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# The Mixed Blood's Direction

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



## COUNSEL OF RECORD REPORT # 12 September 5, 2005

It has been two months since our last meeting in Roosevelt, Utah. In the meantime, we have seen yet another tragedy of unimagined proportions hit our United States of America. Hurricane Katrina has left a swath of death and destruction in New Orleans and the Gulf Coast States of Alabama and Mississippi. Thousand of lives have been lost and the lives of those who survived this great horrendous tragedy will be forever scarred by natural and man-made events that were beyond their control. We can sympathize with those unfortunate fellow Americans in the South who had their identity, families and valuable possessions with them on day and the next day they were gone.

In the midst of this American tragedy, we cannot lose sight of continuing our journey for justice and fairness. In 1954, Congress passed the Ute Partition Act into law and for over 50 years this immoral law forever changed the lives of the (ex)terminated members of the Uinta Band of Ute Indians. One day the Uintas were proud People with their identity, unique indigenous tribal culture and immense wealth in the form of the blue sky, the earth and all the mineral underneath and the water flowing through and over a beautiful Country. Then tragedy struck and Congress passed a racially-based "hate law" that stripped the Uintas of their identities and handed their valuable land and minerals to undeserving parties, the Ute Indian Tribe and many non-Indians.

As we wait for Judge Roberts to render his decision on whether to accept or reject the federal defendants' motion to dismiss our federal civil action, we must continue to educate the public about this racist Act of Congress called the "Ute Partition Act." The education campaign cost a great deal of money and many of us have spent many uncompensated hours in ongoing efforts to get the word out about the murder of unique tribal group, the Uintas, by our own members of Congress. Each minute that Congress allows the Ute Partition Act to remain as standing federal law, each member of Congress is guilty of participating and tolerating the lowest form of butchery where hearts and souls were ripped out of the bodies of the Uinta People for no good reason but to steal from them and toss them on the roadside.

I am calling on each of you who have joined the *Felter* lawsuit to immediately send your cash donations so we can build up our dwindling "war chest". It takes a great deal of money to sustain the litigation and to educate the public. Cost for copying and mailing the newsletter as well as maintaining the website must be paid if we are to keep the battle going. Please show your dedication to our "cause" and send in your donations. Please show respect to those loved ones who are no longer physically by our side in this fight to rid, once and for all, the world of the Ute Partition Act. We are carrying on the battle for our Elders, living and gone to

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## SMOKE SIGNAL'S

On April 7, 2005, Quentin Frances Kolb, roll #261 and one of the plaintiff on our case, pass on of complications resulting from a life long illness. Born in Fort Duchesne, Utah August 17, 1924 to DonaI Isaac Kolb and Ethel Daniels Kolb. Quentin will be missed by his family and all who knew him.



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# Elizabeth (Curry) Bumgarner, (Pooweguep)

## “A Women of Courage” Roll #30

On the cold night of January 25, 1918 in Randlette Utah, beautiful Indian girl was born to Della Ella (Harris) Curry and Oran Franklin Curry. Oran Curry at the time was a Tribal police officer and Della was a housewife. They gave her the name of “Elizabeth Alice curry.” (Although a lot of people call her Alice her true name is “Elise” after her fathers sister Elise Pawonnie.)

She was a beautiful baby with cold black hair and dark skin being the Daughter of Native American parents. She was the third child born with two more to come.

Elizabeth or “Liz” as everyone called her, spent her childhood between Whiterocks, Ft. Duchesne, and Altamont. She loved teasing her younger brother Richard and hated reading the cartoons in the paper to him. She attended Sherman Indian boarding school in California, along with a long list of Native American from the basin.

When she returned she met a handsome Cherokee and Choctaw Indian boy who had came here from Porum, Oklahoma to work on the C.C. Camps in Uinta Canyon and Coyote Basin. He was an average size man with beautiful black wavy hair and hazel eyes, also know as “Choctaw eyes.” His name was, Samuel W. Bumgarner Jr. but everyone called him “Sam.” They met at one of the many baseball games that were held at fort Duchesne and the surrounding area.

