

## **Counsel of Record Report #1** **February 28, 2003**



**It has been 20 days since** our meeting in Salt Lake City. During the time between then and now, I have given considerable thought on what we accomplished by holding this extremely important meeting. The meeting was a resounding success! The local press and a TV station were present and we got a write up in the Salt Lake City Tribune on Sunday, Feb. 9. I am disappointed that the TV station did not air our story. However, we must go on with our efforts at spreading the word about our federal civil action and educating the public about the cruel and inhumane injustice that has left its mark on all of you and stained the reputation and credibility of the United States of America.

**My thanks and gratitude to everyone** who contributed their time and effort to organizing the Salt Lake City meeting and to those who helped our efforts by contributing items for the fund raising raffles! Our heartfelt thanks are given to the Indian Drop-In-Center in Salt Lake City who accommodated us by giving our gathering a very good place to have the meeting.

**The traditional oral blessing and sacred feather smoking** of all those gathered by Darrell Gardner placed the one of a kind meeting in spiritual perspective. The "Cliff Eagle Singers" added a true indigenous theme of spirit and true honor to our meeting. I look forward to hearing them sing a victory song for you and your departed loved ones. My deepest thanks go out to Darrell Gardner and the Cliff Eagle Singers for their sincere spiritual expressions through prayer and song of our gathering.

**Our meeting could not have been such a success** without the appearances of two authors, R. Warren Metcalf and Parker Nielsen, who have written outstanding books which document the "mixed-blood" Uinta Utes dilemma. Their recent books were described in the Amended Complaint. The existence of these books, "Termination's Legacy, the Discarded Indians of Utah" and "The Dispossessed - Cultural Genocide of the Mixed-Blood Utes, *An Advocates Chronicle*" proves one central point - there is substance to our lawsuit over the defective passage of the Ute Partition Act, a racially-based Act of Congress, and the botched implementation of the Act by the BIA.

**Our first priority is to aggressively prosecute our lawsuit.** The defendants have until April 8, 2003 to file their answer or otherwise respond to the lawsuit. We can expect, as I noted at the Feb. 8 meeting, that the defendants will do everything possible to attempt a dismissal of your case. Of course, we will do everything within our power to prevent this. When the defendants file their response, we will post it on the website.

**I want all of you to know that our efforts at educating the American and International public,** our next priority, about the injustice forced upon the plaintiffs are bolstered by our webmaster who has done a fantastic job at constructing the [www.undeclaredutes.net](http://www.undeclaredutes.net) website. My thanks go out to Yellowpine for his fine efforts in this regard. Like me, Linda was impressed by the great work done by Yellowpine when she went into the website.

**I have drafted letters to serve as examples of letters you must send to Congress.** They will be posted on the website for you to view and draft your own letters to your Senators and Congressional Representatives in those jurisdiction where you live. Examples were prepared for both plaintiffs and other interested persons. Feel free to add your own words to express your own views and sentiments to these examples. Sending these letters out is a very important part of our public education campaign. Tell your friends and anyone interested in correcting a human rights injustice in this Country to write their own letters to Congress and to visit our website. If any of you have any ideas on securing the public support of a celebrity or other person who is prominent in the eye of the public, please let me know.

**The fact that the United States government was able to use its authority during the termination era in the 1950's and 1960's so successfully** to execute the forced termination of you, your parents and grandparents arises, in part, from the isolated geographic location of the Uinta & Ouray Reservation. Added to this is the fact that the BIA instigated a situation where many of the terminated Uinta Band members were forced to sell their stock in the Ute Distribution Corporation. Then, the BIA either intentionally or negligently allowed the valuable UDC stock to be passed to the hands of the Ute Tribe, who was also supposed to be terminated, and non-Indians.

**I am utterly appalled by the fact that non-Indians now own a large percentage of the UDC, a corporation intended by Congress to be controlled by the terminated mixed-blood Utes** and operated for their benefit as they became productive members of majority society. WE MUST FIND OUT THE IDENTITIES OF NON-INDIAN PERSONS OR ENTITIES OWNING STOCK IN THE UDC. I don't care what religious persuasions they belong, Episcopal, Baptist, Mormon, Methodist or whatever, the public should have a right to know who currently owns UDC stock. If they aren't ashamed of taking from poor and defenseless Indians, then these non-Indian UDC stockholders and organizations should have no problem with letting us know who they are. We do not know for sure if any of these organizations or persons are politically powerful to the point of making sure that Congress does not take action to cure this evil Act or they tell those in Congress that the mixed-blood freely and "voluntarily" agreed to have their federal status taken from them. Another issue is that many organized religions require, as a part of their beliefs, that their members "tithe" a certain percentage of their personal wealth to the church. To me, it goes against the kind benevolence of religious principles toward the poor, homeless, and weak for any church to benefit from the fruits of a wrongful taking.

**On the matter of "volunteering" to giving up their status** as federally-recognized member of the Uinta Band of Ute Indians, I challenge those who allege that the BIA did not force the Ute Partition on the mixed-blood but that the mixed-blood freely gave us this status, to send proof to me that: the March 31, 1954 General Council meeting of the "Ute Indian Tribe" was duly noticed and conducted in accordance with the terms of the IRA approved Constitution and By-laws of the Ute Indian Tribe. I firmly believe that the BIA perpetuated a bald faced lie to Congress to get the Ute Partition Act passed by saying that the Uinta freely and voluntarily gave up their Indian status in return for valuable property and assets now in the hands of non-Indians! Show me the proof! Show me the proof! If you or I lied to Congress like the BIA did to get the Ute Partition Act passed, we would be held in contempt of Congress. I have seen the BIA engage in other deceitful and lying behavior in other cases I have handled and they are very successful at getting away it and turning lies into truths by court action. We must stop them on this one.

**As you can see, the combination of** 1) the geographic isolation of the mixed-blood "problem", 2) the transfer of valuable assets intended for the benefit of the terminated Indians to non-Indian, outside organizations and Ute Indian Tribe, all powerful and extremely cunning, and 3) the BIA either siding with your enemies or failing to protect the terminated Uinta Utes

from overreaching and unscrupulous attorneys and other parties has led to a situation where massive human rights violations has been effectively covered up, ignored and allowed to stand for all these years. Well, folks, this dirty little secret is out!

Let's keep our heads up and stand proud for taking a stand against the U.S. government who condemns other nations for their alleged human rights abuses and dictatorial governance. Why doesn't the U.S. government admit to its own calloused and cruel treatment and human rights abuse of you and your blood relations, many dying in despair wondering why the U.S. left them in their time of need? Why not send the mixed-blood only a few billion of the many billions of the dollars of aid that our government sends or promises to send annually to Afghanistan or other impoverished Nations in the Third World? Just doesn't make common sense to me.

**Let's keep our prayers for strength and vision** as we all go forward in a battle of tremendous proportions. None of us can win standing alone - we must stand strong against the winds that our enemies will be sending our way in their attempts to break us apart and cast doubt among our midst and keep our eyes on the horizon.

Dennis G. Chappabitty

Counsel of Record in *Felter, et al., v. Norton, et al.*

and descendant of a Chiricahua Apache Prisoner of War, my Grandmother, Minnie Zurega, and Great- Grandfather, James Nicholas, Scout, F Troop 7<sup>th</sup> Cavalry.