



# The Mixed Blood's Direction

*A Quarterly Newsletter for The Plaintiffs of Felter-vs-Norton*

## Counsel of Record Report #10

For the Report, I have included my letter to Senator John McCain, Chairman, Senate Committee on Indian Affairs. I will let my letter speak for itself as part of our continuing efforts to educate the public about the Felter case and the wicked evil nature of the UPA. I will send the same letter (w/Report #9) addressed to each of the other members of the Committee.

We are all awaiting the decision of U.S. District Court Judge Richard W. Roberts. I am certainly surprised that the decision on the defendant United States' motion to dismiss our case has not been issued. I pray each day that the decision will be forthcoming and favor our quest for justice.

I want to inform those of you who have not paid to become involved in the Felter case that you will have until May 1, 2005 to pay in full or we will begin proceedings with the Court to remove your name as a plaintiff. I have been updating the list of persons who have paid and those who have not. **Pay up or you will be removed from the case.** Some of you haven't even made any effort to make at least a part payment to get paid in full. I can't sympathize with those non-payers who haven't made a good faith effort to pay in full.

For those of you who have submitted your applications and paid, I will be compiling a list of additional plaintiffs for formal inclusion in the Felter case by filing a motion with Judge Roberts and requesting an order from him to formally consider you as on the complaint. The addition of new plaintiffs on the complaint has taken time as I wanted to make sure that those who have paid were given time to pay and those who desired to come on board were given a good amount of time to file their applications and pay their funds to support the case.

Dennis G. Chappabitty

Counsel of Record



### SMOKE SIGNAL'S

Another one of the original 490 terminated mixed-bloods and a descendant who were plaintiffs on our case has passed away.

Lura Reed, roll #388 passed away last December. Lura was living in Idaho. She is the fifth original mixed-blood on the case who has died since Felter vs. Norton was filed.

Kolene (Sixkiller) Martinez, another one of our member plaintiffs passed away on March 9 of this year. Kolene is the Daughter of Walt Sixkiller, roll #414.

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# Elmer L. Hackford

## A Proud Native American

On March 3, 1922, Elmer L. Hackford was born to George Thomas, and Sarah Jane Hackford. Elmer was born at home on the kitchen table with his Grandpa Thomas Hackford performing the roll of midwife bringing Him into this world.

His Grandparents were Thomas and Drusilla (Howell) Hackford, Phillip and Margaret Mary Van.

Elmer had 14 brothers and sisters. Elmer has always been a hard worker. In his youth he not only helped take care of the family farm but his younger brothers and sisters also. When the four younger girls were growing up it seems like he was always there. He had a lot of responsibilities, not just with doing the chores, but also taking care of his brother's and sister's, because his mother and father had to be gone most of the time, which He didn't seem to mind it though, having no other interest but to work around the ranch during this time of his life.

Elmer married Wanda Maxine Russell in May of 1942 and was blessed with one daughter, Rebecca Jane, who was born on July 28, 1944. Elmer and Wanda have also been blessed with three grandchildren, Lew Elray Edrington Hackford, Cory I. Edrington, Kyle Raymond Edrington, eight great-grandchildren and one great-great grandson.

I can recall Elmer working in the hay fields especially since he was the only one that would let the little kids ride on his bow-rake hauling hay to the stacker. After he finished on all the fields on the flats, he went with his nephew to farmcreek too help them get their hay in, never tiring, always ready to help any one that needed it.

He always drove the wagon when ever Grandma Hackford, Aunt Fannie and the kids went on an Easter picnic or to pick bull berries in the pasture or going to his sister Selmas to gather gooseberries. Elmer also was the one who drove the team of horses to bring "ice" to the Icehouse in the hot summer.

He not only had the responsibility of the Hackford kids, when they were little,

But after he got married, it was he and Wanda that traveled to St. George to stay with the kids.

Elmer always took the kids side whenever they got in trouble. He not only spoiled his brother's, sister's and

daughter, but any kids that came around and they all loved Him for it. Elmer was a great storyteller and loved to tell stories of his childhood.

Grandma Sarah Hackford would talk Ute and visit with relatives; Grandma Van would bake pies, bread and cakes to sell at the Monte grounds. Elmer would help his brother George, cousin Ed Van and sister Selma sell items while Grandma Hackford played Monte.