They were married in price, Utah. They were blessed with five children, the oldest being: Elizabeth Ruth, who passed on with phenomena at about six months old, then Samuel Reginald (better know as “Reggie”), the third was, Oranna Malcene (Malcene was Sams mothers name,) Oranna was called either “Ran” or “skin”. Then came Craig Walker, nicknamed “little Joe”, then their baby, Elizabeth Marleen, called “Maley.” That made up the Bumgarner family.

Times were rough back in the 40’s. WW II was going on and Sam was in the United States Marine’s and Liz was home pregnant with oranna and taking care of Reggie. When Sam returned home after the war, he went to work as property clerk at fort Duchesne and Liz and Sam lived in one of the government houses around the “circle” in fort Duchesne. About this time, Liz and Sam decided to try and obtain a piece of ground and build a combination food store and lunch counter right in Ft. Duchesne, this was in the middle fifties. They were able to get the land and the store was built, with living quarters in back. They gave the store the name: “Ute trading post.” About this time termination of Indian tribes was hitting the reservations like a bolt of lightning. The Ute Indian tribe was one of the tribes on the list to be terminated

Liz was a strong voice with the members of her band “the Uintah.” She was elected to the first board of directors of the

Affiliated Ute Citizens “A.U.C.” that was established to try and work for the division of assets between the full blood and mixed-blood groups. The AUC board sat up office at the old hospital in fort Duchesne, which was located at the top of the hill to the west of Ft. Duchesne. She served on the board with, Preston Allen, Elmer Hackford, Lula (Harris) Murdock, and Bill Reed. Their first meeting was held on June 7, 1956. Sitting on the affiliated Ute board of Directors and trying to help run the store was a tiring job for Liz. The board was in a constant battle with the superintendent, BIA Officials, and John Boyden, who was representing both the full blood Utes and the affiliated Utes Citizens. There was much pressure put on these five directors, they were under constant pressure. The mixed bloods were to be terminated and the full blood Utes were to follow in ten years. A division of assets was to be prepared and there were many arguments that took place. There were many protests by the board of directors on all the assets that were to be divided, and underhanded situations that was occurring that was taking its toll on Liz such as the meeting on May 4, 1955 at the council hall in fort Duchesne. As stated by Parker Nielson’s book:



“The Dispossessed”

A few days later, on May 4, 1955, Preston Allen was seated in the long council hall at Fort Duchesne, listening intently as “Liz Bumgarner” rose to read to the general council meeting a statement she and other Uintah’s had prepared:”

*“My Indian people and Indian friends, both Mixed-Blood and full-Bloods: I hereby move in this general meeting of the members of the Ute tribe that the services of Francis McKinley and Rex Curry, as and from this date, an from henceforth, be terminated and that each of them be released as employees of the Ute tribe in any manner, Form or capacity. In plain words, I hereby move that Francis McKinley and Rex Curry be fired and that none of them be hired or placed on the payroll of the Ute tribe.”*

Preston Allen hoped that this forceful joint resolution would correct the problems, because Bennett had urged them at community meetings to “suggest changes if they felt that there were changes to be made and to “become more active in trying to work with their Officials, with their leaders and committeemen, so that a program which would meet the needs of everybody could be shaped up.” Bennett was urging them to be more active in supporting the Uncompahgre plan that he and McKinley were pushing for and in opposing the recommendations of the planning board; but surely that could decide for them what they would support. With Rex Curry’s sister joining in the opposition, it would be impossible to ignore the resolution because Bennett was present at the meeting” (note: Bennett was superintendent and BIA program Office during this time period)

Continued on next page

Liz continued:

*“Mr. Francis McKinley, Rex Curry and others have made several trips to Washington, and it was through representations made by Mr. McKinley and Mr. Curry that this unfair, incompetent program was imposed upon the Indians.” “It was from Rex Curry and Francis McKinley that Senator Watkins obtained information from which he wrote the “Ute bill” and Advised the United States Senate that the Ute Indian tribe was ready for the Whiteman’s way of life.”*

