

The



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Mixed Blood's Direction

A Newsletter for The Plaintiffs of Felter-vs-Salazar



COUNSEL OF RECORD REPORT # 24

By: Dennis Chappabitty, Attorney for Felter v. Salazar

Dear Felter Plaintiff,

As you will notice, I have decided that we should use our News Letter heading since it has been two years since we have put out a News Letter. I have written my past few Counsel of Record Reports in regular format because of the expenses involved. I informed by our webmaster, who does the printing of the Newsletter and Oranna who sends out the News Letter, that we would have to discontinue the letter for the time being. That was in April of 2008, two years ago, when we were still before Judge Roberts in the U.S. Federal Court.

Since that time, we had received word from Judge Roberts dismissing our case. To say the least, this was a big set back for all of us. However, we are finally free to continue our Journey to Justice, once again, in the United States Court of Appeals. I have informed all of you on different occasions that I was going to see this case through no matter what and I intend on doing just that.

Sure, it was a disappointment when Judge Roberts ruled against us. I will be the first one to tell you that. On the other hand, it certainly is not the end of the case and our chances of going on and getting a good decision back from the U.S. Court of Appeals.

I have informed the Court of Appeals of my intention to file and Appeal on behalf of the Plaintiffs of *Felter v. Salazar*. I received a list of documents back from the Court that had to be filed with the Court along with a good sized filing fee. This was taken care of and now we move on.

The two (2) issues that will be raised on appeal are:

1. Whether the District Court erred in granting defendant's Renewed Motion to Dismiss under Fed. R. Civ. Pro. Rules 12 (b)(6) and 12 (b)(1) by failing to accept the allegations of the Amended Complaint as true, or to construe the Amended Complaint in a light most favorable to Appellants, while refusing to allow discovery that would prove that Appellants were not adequately represented in prior litigation by anyone vested with authority to represent them.

2. Whether the District Court erred in ruling that the "termination" of Appellants' federally recognized "Indian" status in 1961 extinguished the United States duty to Appellants to properly and correctly account for ICC funds commingled with monies from numerous other sources that were subjected to division under authority of the UPA.

The Court of Appeals has not sent an order to the parties telling us when our Opening Brief must be filed. I expect that this Order will be sent out before the end of May.

We now start a new "era" or "stage" in our case since Notice of Appeal of Judge Roberts dismissal has been filed with U.S. Court of Appeals for the District of Columbia. That is why I felt it was necessary to revive our Newsletter, and to let you know I'm here working for you as I always have been since I signed on in 2002 some eight, almost nine years ago.

The ones who work with me to keep the case going have not once backed down because Judge Roberts didn't rule for us. They know our goal is to go on and keep working, keep the case alive and try our best to achieve a good decision from the Court of Appeals.

In order to do this, it is imperative that I have the cooperation and dedication of all of our plaintiffs in Felter. By that, I mean you to have more faith in me, more faith in the ones who work with me to keep the case alive and out there in the public eye.

When I started in 2002, just like you I had no idea the Federal Court would take so long in issuing a ruling. However, you must remember that Judge Roberts did rule against us and I

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appealed his decision on behalf of all the plaintiffs. Then, I flew back to Washington D.C. to personally appear in the U.S. Court of Appeals to argue your case. I did this in the cold of the winter in December. By the following March or April we had a decision back from the Court of Appeals, in which they handed the case "back" to Judge Roberts. This was a Great Victory for us because we kept our "termination" case in the courts!! Judge Roberts then had to take the case "back" under advisement where he then sat on the case for almost another two or so years before ruling against us once again.

So, I look forward to getting the case back before the Court of Appeals, where there will not one Judge but three Judges.

The many years of delay in reaching the end of our Journey for Justice has been very frustrating to all of us and those of you who work with me on the case. The fact that the Federal Judge took so long was something that I had absolutely no control over. This is one of the reasons why it is imperative that I file the very best briefs on your behalf that I possibly can do and this takes a lot of time and expense.

Since last year I have put out several letters and notices asking each of you to please help me to keep our case going. A few of you have responded, but more of you have not. In order to move forward I will need each of you to mail in as quickly as possible and not later than June 5th, 2010 a two hundred dollar (\$200) "Summer Contribution". I am asking for the Contribution early because I have several commitments in June. As I noted, I could be getting notice from the Court of Appeals any day to get the main brief drafted, finalized, printed and filed.

