

# The



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# Mixed Blood's Direction

*A Newsletter for The Plaintiffs of Felter-vs-Kemphorne*



## COUNSEL OF RECORD REPORT # 17

On May 30<sup>th</sup> 2007, Hon. Judge Roberts of the United States District Court for the District of Columbia officially reassumed his jurisdiction, on remand, over Felter v. Kemphorne, a controversy over the legality of the Ute Termination & Partition Act.

Judge Roberts was ordered by the United States Court of Appeals for the District of Columbia Circuit to take further action to the question of whether P.L. 108-108 "saves" the action from dismissal under the 6-year federal statute of limitations. Plaintiffs in Felter are seeking an "accounting" of Individual Indian Monies (IIM) accounts held in the name of the "terminated" Mix-Blood members of the Uinta Band of Ute Indians. They alleged that the 490 Original Mixed Blood Uintas of the Ute Band have never been given an accounting of their IIM accounts, as required under the law.

A Joint Status Report was issued by Judge Roberts with the following dates:

- 1) Defendants Renewed Motion to Dismiss will be filed on or before "August 31<sup>st</sup>, 2007"
- 2) Plaintiff's "Response" will be filed on or before: "October 1, 2007."
- 3) Defendants "Reply" will be filed on or before" October 26, 2007."

I urge all of you who are formally on the Felter as plaintiffs to PAY YOUR ACCOUNTS IN FULL! Our efforts as a group dedicated to the "Journey for Justice" has proven to be successful because we have achieved a very important goal in this "one of a kind" case to eradicate "termination" from the face of the Earth and erase it from the State of Utah. I cannot tell you how much I thanked the Great

Spirit when I got the Order from the Court of Appeals that let us keep the fight alive. I know from looking at the faces of the Honorable Judges on the Court of Appeals that they felt compassion toward you and what had happened over 50 years ago in a remote area of the United States. We just cannot let our frustrations and emotions interfere with our Mission. All of us must keep as strong of a Spiritual and Moral Commitment to everyone who cannot be here with us physically to fight the injustice that stalks and haunts the Land and creates hatred and tries to destroy our Righteous Efforts. I want you to know that when I argued the case before the Court of Appeals that I knew the Courtroom was full of the Spirit People who expect all of their relations living to be strong and keeping going. They expect that we keep our focus and shoot our arrows straight and true to the target and not hide or run away!

The funds necessary for keeping your case going are running very low. I want you all to understand that cases like Cobell cost hundreds of thousands if not millions of dollars to keep them alive until after trial. If you stare the facts in the face, what you as plaintiffs have paid is a drop in the bucket compared to Cobell. You should be proud that we have kept fighting for justice with funds that you paid that are just a fraction when compared to Cobell. I did not become Counsel of Record in Felter expecting that my clients would lose confidence in me and my hard work at taking this case to where it is at right now. I am proud of this but I am also expecting that all of you will also be proud and not fade away in a fit of frustration. The Felter case is not a small civil case that doesn't affect a large group of people. Felter is a massive federal civil case that has educated the public about an evil and genocidal Act of Congress that should put every member of Congress to shame because it is still on the books as law. I know that someone will come forward and see that we have fought a proud battle with one hand tied behind our back against a one-eyed unfeeling giant, a Goliath, the Department of the Interior, that never sleeps and never feels bad about what horrors and agony it unleashed in 1954 on you, your parents, grandparents, great-

*Continued on page 2*

### In This Issue:

**Relay for Life**  
Page 2

**Profile,**  
**Illa Fern Hendricks**  
Page 3

**The Circle of Life**  
Page 3

**A Quick Look Back**  
Page 4

**Obituaries**  
Page 4



# Relay for Life

## “Cancer”

For the last few years my family and I have participated in the “Relay for Life” put on By the Cancer Society. The Relay is held at Uintah High School Track in Vernal, Utah.