In 1956 the Affiliated Ute Citizens of the State of Utah (AUC) was formed to represent the mixed blood Utes. There were four other board members who sit on the affiliated Ute board with Elmer at that time. They were Preston Allen, Lula (Harris) Murdock, Elizabeth (Curry) Bumgarner, and Art workman. They held their first meeting as board of directors of the Affiliated Ute Citizens on June 7, 1956.

On April 5, 1956 the final rolls of the mixed bloods was published by the Bureau of Indian Affairs. Elmer was and has always been sad and troubled because his daughter Rebecca was left off the roll, leaving Wanda and him on the roll, but not their only child.

Elmer was there to witness the destruction and heartbreak of his people, through the "termination policy" which the government couldn't resist branding the affiliated Ute people with.

After termination Elmer worked for "great lakes timber" in Lapoint, Utah, driving timber trucks, hauling logs off the mountain. Then he worked for Dalabo water truck. The other drives of the Dalabo played a joke on Elmer one day. He went to the old Sinclair station now known as LCL to gas up his Truck and headed for the Neola oilfields. Going up the road cars and trucks would pass honking and waving; Elmer was bewildered because he wondered what was going on.... When he Pulled on location and went to unlatch the hoses he seen a plastic "blown Up doll" dangling from the rear of the truck, Elmer could only chuckle Himself.

Elmer has always been broken hearted because of the heartbreak that Termination had placed on him and his beloved people. He has always hated termination; no matter what they tried there was nothing that any of the board members could do to stop it...

Elmer is one of the kind heartiest people one could ever meet... Wanda his Wife died and left Elmer alone, his daughter lives in Roosevelt, Utah.

Elmer who has now been hampered by a stroke that has left him in the care Center in vernal, Utah sits and



*Elmer as a young man with his father*

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# Letter to Senator John McCain

March 16, 2005

The Honorable John McCain, Chairman  
United States Senator  
Committee on Indian Affairs  
836 Hart Office Building  
Washington, D.C. 20510

Dear Senator McCain:

I am the counsel of record in the pending case of Felter, et al. v. Norton, et al., 1:02 CV 2156 (RWR). This case was filed in the United States District Court, District of Columbia, on November 4, 2002, in an unprecedented effort to eradicate through legal action the evil that was unleashed upon 490 members of the Uinta Band of Ute Indians by Act of Congress in 1954, the Ute Partition Act (UPA) Pub. L. No. 671, 68 Stat. 868 (codified as amended at 25 U.S.C. §§ 677-677aa (1982)).

For 52 years, this Act of Congress remains as one of the more notable dark chapters of American history that stands on par with the 1891 Massacre at Wounded Knee, the Mountain Meadows Massacre of 1857, the Tulsa Race Riot of 1921 and other shameful events that were characteristic of the powerful killing weak, defenseless and innocent human beings. Because of the basic issues of human rights and dignity exemplified by the continuing plight of the terminated Uinta's, I firmly believe that each member of Congress must know about this case.

Although "termination" of Indians has been denounced as a federal policy, the existence of the UPA as an Act of Congress, serves to sully the pious image that the United States of America attempts to project worldwide. While our Great Nation condemns the human rights records of other Nations, the 490 "exterminated" Uinta's had something even more cruel and inhumane done to them by this evil monster called the UPA - the 490 had their identities as federally-recognized Indians cut from their bodies and souls by Act of Congress. Nothing has ever been done by our Congress to examine what happened in Utah in 1954. Why did a long line of United States Senators and Congressman consistently ignore their plight when other terminated tribes have been restored to federally-recognized status by legislation?

In seeking to answer this question on my own, a "revelation" began to appear to me that is deeply troubling in the sense that not only were their identities as federally-recognized taken from my clients by the passage of the UPA but their chance at surviving in mainstream America was also taken by non-Indians. Those non-Indians now enjoy the profits generated from the valuable shares of the Ute Distribution Corporation (UDC) and they could well receive millions and millions of dollars in rights to water in a settlement in a federal case pending in Salt Lake City, Utah.

Never in my life have I ever heard of a more unjust arrangement where the courts of law authorized non-Indians

to gain legal ownership of UDC shares that Congress intended for use by the terminated 490 Uinta's. In other words, the courts, not Congress, transferred ownership of UDC shares from the terminated Utes to non-Indians that were clearly intended by Congress to be void if such a transfer occurred. It is obvious that Congress has not been told the truth about who owns UDC stock - the rich and powerful, including the Church of Jesus Christ of the Latter-Day Saints.