This will be a big job and is expensive, but a necessary part of the case. After this brief is filed, it is very possible that the Judges will request that I come before them to argue the case in Washington D.C. If this happens, I will need the necessary funds ready and waiting, as it could be short notice not giving us time to put out notices asking for help. That is why I'm asking now that each of you mail in a two hundred dollar (\$200) Contribution to help with the case. (Some of you may think you paid yours, by sending in funds this last spring especially if you were late in sending in. This is the *Summer 2010 requested contribution different than the Spring Contribution.*)

I do expect all plaintiffs of *Felter v. Salazar* to pitch in and help. Don't leave it up to a few dedicated members to carry you on their shoulders. It just as much your responsibility as it is theirs. Lets all walk this road together, just like we did when the case started. We have power in numbers. You will know if you choose to help or not, just as I will know. Please let us treat each other with respect, as we are all in this together, we need help, we need participation, we need your confidence, we need your support, and we need your prayers for this major federal civil case to succeed

I ask you from the bottom of my heart to please get the requested amount sent in as soon as you receive this letter. Please send it to: Oranna B. Felter, Felter v. Salazar, P.O. Box 465 Fort Duchesne, Utah 84026. There will be a receipt sent back to you to acknowledge payment. Please keep in mind this also costs forty four cents (.44¢) each time a letter is sent out so please keep us informed if you move or change your address. One mailing costs the case over five hundred dollars (\$500). Remember this is the "Summer 2010 request." If everyone on the case would do their part, we wouldn't have to ask for a Fall or Winter contribution. Let's see what we can all do on this request. We must let our opponents know we will never give up or give in, but this can only be done with your help.

I must say I'm very pleased and grateful to the ones who have stood by us. I think there were a lot of people who thought we would fall to the wayside. They are surely surprised because we remain in their walking ahead on our Journey to Justice. We will continue on our Journey until we get justice and expose the identities of those non-Indians, business and corporations who stole our tribal identity and happily and shamelessly stuff their pockets in the most immoral manner. Just remember this case is "not over." We are at a "new beginning" a new phase of the case.

My Counsel of Record Report #24 is dedicated to all of our Veterans who are Plaintiffs in Felter. I have said that is truly saddening that some of our Plaintiff Veterans have passed on and they are the same ones who fought to protect our freedoms only to come home to see their federally-recognized Indian status stripped from them by Act of our own United States Congress.

As Memorial Day approaches at the end of the month, please remember our Veterans and the sacrifices they made to make sure our Country is free.

Remember, we must walk as One on Our Journey for Justice and Keep the Fires Burning!

I will remain your Counsel of Record and stay with you in this Fight Against the Existence of the Federal Termination Policy and Repeal the Ute Partition and Termination Act.

Dennis G. Chappabitty, Attorney at Law, OBA #1617

PRAYER LIST

A list of individuals in need or our prayers & Cards

La Jean N. Richman: Prayer

Route 1, Box 1314 Roosevelt, Utah 84066

Lynda Richman Myore: Lost Husband to Cancer

Route 1, Box 1314, Roosevelt, Utah 84066

Kaden D. Peterson: Great Grandson of Oranna & Dee Felter: Has been diagnosed to have Cerebral Palsy (C.P.)

C/O Bert D. Peterson, P.O. Box 1901, Roosevelt, Utah 84066

Chance Peterson: Prayer, Grandson of Oranna & Dee Felter.

Chance is still be diagnosed but needs prayer.

P.O. Box 1901, Roosevelt, Utah 84066

Richard H. Curry SR: Prayer. Just lost his beloved wife in an automobile Accident.

519 E. 700 N. 95-3, Roosevelt, Utah 84066

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COMMENTARY

By: Oranna B. Felter, *Lead Plaintiff Felter v. Salazar*

When Dennis asked me what I thought about reviving the Mixed Blood Direction Newsletter. Because we are starting a new era in the Felter case, I told him it was great and that I had been thinking about the Newsletter myself as I really felt our Plaintiffs needed something to look forward to and to keep them informed on the case, although Dennis has done a good job in all the letters we have put out.

When Dennis called me to let me know that Judge Roberts had denied our case, he told me without any hesitation "I'm Appealing this case on to the United States Court of Appeals." I was upset that Judge Roberts ruled against us after making us wait another two almost three years and that our case had been in his court since 2002.

