

THE MIXED BLOOD'S DIRECTION

A Quarterly Newsletter for The Plaintiffs of Felter-vs-Norton / The Mixed Blood Uinta's of Utah

COUNSEL OF RECORD REPORT # 6

THE CURRENT STATUS OF FELTER, et al., V. NORTON, et al.,

By Dennis Chappabitty, Counsel for Felter, et al., v. Norton, et al.

We are waiting for U.S. District Court Judge Roberts to make his decision on the defendants' Motion to Dismiss our civil action. The defendants filed their reply to our Opposition to their Motion to Dismiss on November 26, 2003. Although I cannot state with any degree of precision on when we can expect his decision, I would predict that his decision will be issued by March 26, 2004 or 4 month after briefing was completed.

I will also note that Edson Gardner has filed a Motion to intervene in our case. However, his Motion has not been formally filed with the Clerk of the Court. Until I am notified by electronic means by the Clerk of the Court, I am under no obligation to file a response to Mr. Gardner's Motion to Intervene. Should the Clerk notify me that his Motion has been filed, I must respond to it. His Motion could complicate our case as well as cause a delay in Judge Roberts issuance of his decision on the defendants' Motion to Dismiss.

We are all aware of Dora Van's stated efforts to encourage Congress to pass legislation

that would reinstate the terminated members of the Uinta Band, among other things. Recently, I became aware of S.344, a proposed bill that would grant federal recognition to Native Hawaiians. I was very surprised to find out that Sen. Orrin Hatch is one of the co-sponsors of S.344. NCAI Sentinel, Winter Edition 2004. The proposed Hawaiian Native federal recognition bill would assure and grant the Native Hawaiians' a political status that would give them "parity" under the laws of the United States.

The NCAI sentinel "guest editorial" title "KAKOU: All of us Together" provides a basic description of the Congressional legislative process involved in the passage of a bill recognizing a group of "Natives" subject to the laws of the United States as a separate and distinct

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News of our Mixed Blood Family

Naturitch Kolb Nielson, is in the rest home in Roosevelt. Naturitch is the Oldest of our elders on the case. She needs our prayers and would love to hear from all of you.

We've had two of our original mixed blood Uintas pass on since the start of Felter-vs-Norton. Edith (Denver) Oberhansly Gardner.. and Loraine (Reed) Nielson, both of these ladies are missed by their families and those who knew and loved them.

Ellis Denver.. has been pretty sick for the last few months, but we see he's up and around having a blast hanging with his daughter Mary.

LaJean Nielson Richman.. is having a rough time battling phenomia and other health issues. Lajejan is an avid supporter of Felter-vs-Norton and has worked hard on this case.

Tawnee and Lloyd Kolb.. have not been feeling up to par lately, hang in there guys.

Richard Curry Jr.. had a serious operation to correct a muscle problem in his hand and is looking forward to getting better.

Illa Hendricks.. fell and broke her foot and is having a hard time getting around. We need to drop in on Illa and give her a hand, She lives in the Farm Creek area.

Last but not least, Oranna Felter had some very serious illness in her family this past year, but thing seems to be getting better now.

We need to keep each of our Mixed Blood Uinta brothers and sisters in our daily prays. Lets keep in touch and visit with each other often.

BLOOD QUANTUM



Why It Matters and Why It Should't

by Christina Berry, All Things Cherokee

“You’re an Indian? What part?”

That’s the universal question many mixed-blood Native Americans are asked every day. How many times have you mentioned in passing that you are Cherokee to find your conversation interrupted by intrusive questions about percentage? How many times have you answered those questions? Well stop! That’s right — stop answering rude questions.

Have you ever been talking to someone who mentioned that they were part Hispanic, part African-American, part Jewish, part Italian, part Irish, part Korean, etc.? Have you ever asked them what percentage? Hopefully your answer is no, because if your answer is yes then you’re rude. It would be rude to ask someone how Hispanic they are, but we accept that people can ask us how Cherokee we are. This is a double standard brought about by our collective history as Native Americans, and is one we should no longer tolerate.