As you can see from the enclosed December 2004 Edition of the "Mixed Blood's Direction", even the Church of Jesus Christ of the Latter-Day Saints managed to somehow abscond with 5 very valuable UDC shares. This ownership by the Mormon Church should have never happen if the UPA were executed by the Bureau of Indian Affairs (BIA) as Congress intended. You will also see that an investment company, "Wayne Hummer & Company", wound up owning 100 UDC shares. "William T. Piper, Joint Venture", obviously a non-Indian entity, owns 162 UDC shares.

The effects of ownership by non-Indians, non-Indian companies and the Mormon Church of UDC shares is dramatic when you view that their ownership of the shares allows them to profit from the termination of the Uinta's in a manner never envisioned or intended by Congress. Since many of the non-Indians who came to own UDC shares were members of the local community surrounding the Ute Indian Reservation located in eastern Utah, non-Indian members of the Mormon Church are able to reap profits in the form of dividends issued by the UDC, an entity set up by Congress to help the terminated Utes manage their assets after the federal government snatched their identities from them pursuant to the UPA.

In the early 1950's a member of the Mormon Church, Sen. Arthur Watkins (R - Utah) succeeded in ramming the UPA through Congress to gain approval of this incarnation of the devil among nations who respect the human rights of their citizens, particularly the uneducated and poor. There is no doubt in my mind that the religious doctrines of the Mormon Church served as an impetus for Sen. Watkins to justify the termination of the Uinta's and other hapless thousands of Indians throughout our Great Nation. A book, "Termination's Legacy - the Discarded Indians of Utah, R. Warren Metcalf, Univ. of Nebraska Press 2002, P. 13, discusses this little studied implication:

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No interpretation to date has thoroughly examined the personal motivations of Arthur Watkins. And Watkins was not the only one with such motivations: in Utah, several key advocates of termination shared a common religious affiliation. Virtually all were Mormons. Ernest L. Wilkinson, the Ute tribal claims attorney, also served as president of Mormon Church - owned Brigham Young University. John S. Boyden, the Ute tribal attorney who actually wrote the Ute Partitioning Act (the functional termination legislation), held high lay positions in the Mormon Church. H. Rex Lee, a high-level bureaucrat in the BIA and a close ally of Senator Watkins's, was also a Mormon. Wilkinson and Boyden had a profound influence over tribal affairs on the Uintah and Ouray Reservation, and they were greatly assisted by Rex Curry, who was yet another Mormon and natural ally. It may seem that these connections could easily be dismissed with the explanation that a majority of Utah Congressman and -women, attorneys and bureaucrats have always been Mormon, but that exactly the point. Mormonism heavily influenced the way these policy makers *thought* about Indians.

The implications that a federal statute, the UPA, inspired by religious doctrines of the Mormon Church and hand carried through Congress by a fervent believer in the Mormon faith, Sen. Watkins, are not widely known. In the midst of a region populated by adherents of the Mormon faith, innumerable pleas and screams for help from the exterminated Uinta's have fallen on the deaf ears of other Indians, the general public and the U.S. Congress. This is a sad indictment on our legislative system of repealing unjust laws, targeting a distinct racial segment of our society – a system that our President and other elected officials tout as a model for other Nations to copy. It is a sad indictment on the Mormon Church that numerous of its members happily picked over the weakened and unsophisticated terminated Uinta's by conniving them out of they're valuables. Like the quote from R. Warren Metcalf above, these Church members were heavily influenced by the way they *thought* about the Uinta's when they used their wile, guile and lies to benefit themselves then dutifully pay their "tithes" to the Mormon Church from profits, "blood money, generated from their ill-gotten gains.

By allowing non-Indians to reap the benefits originally intended by Congress to help the terminated Uinta's blend into mainstream American, Congress' historical disregard for the plight of the Uinta's allows these non-deserving non-Indians to masquerade as Indians. Congress either does not know about this masquerade or it simply doesn't

care that great numbers of proud terminated Uinta's were reduced to poverty and became the victims of social-ills that arise when you steal any human beings' identity from them and snatch their valuable property away.