My Daughter was struck with Cancer in the early 90’s, and is now a “Survivor.” She will never be completely free of Cancer; once you’ve had it... it will always be a threat to your life. My husband’s whole family has had some kind of cancer, and he too is a cancer survivor.

As the walk starts and they call for all the “Survivors...” to line up for the Survivors Lap... I see my Daughter with her “Pa” getting ready to walk the lap that both of them have earned. The Purple and White Balloons are set free... and the lap starts... my heart pounds As I see so many of the “Cancer Survivors” in their “Cancer Survivor Shirts with Their “Medal” walking around the track... Proud. Smiling... and “Alive.” Tears roll down my cheeks as I watch knowing what these special spirits have been through to be able to be here today... this is “their lap.” and they are

So very proud, as we are proud of them!! I see young children... with no hair from the chemo treatments... I see teenagers, Middle aged and older people, the color of their skin doesn’t seem to matter...they are all in this together as “one.” Walking to raise money to try and find a cure for this awful disease known as “cancer.” each supporting the other, and Letting other Cancer victims know “they are not alone...”

I walk the Track after the “Luminaries” are lit...(which by the way circles the whole Track.) I see many, many people that I know

who have either died, are fighting Cancer, or are survivors of cancer. I see many of our people. Both full blood and mixed bloods... walking the track Together. It makes me feel good inside

to think we are banning together to try And do what each of us can to get rid of this awful disease that comes into so many Of our lives.

I see my Granddaughter Lacey and Walt Sixkillers Granddaughter “Byapper” walking the track Lap after lap... Logging seventeen miles each. Lacey and Byapper has been faithful supporter of the “Relay for Life” for about five years now. And has given so much of themselves to help cancer victims... Lacey’s Aunt Sandy died Of Kidney Cancer... Her Uncle Craig. Battled Cancer... Her Aunt Mitzi battled Hodgkin Lymphoma Cancer, just to name a few. Byappers Grandmother died of Brest Cancer and Other members of her family. You two girls should both be very proud. We are proud of you and will see you at next Years “Relay for Life...”

I want to encourage all of you people to get involved... get your checkups... be aware of What cancer can do to you... We all walk this Earth

together... hopefully someday soon we can walk knowing that there Is finally a “cure for Cancer.” Do your part... get involved in helping anyway you can, you Can make a difference.

Blessings to all of the Survivors, Victims, and Families of Deceased Cancer people. I hope Next year I can sponsor a team to walk in the” Relay for life.” I want to Thank Linda Thompson Hernandez for all the great work she does for the “Relay For Life.” Oranna B. Felter, Mother, Wife, Sister and Friend of Cancer Victims.



*Cancer Survivors  
Mitzi M. Rust and Stepfather Dee Felter*

*Continued from page 1*

grandparents, uncles and aunts. Our Mission is to bring this Goliath to its knees and make this hairy monster confess, with true compassion, for what it did to ruin and destroy the lives of the terminated Mixed-Blood Uintas.

You have to realize that “high ground” we have achieved comes at a cost to all of us. If anyone thinks that this Felter case is a “wounded horse” and we shouldn’t be “feeding it”, you need to go to a quiet corner of your home and pray for guidance and spiritual strength. I want to give my special thanks and deep gratitude to those of you who have stayed right up there with the lead plaintiffs and me in the smoke and dust of battle and paid your fair share. I want to encourage those of you who haven’t paid a red cent or not paid your full share to live up to your solemn commitment as a plaintiff in this unique case. I intend to request a hearing before Judge Roberts after all the briefs have been filed. Going to

Washington, D.C. to be there in the flesh and blood to deal with the one-eyed Goliath takes money. I do not believe that we had a chance at keeping Felter alive if I had not gone into battle before the Court of Appeals and delivered a strong oral argument to support our written legal brief.

I encourage as many of you to attend the scheduled Prayer Gathering on August 4 at 12 noon at Sonny Denver’s Home on Whiterocks Hwy. I cannot be there but I will there with you along those who can only be there in Spirit! For those of you who are considering joining up as Plaintiffs in Felter, you must make your decision very soon! For every one else, PLEASE CONTINUE TO MAKE CONTRIBUTIONS! Continue to write letters to Congress to let them know that they must take steps now to repeal the Ute Partition and “Extermination” Act even while we are fight in the Courts.