I felt what he said could have been said years ago, but he drug his feet making us wait while our elders continued to pass on, and everyone is getting older, having health problems, and loosing confidence in the case. This upset me, because even though the years has flew by, we who work on the case has continued to work and put the word out all over the county about what happened to our people. We have not been sitting idly by, when Dennis would tell us to do this or that we done it without hesitation.

We have had a news-reporter here from Italy that done a big article on us in an Italian Newspaper. Him and his photographer came to Roosevelt and spent three days here, taking pictures of the reservation and interviewing Dennis and me. I contacted several of our members who did not want to give an interview, so we continued on (You can see this interview on our website). Dennis felt it was important that we spread the word about our termination worldwide.

When he goes to any of his meetings etc. he takes flyer's to pass out letting others know what happened to us.

I have been contacted by several Indian organizations that wanted to know more about us, and a lot of the Indian News Papers have a direct link to our website. Our Website has several visitors on it constantly, including the Bureau of Indian Affairs, Justice Department, and others, so it seems we are still interesting to them.

I have also been in contact with several of our 490 members and some descendant's who aren't members of the case but who wish they had known so they could have been a plaintiff. This has given me an opportunity to find out where a lot of our people is at and they tell me how wonderful it was when they seen our website and was able to see a lot of their terminated people, and read the articles, and what a wonderful job our web master dose to keep the site updated. This is exciting to me to see a name pop up on my computer who I haven't seen or heard from for years.

It was exciting to receive an invitation from the Assistant Secretary of Interior Larry Echo Hawk, and to meet and talk with him in Salt Lake City, Utah, where I presented him with a copy of both of the books that has been wrote about us, and we talked back and forth about the termination and what possibly could be done.

Then I received an invitation for any or our members to go to a gathering back in Washington D.C. On August 17, 18, and 19th to let Congress, the President and everyone know of the mistreatment of Indian people stamped with the name of Mixed Bloods. Anyone who wants to go can.

I have also been in contact with "The American Indian and Resources Organization" they were Federally recognized Indians in California who their Tribe "Disenrolled them." So if anyone thinks termination is over with they had better think again. One thing about AIRRO they organized and they are fighting to have their tribal identity restored. I have sent them information on us and have asked them to mention us at every meeting they have, which they have done. I have become good friends with them.

These are only a few of the many things I have been working on since our last newsletter. As you can see I don't sit idly by. We keep working constantly. Our work is never done, and all of this is done between working with Dennis, getting Notices mailed out, typing address labels, stamping envelopes, and lots of office work. Do I get tired? You can count on it. Sometimes I don't get to bed until two or three in the morning working on letters or notices things that has to be done.

I ran into one of our members in Vernal when we first got the decision back from Judge Roberts, she was actually in tears as she came walking up to me and asked "We are going to appeal this aren't we, I hope our attorney is not going to stop, we can't stop, I have to fight for me and my deceased Father who would have gave anything to be here and keep the fight going, I have stepped in his shoes and I will do whatever it takes to do my part to keep the case going." I put my arm around her shoulder and said "NO" were not going to stop, we will be appealing the case,

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Pray list continued from page 2

Cal & Louise Hackford: Just lost their Son Calvin.
HC 67 Box 250, Whiterocks, Utah 84085

Genevieve Taylor Lucero: Fighting a courageous Battle with
Cancer, (Wife of Bernard Lucero, original 490)
P.O. Box 319, Neola, Utah 84053

Linda Chappabitty: Having back problems, Wife of Attorney
Dennis Chappabitty
P.O. Box 292122, Sacramento, Ca. 95829

Mary Denver: Having several medical problems.
P.O. Box 162, Lyman, Wyoming 82937-0162

Connie Murray: Fighting a courageous battle with cancer.
(Daughter of Julius Murray, original 490)
Address unknown