*Francis McKinley and Rex Curry should have known and must have known that these so-called agreements were hastily entered into without adequate study and deliberation.”*

*Mr. Curry, Mr. McKinley, and all other representatives of the Ute tribe were either incompetent and unreliable at the time of the so-called hasty “agreements” were entered into, or they are “dishonest,” “incompetent,” “unreliable,” and “insincere” at this time.”*

Liz was living under a lot of pressure. With her brother Rex Curry working for the Ute Indian tribe and She being on the Mixed-Blood Affiliated Ute Board of directors. She could see what was happening to her and her people, She could see if this so called termination went through that it would only be the start of a lifetime of hell for Her and her people. She knew that her mother and father were getting old, what would they do for medical benefits? She had a younger daughter that was diagnosed with terminal kidney disease. The experiment that the government wanted was slowly working its way into the mixed blood Uintah and there was nothing she could do to stop it.

By about 1960 or 1961 the new congress was becoming more aware of the Indian ways of life. According to parkers book...

“Quote”

*Termination was quietly abandoned as congressional policy in 1958 and was officially ended by the Kennedy administration in 1960. The Menominee’s of Wisconsin and the Klamath’s of Oregon secured amendments relieving them of the harmful effects of termination. During the week of January 18, 1960, a “delegation from the Ute Indian Tribe went to Washington D.C. to seek a reversal of the plan to terminate the full bloods. In 1964 the ten-year period allotted to prepare for termination would end. The BIA quietly “abandoned plans to terminate the full blood Utes,” presumably at Boyden’s request, “without further legislation.” Nothing was done to change the termination program for the mixed bloods.*

*Preston Allen asked if relief could be obtained for the mixed blood Uintah’s. Boyden seemed unwilling to help, so Preston sent a telegram to Fred A. Seaton, Secretary of the Interior:*

*“We... Are hereby protesting any action taken by Ute Indian tribe at this time, regarding any amendments to {the termination law} without the {AUCU} having been consulted as this law also pertains to us. We believe that if the Ute Indian tribe is to have*

*time on their long-range plan extended that we the mixed blood group should be granted an equal period of time also before the “Termination proclamation is issued.” “Unquote”*

In the meantime Liz and Sam obtained a 20-acre allotment on the corner of highway 40 as you turn to go to Ft. Duchesne. They had their store moved from the circle in Ft. Duchesne to this land, where gas pumps were added. Some repairs were done to the store. The store and land was in the minor children’s names. The words “Liz & Sam’s” was painted on the roof of the store...

Liz obtained land in Strawberry, which she had bid on during the division of assets and obtained the title and a land patent from the United States in her name. Termination was getting close to being completed and Liz’s youngest daughter Marleen was getting sicker by the day from the kidney disease. Liz was forced to enter into an agreement with a non-member on the lands in strawberry in order to pay for her daughter’s doctor bills.

Liz and Sam were having marital problems during this time of their lives. Liz left Sam and took her three children and moved into a little house in Roosevelt, Utah. Sam left the store and went back to his home state of Oklahoma. The store was closed and foreclosed on by local bank, with the three children loosing their investment. Liz’s baby daughter died of kidney failure at the age of 9. Oranna married at the age of 17. Craig went to live with Liz’s mother and father, Grandpa and Grandma Curry.

Liz could not deal with the tragedies that termination brought upon her and her people; she started to drink heavily because she could not stand to see the suffering and dishonesty that was sweeping the reservation like a wildfire. Everyone was being forced to selling what little he or she had in order to survive. Lands were being lost, the people were being swindled out of their Ute Distribution Stock, shares of Grazing units were being sold, and there was no medical or dental care for any of the terminated 490.... There was nothing left... Her pride was gone, her honor was gone, and the land in Strawberry and Ft. Duchesne was gone. Her family was gone!

Liz was found on a cold winter morning, much like the winter morning when she was born, in a wrecked car that she had traded her Ute distribution stocks for. The car had flown more than 100 feet in the air and landed on its nose at the intersection of highway 40 and Lapoint junction. Laying with her head on the floor mats of the car and a piece of broken beer bottle embedded in the top of her head, with a cast on the right leg, she was Dead at the age of 45.

