondering why our Congress has not reversed this dishonorable Act. Others languished, dying from feeling of powerlessness and rejection by their own County even though they fought and risked their lives for the freedoms enjoyed by our American Indians today. Termination remains and impacts on our lives and has taken its toll that should serve to shame every Tribe and member of the United States Congress. Undoubtedly, we are in an emergency situation and need your support now!

I can only hope that, through the efforts of Honorable Tribal Leaders and other compassionate Native Americans of principle across Indian Country, we will, in short order, witness official U.S. recognition of this crime against humanity, repealing a sad chapter in American history. We will be presenting a Resolution for passage at the National Congress of American Indians 2008 Mid-Year Conference and Tradeshow to be held in Reno, NV on June 1-4.

I urge you to support our efforts at demanding the U.S. Congress to repeal the Ute Partition Act, a living poisonous relic of an unfortunate era that ended in failure. This profoundly immoral policy must be resoundingly eradicated as a law that has promoted the Genocide of our Uinta Band and theft of our valuable heritage by non-Indians who stole our Uinta identities and gleefully enriched themselves at our expense. We are challenging anyone who opposes our efforts to come forward and let's see why they justify the continuing "murder" of the souls of my Uinta People.

Thank you for your consideration of this matter. Please verify that you received this Most important letter, and that you will support our efforts to "repeal" the U.P.A.

Sincerely,

Oranna Bumgarner Felter

Lead Plaintiff in Felter v. Norton  
"Terminated" Uinta Band Member of the Ute Indian Tribe of Utah  
P.O. Box 465  
Ft. Duchesne, Utah 84026

My Email address is: [mykewass@ubtanet.com](mailto:mykewass@ubtanet.com)  
Please Visit our website at: [www.undeclaredutes.net](http://www.undeclaredutes.net)

"LETTER OF SUPPORT TO REPEAL P.L. 671 OF THE  
TERMINATION OF THE MIXED BLOOD UINTA BAND  
MEMBERS OF THE UTE INDIAN TRIBE OF UTAH"

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TRIBE (IF ANY): \_\_\_\_\_

DATE: \_\_\_\_\_