# Illa Fern Hendricks

Illa Fern Hendricks was born on March 25, 1937 at the Indian hospital in Fort Duchesne Utah to Alice C. Reed and Charles Andrew Hendricks Sr. Her Grandparents were James B. Reed and Rachel (Murray) Reed. With the untimely passing of Illa's mothers in 1939, the Chief of the Tribe gave Illa to her Aunt and Uncle, Chalmers & Lilly (Reed) Wash.

Illa recalls as a child, how her Aunt Lilly always socialized in the surrounding communities by having a Float, that she entered in events to exhibit our Indian culture. "Aunt Lilly would dress me in buckskins and set me on the float. It was always a hot and miserable experience for me." Illa remembers one particular instance setting on the float in Ogden Utah in the hot sun while spectators walked around looking at the Indian exhibit. "A man and his wife stop at the float, this man tried to get me to say something, instead of talking, I just acted Indian Dumb. He turned to his wife and made this comment, I wonder what kind of Indian that is, it has green Eyes."

I learned to play the piano by ear along with learning the Accordion without taking any lessons; I liked singing country music.

At a very early age, Illa discovered she had an intense passion and skill for riding horses. During one Rodeo in Vernal, Utah, the Movie star & Rodeo Clown, Slim Pickens sat me upon the back of his mule & ask me what I wanted to do when I grew up. I had watched Dick Griffet along with other Trick Riders perform. I told Mr. Pickens, "I want to be a Trick Rider." He told me "don't let anyone tell you, you can't do it."

From this point on Illa worked to accomplish this dream. She was able to master many roping and riding tricks. "I even mastered a trick while standing up on a running horse called the wedding ring loop." Along the way she even trained a bramer bull calf to do tricks. Eventually Illa had to have him (to put kindly) neutered, because he refused to leave the girls alone. I called him Homer. Someone shot & killed him around 1954 at my folk's ranch on the reservation.

Illa joined the R.C.A. (Rodeo Cowboys Association) where she performed in Rodeos all around the country. She recalls most Rodeos held around the Uintah Basin would only pay ten dollars a

performance during that time period. "I performing for the locals in order to improve my showmanship skills and gain more experience." "I started performing on the professional Rodeo Circuit in 1947." "I was invited to perform at Madison Square Garden in 1958, which is every trick riders dream, however the

message did not reach me in time because if the distance involved in getting there." "I remember signing autographs for the public because the announcer's told the audience I was an American Indian." "Almost everyone wanted to know if we Indians still wore breechcloths west of the Mississippi." Illa retired from performing on the rodeo circuit in 1961.

Illa taught herself how to play the Piano and the Accordion by ear. She got together with other musicians, started a western band in 1966, and played music for a few years. Illa has five children, eight Grand Children and ten great Grand Children.

Illa stated that she has had to face many dark moment's in my life. "The darkest came when I moved back to the reservation & realized that there was something terribly wrong was happening

on the reservation." "The way Indians were treating Indian plus the discrimination I witnessed in the surrounding communities by many non-Indians was not right." "This is why I decided to commit myself to find out what happened to our Indian people after Public Law 671 68 stat. 868 was passed in 1954 and made final in 1961 and if possible do something about it."

"There have been many attempts, over the years, to form a direction for our people to go. There have been several attempts made, in the past, at forming some kind of alliance through different committees in an attempt at getting the mixed-blood identity restored. But because of internal conflict between those who have been effected by termination and those who have benefited from it, each attempt fall by the wayside.

They say that we're terminated, yet they call us, Mixed-Blood members of the Ute Indian Tribe!

Sincerely I Remain



## "The Circle of Life"

By: Larry Kibby

Oh Great Spirit, of the Indian people... hear my words, for they are words that come from the "heart, soul and mind."

