



Band of Mixed-Blood Utes File Lawsuit Over "Forced Assimilation" Act of 1954



Alvin "Big Sonny" Denver, one of the original terminated mixed blood Utes

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UTAH - Alvin "Big Sonny" Denver, a Uintah elder, had seen and experienced many hardships during his lifetime.

Raised on the Uintah and Ouray Reservation in Utah, he was fluent in the Uintah language and attended government boarding schools in his youth.

He served his country well during World War II and returned to Utah and in 1948 built a ranch for his family on land given to him by the Ute Tribe for his honorable service in the war.

His years of hard work and ranching were literally swept out from under him with the stroke of a pen when the U.S. Congress enacted the Ute Partition Act of 1954. Big Sonny and his family were forced off of their land and his cattle were sold without his knowledge.

That year, the federal government played "the blood quantum card" Against three band of Ute Indians under the guise of an act of "termination" in an attempt to assimilate them into society with the results being clear-cut division between "full-blood" and "mixed blood" Utes.

Two of the bands, the Whiteriver and Uncompagre's, were labeled as "full-blood" because a majority of their members has more than 50 percent of Ute lineage and were able to spare themselves from having their federal recognition terminated.

The Uintah Tribe, which Big Sonny was a member of was comprised of 760 members, mostly children, who were listed on the Ute roll as being full-blood. Of this number, 490 were dubbed mixed-bloods and were terminated because most of them were the products of biracial marriages as a result of their parents marrying Spanish and white settlers or those that had spouse's who may have been full-bloods from other tribes. The mixed-blood Utes were the only tribe in the country that had part of their members terminated.

The government determined that they had less than 50 percent of Ute blood and stripped them of not only their federal recognition, but also of their land and mineral resources.

"I get livid with rage when I see absolutely no one out there (from) NARF (Native American Rights Fund) or Congress or the wealthy gaming tribes giving a hoot about one of the remaining injustices in Indian Country," said Dennis Chappabitty, an Apache/Comanche federal attorney who is representing the Uintah plaintiffs in Felter vs. Norton, a lawsuit brought on by the remaining original terminated mixed-blood Uintah's.

He continued, "Where are all of the bleeding heart Indians who shout out for justice when it comes to my clients? Absolutely no where!"

Chappabitty filed the lawsuit in November 2002 on behalf of more then 250 of the remaining individuals who were part of the terminated band, such as Big Sonny.

The lawsuit claims that the U.S. government, acting through the Department of Interior and the Bureau of Indian Affairs

"willfully, incorrectly, and unlawfully implemented the Ute Partition Act, a federal law enacted to terminate the federal status of each named plaintiff as members of the Uintah Band of Utes,"

Originally, the Ute Indian Reservation was shared by the Uintah, Whiteriver and Uncompahgre bands, which formed the Northern Ute Indian Tribe at the time.

The tribes were targeted by the government for "termination" according to the lawsuit, under the UPA, but because most of the Uintah members had a less than half of the government's "required" blood quantum, they were deemed "mixed-bloods" and were forced to turn over their homelands and assets, even though they were supposedly the first band to inhabit the reservation land.

The Whiteriver and Uncompahgre bands, after being labeled "full-blood" stopped their termination. These two bands had been forcibly moved from western Colorado to the eastern region of Utah in the 1880's.

The UPA of 1954 was designed for the "partition and distribution of the assets of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah between the mixed-blood and full-blood member, and for the termination of federal supervision over the property of the mixed-blood members."

The lawsuit states their assets included "billions of dollars of valuable assets consisting of timber and mineral rights" that were once held in trust by the government for the Uintah tribe.

Land and mineral resources that they once owned were divided between the full-blood and mixed-blood Utes, with the full-blood band getting a "lion's share." The remaining shares were supposed to have been divided between the 490 members of mixed-bloods in an effort to help them "assimilate" into mainstream society.

That distribution of shares didn't happen the way the government intended under the act. According to their attorney, the mixed-bloods lawsuit maintains that the BIA allowed their shares to be sold in an open market to non-Indians entities.

