

Counsel of Record Report # 4
October 24, 2003



MY FIRST CONCERN AT THIS POINT RIGHT AFTER the filing of the Plaintiffs' Opposition to the Defendants' Motion to Dismiss in *Felter, et al. v. Norton, et al.*, is not the litigation itself but the efforts by the Affiliated Ute Citizens to undermine YOUR case against the Federal Government. I have reviewed various documents given out by the AUC promising enrollment in the Ute Tribe. It is my conclusion that there is no factual basis for this "promise" since the Ute Tribe has firmly stated its position, in the form of a tribal resolution, against the so-called terminated "mixed-blood" Utes and that position has not changed. From all angles, the AUC is engaging in a plot to entice the *Felter* plaintiffs to pull out of the case and go over to the AUC side.

AT THE END OF THE OPPOSITION TO THE DEFENDANTS' Motion to Dismiss, I wrote: "Anyone who has been subjected to the wrongful use of the UPA, as alleged herein, by Defendants should have no problem in seeing a trial held on the merits of the Eight Causes of Action alleged in this Amended Complaint so that they may be resolved once and for all." I placed this statement in the Opposition for a reason. It was meant to let everyone know that *unless* you want the Federal Government to continue its cover-up of its massive wrongdoing in carrying out the UPA, you will want to see the *Felter* go to a trial on the merits. Why is the AUC so openly against your case and why does it want our plaintiffs take an adverse position against the ongoing *Felter* case?

FIRST, THE AUC'S ENTICEMENT TO OUR PLAINTIFFS, if successful, will cause confusion in our ranks and make it appear that the *Felter* case has lost its momentum and support. This helps the Federal Government. The first time the AUC brags about fooling some of our plaintiffs to go over to them, you will then see why it is making bold promises that won't ever be achieved unless and until the Ute Tribe reverses its position toward the so-called mixed-blood Utes. You either are with us on our side or you must get off the case as a plaintiff.

SECONDLY, THE AUC'S ENTICEMENT, IF SUCCESSFUL, will help the Federal Government to undermine your case if it goes through with threats to "intervene" in the *Felter* case. Look at this very carefully and ask yourself this question: If *Felter* gets beyond the defendant's motion to dismiss, will the AUC go forward with its threat to formally intervene in

Felter? It would be a very sad and ironic situation that those of you take the AUC's bait, join the AUC's tribal membership efforts and leave our group of *Felter* plaintiffs may wind up "intervening" in *Felter* to destroy the case by filing a motion to intervene. This is why I recommend that anyone who is considering leaving our individual plaintiff group ask the AUC if its true motives are to destroy *Felter* and ask the AUC why it is taking the side of the United States and helping in the cover-up.

THE FAMOUS WORDS OF P.T. BARNUM WERE "THERE'S A SUCKER BORN EVERY MINUTE." I hope that those of you who are seriously considering joining forces with the AUC are not going to be "suckered" by the AUC. If anything, the AUC should be helping and not scheming to take our plaintiffs away from a very important lawsuit that could result in reversing the UPA. Why doesn't the AUC want your lawsuit to be a success? I hope that my latest Counsel of Record Reports creates a stir and forces a controversy that will force the AUC to confess what its real motives are and whose interest it really represents.

THE FELTER CASE IS ABOUT WHO HAS THE GUTS TO take the Federal Government on and who is going to pander to it, sit back and let the injustice to you continue while those who the Government let take your land enjoy and benefit from your misery. On my way back to Salt Lake City after my last visit to Roosevelt, I tried to find the address of one of the listed UDC shareholders. After looking around in Salt Lake City, I finally had to give up. I guess I just didn't look hard enough. I urge all of you to search on your own and find out who is actually behind the "trust" that hold what should be yours.

RIGHT NOW, THE FEDERAL DEFENDANTS WILL BE FILING THEIR REPLY TO OUR OPPOSITION VERY SOON. I do not know yet if the Federal Judge will schedule a hearing and then make his decision or go on the briefs without a hearing. All we can do is wait and see what the defendants will argue in the Reply Brief. I am very anxious to see how the defendants explain why they did not even bother to address the pre-1954 historical allegations and went right into the usual crooked story about how the 490 so-called mixed-bloods willingly volunteered to be terminated. As soon as the Reply is filed, it will be posted on the website.

IT IS MY HOPE THAT THE AUC CREATES FOR ITSELF, a national controversy that will help us throw the spotlight on this international human rights case. I hope to see you again and I will continue to stand right up there on the "Front Lines" with you. We are fighting for your identity, honor and seeking a path of justice so those in your families who have passed on can look down and be proud of all of us.

Dennis G. Chappabitty
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