The history of blood quantum begins with the Indian rolls and is a concept introduced to Native Americans from white culture. Throughout Native history blood has never really been a factor in determining who was or was not included in a tribe. Many Native American tribes practiced adoption, a process whereby non-tribal members would be adopted into the tribe and over time become fully functioning members of the group. Adoption was occasionally preceded by capture. Many tribes would capture members of neighboring tribes, white settlers, or members of enemy tribes. These captives would replace members of the tribe who had died. They would often be bestowed with some of the same prestige and duties of the person they were replacing. While the transformation from captive to tribal member was often a long and difficult one, the captive would eventually become an accepted member of the tribe. The fact that the adoptee was sometimes of a different ethnic origin was of little importance to the tribe.

It wasn’t until the federal government became involved in Indian government that quantum became an issue. One of the attributes collected on a person signing one of the many Indian rolls was their quantum. However, this was highly subjective as it was simply a question that the roll takers would allow the people to answer for themselves. I know for a fact that this was known to be incorrect because my own ancestors’ quantum is recorded incorrectly. My great grandmother and her sister are listed with generationally different quanta even though they were sisters with the same mother and father and have the exact same quantum.

In this day and age, however, quantum is important in many ways. In order to become a registered member of any federally recognized Indian Nation you must first get a CDIB (Certificate of Degree of Indian Blood). This CDIB is issued by the BIA and simply states that the United States government certifies that you have a specified degree of Indian blood and are a member of a given federally recognized tribe. Once you have a CDIB you can become a recognized member of that tribe. Without a quantum you cannot become a registered member of a tribe.

In addition, many Indian tribes include their own quantum restrictions. The Eastern Band of the Cherokees requires that you be 1/16 or higher to join, and the Keetowah band requires a blood quantum of 1/4 or higher. The Cherokee Nation, on the other hand, has no quantum restrictions. The majority of the Cherokee Nation has 1/4 or less Indian blood. When considering these numbers it is important to remember that the Cherokee were in direct contact with white settlers prior to the American Revolution. Many prominent Cherokee families included intermarried whites very early on. The Ward family — descendants of Nancy and Bryant Ward (an Englishman) — is a good example. My own ancestor, Granny Hopper (daughter of Old Hop), married a Scottish trader (McDaniel). The Cherokee people have been intermarrying with whites for over two hundred years, so

many families have some very confusing fractions to spit out every time someone asks, “How much Indian are you?”

Many Indian people today would like to see the emphasis on blood quantum fall by the wayside. Blood quantum is a sterile, inhuman way of calculating authenticity. When you ask a person how much Indian blood they have, you expect an answer. If they answer your question with a small percentage or if they refuse to answer, you immediately question their authenticity as an Indian. Never mind — that blood quantum is completely irrelevant to Cherokee culture. Throughout history the Cherokee people have believed that if you’re Cherokee, you’re Cherokee. If you’re not, you’re not. Percentage doesn’t matter. In addition, many people now make a distinction between quantum Cherokees and cultural Cherokees. How Cherokee you are is more determined by how you live, how active you are in the tribe, how you grew up, and what you know of Cherokee history, culture, and language.

Blood quantum, while it appears harmless, has had a very negative effect on many Indian Nations. In many cases the issue of quantum has divided full-bloods and mixed-bloods, causing resentment. The issue also divides tribal members and non-members on the issue of proof. From a historical and cultural perspective, the idea of blood quantum is dangerous.

Blood quantum is a scientific, government-approved method of determining blood purity and race purity. One of the most frightening examples of a government’s interest in blood purity comes as recently as the Twentieth century in Nazi Germany, when Hitler wanted to create an Aryan master race. The consequence was that millions of people were killed because they were not Aryan. While Nazi Germany is an extreme example, blood quantum is nonetheless a clinical, inhuman, and

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“political” entity. First, the article notes the wide spread support that the Hawaiians got from a variety of organizations - NCAI, Alaska Native Federation of Natives and native and nonnative allies “with influence and decision-making authority in Washington, D.C. and throughout the United States.” Next, Daniel Akaka and Daniel Inouye, U.S. Senators from Hawaii, supported S.344. Further, Ted Stevens (AK), Harry Reid (NV), Orrin Hatch (UT) and Gordon Smith (OR) are co-sponsors urging the passage of S.344.