The Ute Distribution Corporation (UDC) was established under the BIA to oversee the distribution of the mixed-bloods stocks. Chappabitty said non-Indian corporations like the William T. Piper Joint Venture and the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints each bought 162 and five shares respectively.

"Many powerful and wealthy local and national organization were able to take what Congress intended for the terminated 490 Uintah's to have to speed them into assimilation," He said of the UDC share allocations. "While the BIA watched, ownership of UDC shares and other valuables were transferred into the hands of non-Indians all with the courts validating these underhanded and corrupt dealings."

The Sacramento, Calif., based attorney explained that the distribution of Uintah assets to the Whiteriver and Uncompahgre bands was another illegal move by the BIA. "This was all done in violation of the UDC and the 1937 IRA-approved constitution of the Ute Indian Tribe." Yet, a long line of court cases have upheld this outright theft of my clients identity, their souls and their property."

After being ousted from his home and land, Big Sonny and his wife Naomi moved around the country following their children to different states. They lived in California for 20 years then moved to Texas to be near their youngest daughter. In 1987, they moved back into the Uintah Basin, where Big Sonny grew up, to live out the rest of their days.

Other mixed-bloods also found themselves in circumstances like Big Sonny's. With nothing to rebuild their lives with, members had great difficulty trying to "assimilate" into white society that didn't want them and had a greater complexity in trying to blend in with a Native heritage where other Indians shunned them because they weren't "Indian" enough.

In a quarterly newsletter published by the mixed-bloods called The Mixed Blood's Direction, Chappabitty submitted a Counsel of Record report to all the plaintiffs to keep them updated on their case. In the report he called the UDC a "sham organization comprised of a majority of non-Indians and non-Indian businesses" and charged that the open market sale of the Uintah shares defeated the whole purpose of the UPA, which was to assimilate them.

After the shares were sold to non-Indians, the lawyer said many of the terminated Uintah's were left defenseless and unable to assimilate into society as a result of being stripped of their land and mineral rights.

He filed the original complaint in 2002 and has yet to receive a response on the judge's ruling. The lawsuit was assigned to Judge Richard W. Roberts of the District Court of the District of Columbia and is still under consideration.

Chappabitty has also written letters to Senator Orrin Hatch (R-UT) and has not received a response from him either. "Senator Hatch has been sent letters for many years by many people to help resolve this despicable chain of events," he insisted. "He has shown absolutely NO desire to help any of my clients. I have written to him and he has not even given me a courtesy response. It is also note worthy that the federal policy of "termination" was force fed and imposed on tribe's in the 1950's and 1960's by the strenuous efforts of Senator Arthur Watkins, a Mormon. It is my position that the termination policy was a religious and faith based doctrine that got to be federal policy through on Mormon, Senator Watkins."

Chappabitty asserted that none of the current Utah Congressional delegation supports the Uintah's case.

The U.S. government filed a motion for dismissal of the case in May 2003. Judge Roberts has failed to rule on the case in the past 18 months. If the case is dismissed, it is to be expected that Chappabitty and the plaintiff's will convene another court battle.

If by some miracle they should win their case, he predicted the restitution would be worth billion's of dollars by now for the mixed-bloods.

His confidence in a favorable ruling is unwavering. "When we win, the Ute Partition Act would be deemed null and void and any transfer executed through that act would become illegal. With billions of dollars now comfortably in the thieving hands of non-Indians, this will cause them to hoot and howl. There is no telling who has UDC stock. It could be the rich and powerful. You never know, it may be federal officials and employees."

From the time that the lawsuit was filed, four original terminated mixed-blood plaintiff elders have passed on. Big Sonny was one of them. He passed away on November 20, 2004, surrounded by doting family members.

The 84-year old man was described by Chappabitty as the "poster boy" for the terminated mixed-bloods because he "exemplified the glaring injustice of the UPA's shameful chapter in American history."

Chappabitty eulogized Big Sonny's plight and the betrayal of the U.S. government against him in the Uintah's newsletter. He wrote, "It is a sad indictment on our Congress that it would blindly ignore the rights of a proud military veteran who willingly put his life on the line in WWII to protect the basic rights and freedom of our citizens that were later stolen from him by the passage of the UPA in 1954."

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