Recently Departed

*Fern Harris Burdick #35 - Feb. 17, 2008

*Tawannee Kolb #217 - Feb. 20, 2008

Rosella Montes LaRose #246 - April 30, 2008

Rex Charles McClure #266 - May 7, 2008

Gary Murdock #297 - Aug. 23, 2008

Margaret Rose Jenks Murdock, Wife of #297 - Oct. 2, 2008

*LeRoy George Christensen #47 - Dec. 7, 2008

*Naturitch Kolb Neilsen #103 - Nov. 27, 2008

Norma Mae Larsen Denver, Wife of #98 - Feb. 7, 2009

Gene Tunny Daniels #80 - Feb. 24, 2009

Martin (Tug) Reed #383 - April 26, 2009

*Lisa Kay Sixkiller, Daughter of #416 - Feb. 2, 2009

Maxie Elija Chappoose, *Son of #466 - June 13, 2009

Lola Christene Ballard Luna #6 - Nov. 4, 2009

*Ellis Denver #96 - Nov. 11, 2009

Alfonso (Sonny) Van Jr. #448 - Oct. 16, 2009

Woodrow (Woody) Myore, Son-in-Law *#407 - Jan. 4, 2010

*Louis Russell (Rusty) Reed #362 - Feb. 12, 2010

Lynn McClure #265 - March 21, 2010

Myra Copperfield, Raised by *#56 & *57 - March 27, 2010

Calvin S. Hackford, Son of *#146 - April 1, 2010

Yvonne Gardner Curry, Wife of *#66 - April 19, 2010

Ladd Lamar Richman, Grandson of *#407 - April 25, 2010

** Plaintiff in Felter v. Salazar*



In remembrance of all our veterans we honor you on this memorial Day and dedicate the following poem to our Veterans

“I am the Flag of the United States of America”

By: *Howard Schnauber*

I am the flag of the United States of America, my name is
“Old Glory.”

I fly atop of the world’s tallest buildings; I stand watch in
America’s halls of justice. I fly majestically over institutions of
learning; I stand guard with power in the world, look up and see
me.

I stand for peace, honor, truth, and justice. I stand for
Freedom. I am confident, I am arrogant, I am proud.

When I am flown with my fellow banners, my head is a little
higher, my colors a little truer.

I bow to no one!! I am recognized all over the world, I am
worshiped. I am saluted. I am loved, I am revered, I am respected
and I am feared. I have fought in every battle of every war for
more than 200 years. I was flown in Valley Forge, Gettysburg,
Shiloh and Appomattox. I was there at San Juan Hill, the trenches
of France, in the Argonne Forest, Anzio, Rome and the beaches

of Normandy, Guam, Okinawa, Korea, and Vietnam. I was there, I
led my troops, I was dirty, battle-weary and tired, but my soldiers
cheered me, and I was proud!

I have been burned, torn and trampled on the streets of
countries I have helped to set free, it does not hurt for I am
invincible. I have been soiled upon, burned, torn and trampled on
the streets of “my Country.” And when its by those whom I’ve
saved in battle. It hurts!! But I shall overcome for I am strong.

I have slipped the bonds of Earth and stood watch over
uncharted frontiers of space from my vantage point on the moon,
I have born silent witness to all of America’s finest hours, but my
finest hours are yet to come.

When I am torn into strips and used as bandages for my
wounded comrades on the battlefield, when I am flown at half-
mast to honor my soldier, or when I lie on the trembling arms of a
grieving parent at the grave of their fallen son or daughter. “I am
Proud!”



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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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Taft, CA 93268

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The attorney called and said he was taking it onto the Court of Appeals. She looked at me with tears running down her cheeks and said “Thank you so much for giving me the best news I have heard, and Thank our Attorney, my Father said “The Angles Sent him to us” and I truly believe they did.” She thanked me for the work I do and our web master, this meant a lot to me.

This is the reason I stay in here and work with our Attorney and our web master and others. We have come this far and we need to stick by our Attorney and take it all the way. We need to think of our loved ones who can’t be here to fight for themselves, the ones who are suffering with bad health, the ones who have lost their homes and lands, the ones who have been cheated out of their gas, oil and minerals, who walk around in second hand clothes while the ones who owns their Ute Distribution Stocks walks around in new clothes, drives the best vehicles and gets paid every three months.

No one has ever offered to help our people as they struggle to make ends meet, except Dennis Chappabitty, he has stood by us for almost eight years, never giving up, and determined to let the truth be known about the suffering and injustices against our people.

There is not much more I can say that I haven’t said over the years. I only ask you to please stay united, please have faith in our Attorney, Please support our case, Please have faith in all the ones who work for you please don’t give up or give in and please keep the fires burning as we continue our “Journey To Justice.” **Oranna B. Felter, Lead Plaintiff Felter v. Salazar**