The article describes that the house version of S.344 was introduced by Representatives Neil Abercrombie (HI) and Ed Case (HI). Work on getting votes for both S.344 and the House version continues and the Native Hawaiians are asking that individuals (native and non-native), native organizations and tribes continue to email and fax their U.S. Senators and Representatives and urge them to support the Akaka Bill. One statement in the article is “Success in bettering conditions for all indigenous peoples is best achieved by working together.” Another very significant statement in the article was: “Native peoples do not flourish and move forward strongly when we are divided into factions and our spirituality is disturbed.” From our current experiences with trying to keep our Felter client group united and focused, we all understand the important of this fundamental statement. The brief NCAI guest editorial tells me that the passage of any bill will only succeed with wide spread support in Congress and in the public. As for the bill that Dora Van and her group contend that they have somewhere in Congress, it should be easy for her to state (1) where the bill is at this moment; (2) who has been asked to sponsor and co-sponsor the bill to restate the terminated Utes to federally-recognized status; and the chances of getting co-sponsors for the bill. They should also be able to tell anyone who ask them what native and non-native

organization have expressed their support for their efforts in getting the bill through both sides of Congress. Since I have not taken any time out from my busy schedule to keep track of Dora Van’s Congressional efforts, I hope someone will tell me the answers to the questions I posed. Otherwise, I wonder where if “someone is pulling someone else’s leg” as we say in the Oklahoma countryside. If the Utah State Congressional delegation and the Ute Tribe do not support a restoration bill, then I believe it would be extremely difficult, if not impossible, effort to achieve a successful passage of the terminated Ute restoration act. When was the Utah Congressional delegation approached on sponsorship and what was their reaction?

As your Attorney in this civil action against the United States, I do not condemn anyone’s efforts to seek the passage of legislation to restore the terminated members of the Uinta Band to federally-recognized status. However, the Felter plaintiffs have decided to “litigate” their way back to restored status. It is my opinion that you are either dedicated to put all of your energy, prayers and spirit that our lawsuit against the United States will succeed or you will go your way with some other group with another agenda and not support our lawsuit 100%. I remind all of you to pay your dues in full and make every effort to make money contributions as you can, to keep us rolling along!

As soon as the clerk transmits the Judge’s decision on the defendant’s motion to dismiss, I’ll send the decision as quickly as possible to Cal Hackford and Oranna and post it on the web site. I will also let you know if we are forced to deal with the intervention by Ed Gardner. We have decided to schedule a meeting in Roosevelt after we receive the Judge’s decision so I can personally discuss the options we must take to keep our battle alive. We speak the language of social justice and spiritual truth against liars, thieves and hypocrites. If we lose the whole world loses. We will not lose but, in the end, teach the truth, morality and spirituality of the matter to our cowardly oppressors.

THE AMERICAN INDIAN

“CODE OF ETHICS”

#1. Rise with the Sun to pray. Pray alone. Pray often. The Great Spirit will listen, if you will only speak.

#2. Be tolerant of those who are lost on their path. Ignorance, conceit, anger, jealousy and greed stems from a lost soul. Pray that they will find guidance.

#3. Search for yourself, by yourself. Do not allow others to make your path for you. It is your road and yours along. Others may walk with you, but no one can walk it for you.

#4. Treat the Guests in your home with much consideration. Serve them the best food, give them the best bed and treat them with respect and honor.

#5. Do not take what is not yours whether from a person, a community, the wilderness or from a culture. It was not earned nor given. It is not yours.

#6. Respect all things that are placed upon this earth - whether it be people or plant.

#7. Honor other people’s thoughts, wishes and words. Never interrupt another or mock or rudely mimic them. Allow each person the right to personal expression.

#8. Never speak of others in a bad way. The negative energy that you put out into the universe will multiply when it returns to you.