Liz’s biography isn’t the happy biography that a lot of people can write. Liz’s life was nothing but hell, and I blame it on the termination of the mixed blood Uintah.

But I can end this by saying. “Liz’s spirit lives on.” as long as there is a breath in any of this family, her work will continue. To end the bondage that has left the terminated Uinta People living like prisons in a jail without a key.

But the door is about to be opened.....





the Spirit World, and the newborn who must know that we are doing our best to contribute in any way to sustain the fight.

We appreciate all of your initial donations when the case was starting. We also are grateful to the members who have paid their Five Dollars a month donation. At this crucial time, we need all members of our case, regardless if you have paid your initial amount, to make another donation as soon as possible to keep the "war chest" available. Send as much as you can as soon as possible to: Oranna Felter, P.O. Box 465, Ft. Duchesne, Utah 84028. (Please send no personal checks unless local – we have had too many returned for insufficient funds – send money orders or cashier's checks).

All Felter plaintiffs, regardless if you have paid your initial amounts or not, should make another donation as soon as possible to keep up our financial resources. That's why we put the "Donation & Pledge" on the forms in the event we would have to ask for more funds down the road.

When started the case and everyone sent in their donation funds, the purpose for those funds was not only for a retainer or the filing of the case but also for anything we had to do to put our case out in front of the public, Congress, Senators, news media, etc. It takes a great deal of cost to keep fighting a case like yours. We need to keep working together and have faith in our lawsuit and continue to move on as our Grandfathers Guide and protect us.

Dennis G. Chappabitty  
Counsel of Record

# THE MIXED-BLOOD UINTAHS

**By: Manny Nielson**

Quarter-breed, half-breed. We've heard all the taunts. We are the Mixed-Blood Uintahs. A people no nation wants.

Scorned by our own tribe. Disowned by the two bands. We have lived for decades. In a "No Mans Land."

Some of the Tribal leaders. Helped the U.S. Government work its deeds. No consideration was given. To our hearts desires or need.

They set a blood quantum. Our fate was determined by others's. The cruelest injustice of all. They divided the parents, the sisters, the brothers.

They took away our history. Our legacy and our land. To them, we were a non-people. Just mixed-bloods to be damned.

They terminated the "490." And said, you can be affiliate tribe. We'll share some of our assets. But that was just a bribe.

The people could only stand and listen. As they were told lie upon lie. Today, so many of the "490." Have journeyed to the land in the sky.

We call upon the Great Spirit. And the powers of our Ancient ones. Help Us! Help us undo these wrongs, That have been done. So the Tribe and ALL OF IT'S CHILDREN. Can all again, stand as one.

Also we ask the Great Spirit. To help us to understand and to forgive. Ease the hardness in our hearts. So in peace and harmony, we might live.

Our heritage burns within Us. Like the wood fires embers. We are the Mixed-Blood Uintah's. Our Blood Remembers.



## 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...

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27913 Taft Hwy  
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## Rally Event

SACRAMENTO, CA --- On Friday, September 23, 2005, representatives from throughout Indian Country will gather at the State Capitol Building in Sacramento, California in a show of unity, strength, and support for civil rights in Indian Country.

Several presentations by American Indian scholars, legal representatives, and Native American activists will focus on those American Indians who have been denied or otherwise stripped of their human and civil rights.

The Mixed-Blood Uinta's of Utah have been invited and asked to speak at the rally on our 51 year struggle to over turn the unjustly termination of the Mixed-Blood Uinta's by the Federal Government. Our Drum group "The Eaglewing Singers" has been invited to perform and will be highlighted at this rally.

We encourage all who's lives have been turned upside down by the Ute Partition Act to attend this rally, if possible, to show the world that we are united in this struggle!

This is an important event and an opportunity for us to attract the attention of the Nation's and the World's News Media.

Remember, this is a struggle for our lives, our Identity, and for our future. Throught Faith, Courage, Strenght, and Perseverance this battle will be WON!