Oh great spirit, "be my eyes, be my ears, be my heart, be my soul" so that I may walk with dignity and pride.

Oh Great Spirit of the Indian people... know of me for I am of your people.

"I' am Indian" an Indian of the circle of life... "A prisoner of war in my own land!!!"

Oh Great Spirit, of the Indian people, hear my words for they are for you, they are of you, you are my way of life in the "circle of life."

# A QUICK LOOK BACK

## “Terminations Effect”

By Earl Denver

*In the motion picture “Taxi Driver” the principal character, Travis Bickel, looked at the chaos and corruption around him and said, “Too many things have been going on for too long.” I hope to cover one of those things in this article... I appreciate your attention.*

Following termination, a group of the Uinta people and their Elders gathered to hold a meeting at the Tribal head quarters in Ft. Duchesne to figure out a plan to prevent the illegal termination of their Uinta Band members. The Tribal Business Committee with the backing of the superintend from the BIA, which was instigated by the Uinta’s own Attorney John Boyden, declared this meeting an illegal protest and called in Federal law enforcement to break up the meeting, which violated the Uinta’s Constitutional right to freedom of assembly.

Two of the Uinta’s main Elder’s, “Julius Twohy and Etta McCurdy,” were arrested and transported to and incarcerated in the Federal Jail in Salt Lake City. Other Uinta’s who were present at the meeting were arrested and hauled off to the Uintah County Jail in Vernal, UT. None of those arrested were put in the Local reservation Jail. Julius Twohy and Etta McCurdy were convicted and sent to prison. The others were held for a time and released.

A writ of habeas corpus was filed in the U.S. District Court for the District of Utah, Central Division by William C. Reed before Federal Judge Willis Ritter who was hearing cases in Boise Idaho. According to testimony giving by Julius Twohy the incarceration of those attending the meeting was perpetrated by

their own legal counsel “John S. Boyden” who was legal representative to both the Terminated Indians and the Ute Indian Tribe! William C Reed served as a Deputy U.S. Marshal in the early 1900,s and was a member of the Uinta Band. On October 11, 1960 the matter of the petition of Julius Twohy and Etta McCurdy for a writ of Habeas Corpus was heard before Judge Ritter in Salt Lake City.

Julius Twohy and Etta McCurdy were represented by Ronald Boyce an Attorney from Salt Lake City who presented evidence that these two Uinta Elders had their Constitutional Sixth Amendment rights to Legal Counsel denied them.

After hearing from both sides, Judge Ritter ruled in favor of Julius Twohy and Etta McCurdy. Judge Ritter over turned their conviction and set them free. After his release, Julius Twohy, a proud full-blood Uinta leader was black listed for defending his nation and was forced to live in exile amidst his own people for the remainder of his life. The story behind Julius Twohy’s ordeal is not widely known and now is the time that it is told.



### The Mixed Blood’s Direction

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Send comments to the Mixed Bloods Direction at the address below or e-mailing edenver@bak.rr.com and they will be forward to the Attorney for review. We’re looking forward to hearing from you...

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## Obituaries

### Plaintiffs of Felter -v- Kempthorne who have passed on:

- 1} Dan Earl ( Pete) Felter... Original 490..Roll #108...
- 2} Connie Mack Denver Jr.. Original 490..Roll #91...
- 3} Selma (Hackford) Christensen...Original 490..Roll #44...  
(Selma is the Mother of Lead Plaintiff, Jens Dale Christensen)
- 4} Kenneth Felter, Descendent of James K. Felter... Original 490...Roll #109

### Original 490 Not on the case

- 1} Floyd Hendricks... Original 490...Roll #175...
- 2} Lois Mae (Secakuku) Larose... Original 490...Roll #232
- 3} Lyle Butcher... Husband of Rhoda (Pike) Butcher...Original 490...Roll #37
- 4} Floyd Wopsock... Son of Letna (Harris) Wopsock.. Original 490...Roll #467