#9. All persons makes mistakes. All mistakes can be forgiven.

#10. Bad thoughts cause illness of the mind, body and spirit. Practice optimism.

#11. Nature is not for us, it is a part of us. Nature is a part of your worldly family.

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careless way to determine the ethnic authenticity of a person. We are not Gregor Mendel's cross-pollinated pea plants; we are people. Our ethnicity and cultural identity are tied to our family history, our surroundings, our own hopes and expectations, and our self-identity. To measure our "Indianness" by a percentage is to completely eliminate the human element. And to allow others to judge us based on a number is to continue a harmful trend.

Launch a quiet protest against the reliance on blood quantum to measure Indian authenticity. The next time someone asks you what percentage Cherokee you are tell them that they are asking a rude question and don't answer — because the answer doesn't matter. Either you are Cherokee or you're not.

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#12. Children are the seeds of our future. Plant love in their hearts and water them with wisdom and life's lessons. When they are grown, give them space to grow.

#13. Avoid hurting the hearts of others. the poison of your pain will return to you.

#14. Be truthful at all times. Honesty is the test of ones will within the universe.

#15. Keep yourself balanced. Your mental self, Spiritual self, Emotional self, and Physical self all need to be strong, pure and healthy. Work out the body to strengthen the mind. Grow rich in spirit to cure emotional ails.

#16. Make conscious decisions as to who you will be and how you will react. Be responsible for your own actions.

#17. Respect the privacy and personal space of others. Do not touch the personal property of others, especially sacred and religious object. This is forbidden.

#18. Be true to yourself first. You cannot nurture and help others if you cannot nurture and help yourself first.

#19. Respect others religious beliefs. Do not force your beliefs on others.

#20. Share your good fortune with others. participate in charity.



~~ Special Notice ~~

We would like to thank those who have been getting their donations of \$5.00 per month in. There have been many phone calls from some who don't know of the donation. At the first meeting everyone who attended agreed that everyone who joins Felter-vs-Norton will donate \$5.00 per month which will help pay for expense's that are related to the case such as mailings, the web site and this newsletter etc.. No person working on this case, other then our Attorney, is receiving any pay, we are all volunteers and glad to be able to do this for the Mixed Bloods.

Another remind to those who have not paid the full amount of their retainer to please do so immediately!

Become involved, attend the meetings when one is called. It's your future.

The Mixed Blood's Direction

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Let us know your thoughts and what is happening with the people we all shared our lives with, write and let us know. To submit an article, comment or news about a person. Write to the Mixed Bloods Direction at the address below or by e-mailing edenver@bak.rr.com. We're looking forward to hearing from you.

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Quarterly Feature - Column from Earl Denver

I'M AMERICAN INDIAN, NOT NATIVE AMERICAN

I abhor the term Native American. It is a generic government term used to describe all the indigenous prisoners of the United States. These are the American Samoans, the Micronesians, the Aleutes, the original Hawaiians and the erroneously termed Eskimos, who are actually Upiks and Inupiaqs. And, of course, the American Indian.

The statistics used by the United States government to tell you how many "Native Americans" there are in this country include all of the above, the misnomer is everyone assumes, in the contiguous 48 states, that the total number of "Native Americans" is the total number of American Indians. Not true. There are approximately 1.7 million "Native Americans", of that number, there are approximately 1.2 million American Indians of which less than 600,000 live on Indian reservations.

I prefer the term American Indian because I know its origins. The word

Indian is an English bastardization of two Spanish words, En Dio, which correctly translated means in with God. As an added distinction the American Indian is the only ethnic group in the United States with the American before our ethnicity.

At an international conference of Indians from the Americas held in Geneva, Switzerland at the United Nations in 1977 we unanimously decided we would go under the term American Indian. "We were enslaved as American Indians, we were colonized as American Indians and we will gain our freedom as American Indians and then we will call ourselves any damn thing we choose."

Finally, I will not allow a government, any government, to define who I am. Besides, anyone born in the Western hemisphere is a Native American!