While the terminated Uinta's now watch non-Indians enjoy the benefits of their masquerade as Indians, they wonder why no one cares for them - human beings thrown on a scrap heap while the BIA watched. Like the example of Alvin Richardson Denver, the injustices that the Uinta's have been forced to endure take many other forms. We know that many of those non-Indians who obtained ownership of UDC shares are Mormons. A loyal adherent of the Mormon faith gives 10% percent of his earning to the Mormon Church in the form of a "tithe". When the UDC issues a dividend to its non-Indian Mormon members, the Mormon Church reaps a monetary benefit many fold, assuming that the faithful and loyal UDC Church members each give forth their "blood money" tithe. To me as a member of the Comanche Nation, this scenario is a "revelation" of how the rich and powerful can succeed in dodging this human rights issue by hiding the truth behind this failed religion-based genocidal experiment called the UPA that allows non-Indians to thrive and feed off the misery that has stalked among the Uinta's for over 50 years.

I am a veteran of the U.S. Army and honorably discharged. Like you, I take an immense amount of pride in knowing that I carried out my sacred duty as a citizen of this Nation to contribute, as a soldier, to the protection of all of those honorable institutions that this Great Democratic Country of ours stands on. We hope that one of those honored institutions, the federal courts, will engage in genuine compassion toward my clients and not employ legal rhetoric to let this religious based evil federal law continue to maim the hearts and souls of my clients while the greedy, morally corrupt and undeserving gleefully feast and gorge themselves from the lowest foulest "bloody" pits of inhumanity.

We will keep you and the other members of the Senate Committee on Indian Affairs duly informed about the progress of our lawsuit. We hope for a ruling from the presiding judge, U.S. District Court Judge Richard W. Roberts, that will keep our faith alive that the federal court system will give my clients "their day in court". Should this not happen, we will be petitioning Congress for passage of a bill to repeal the UPA.

Respectfully,  
Dennis G. Chappabitty  
Counsel for the Terminated Uinta's



*Elmer with his Daughter Rebecca*

thinks back to the days of being on the farm with his family. If anyone is in the Vernal area, please drop by and say hello to Elmer.

Dad, we love you. You are the greatest example of a perfect Native American Indian man that there could ever be. Thank you for being my dad, our brother, our uncle. And just for being the "kind hearted person you have always been..."

by: Rebecca (Hackford) Murray, daughter of Elmer Hackford



## Notice: Relay for Life

By: Oranna B. Felter

Hello. I would like to tell everyone about an event call "Relay for Life" that will be held in vernal, Utah on June 3 & 4, 2005

I know a lot of you are probably wondering what is "relay for life". Relay for life is a program that is sponsored by the cancer society... Which help's to raise funds for cancer research, help those who have cancer, and to alert everyone to the signs of cancer. Native American's are not immune, we also suffer from cancer.

I've had personal experiences with cancer. In 1996, my youngest daughter was diagnosed with Hodgkin's lymphoma, "cancer of the lymph nodes." I thought my life had come to an end when we found out our youngest daughter had cancer. When the doctor walked through the door and told her, "There is no other way to say this but you have Cancer." I thought I was going to Faint... My daughter looked at him with tears in her eyes and said, "Am I going to die?" My heart broke in a million pieces. He said yes you could die, but there are some really good oncologists out there. (Cancer Doctors).

Until then. I was probably just like most of you. I've heard of cancer, but that happens to someone else, not me or my family! Well I have to tell you it can happen to anyone of us and until we have a cure for cancer, we all need to

work together anyway we can to try and stop this awful disease that has claimed the lives of so many of our relations. There have been a lot of our people within the 490 mixed blood Uinta's that have died or are suffering from cancer.

My daughter had to take massive amounts of "chemo" which is a mixture of all Kinds of drugs that is fed into the body intravenously... This had to be done every two weeks for six months and she lost most of her hair. The Joint pain, headaches and just being sick from the chemo was awful. After the six months of chemo she was allowed to rest her body from the chemo. But She had to stay in Salt Lake City during that rest period for six weeks of radiation treatments, as we don't have a radiation clinic here in Indian country. She received radiation 10 minutes a day 5 days's a week. They center in on the "cancer mass" with a big telescope like piece of equipment and shoot radiation into the cancer. Then it was back for six more months of chemotherapy treatments. Through all the prayers, her being blessed at our most sacred sweat lodges, along with her will to live, she is now in remission.

A few months after going into remission she discovered she was pregnant with a baby boy... He is our "miracle baby." The treatments she had should have sterilized her. So I have seen two miracles happen...

I light a candle every night and thank the Great Spirit above for letting me be able to keep my daughter. And for the wonderful extra gift we received, my grandson "Reggie..."

The Relay for Life will be held at Uintah High School, 1880 west, 500 north, in Vernal, UT on June 3th & 4th.

I would encourage as many of our Uinta band to come out and walk laps. Each lap you walk can be credited to a relay team. Hopefully next year we can make up a relay team of the mixed-blood Uinta's to participate in the "Relay for Life."

Many blessings to you my people... Keep the prayers coming in for our elders, for the ones who are working on the case, for our attorney Dennis and his Wife Linda and for all the victims of cancer.

Oranna b. Felter  
Lead plaintiff Felter v. Norton



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# Warriors

An Indian Warrior is a person who's Spirit is one with the Creator...

Whose heart belongs to the people... Whose life is a sacred gift given by the Ancestors...

Whose mind is the Greatest Weapon and Shield in life's battles...

The foremost responsibility of an Indian Warrior is to be true to ones self, to the people and to the Creator...

The purpose in life is to ensure the survival and well being of "The People."

An Indian Warrior transforms knowledge into wisdom and therefore understands that the greatest enemy in life is ones self...

She/He must overcome weakness...

A true Warrior will sacrifice His/Her Heart upon the alter of life for the survival of the people...

She/He may be Wounded or Killed a thousand times in battle, but the "Spirit" cannot be destroyed for the "Spirit" of a true Warrior is Eternal as the Stars...

An Indian Warrior lives by a code of "Honor." beyond the reach of most mortals...

An Indian Warrior "Speaks directly to the Creator and Mother Earth thru Sacred Prayer Ceremony, giving offerings of gratitude and respect...

A True Indian Warrior is "Proud," yet humble, with a heart full of love for the people...

The Path of an Indian Warrior is the most difficult path of all for she/He will know "Pain" and "Suffering" in ways no one else ever can. The pain of life's injustices will be absorbed into the whole of their being...

She/He may be captured... Imprisoned... and taken away from the people, but the "Spirit" lives in the hearts of the "People..." for She/He is one of the People and will always be loved and respected by the people unconditionally.

She/He will be "Forgiven" mistakes by the Spirits and the Holy People because she/He has forgiven the self and humbled oneself before the people...

She/He will go to the Mountaintop without Food or Water to pray to the Spirits of the land and cry for a vision...

This sacred vision will lead thru the darkest hours of life.

It shall lead to the light of the Creator. An Indian warrior must always believe in Him/Herself... in the Spirit Helpers... and in the Indian Way of Life...

She/He must always speak and live the truth of who/// and what...she/he is when standing before the eyes of the creator...

An Indian Warrior is not Afraid of Death...and "SHALL NEVER SURRENDER TO THE DARK FORCES OF LIFE WHICH ATTEMPT TO BREAK THE SPIRIT... FOR THE SPIRIT CANNOT BE BROKEN... THE MIND CANNOT BE DEFEATED..."

The Vision of Life is that of the Eagle. With clarity and purpose in being.

The wings are strong and carry the "spirit for the highest levels of self understanding and spiritual growth as a human being..."

## 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. Write to the Mixed Bloods Direction at the address below or e-mailing edenver@bak.rr.com. We're looking forward to hearing from you...

The Mixed Bloods Direction  
27913 Taft Hwy  
Taft, CA 93268



## Commentary: from Earl Denver

In a time long forgotten our people were close to nature. They judged time, weather conditions and many things by the elements—the good earth, the blue sky, the flying geese and the changing winds. They looked to these things for guidance and answers.

Their prayers and thanksgiving were said to the four winds. To the East, from whence the new day was born; to the South, which sent the warm breeze, which gave a feeling of comfort; to the West, which ended the day and brought rest and to the North, the Mother of winter whose sharp air awakened a time of preparation for the long days ahead. They lived by God's hand through nature and evaluated the changing winds to tell or warn them of what was ahead.

Today we must start evaluating the changing winds. May we be strong in spirit and equal to our fathers of a time long ago in reading the signs accurately and interpreting them wisely. May God, Grandfather, the Great Spirit, guide us, inspire us, and give us courage and wisdom. Above all, may He look down upon us and be pleased.