

December 7, 2006

U.S. Senator Orrin Hatch
U.S. Senate Committee on Indian Affairs
104 Hart Senate Office Building
Washington, DC 20510-4402

Sent by Fax Transmittal

I am the attorney for the 576 plaintiffs in *Felter v. Kempthorne*. On Monday, December 11, 2006, I will be in Washington, D.C. arguing their appeal of the Federal District Court's dismissal of their action to invalidate the Ute Partition and Termination Act ("UPA"), 25 U.S.C. § 677 *et seq.* As the attorney for the *Felter* plaintiffs, I am writing on their behalf to request a meeting with you and your staff on the subject of sponsoring a bill to repeal the UPA.

Because of backroom dealing, profiteering and deceit, the UPA has caused a multitude of litigation since it was enacted by the U.S. Congress in 1954. The UPA has also wrecked havoc upon the lives of my clients and unduly served to benefit non-Indians and many non-Indian corporations and businesses, something for which this termination law was never intended. Contrary to the beliefs held by many, the Uintas did not volunteer to "exterminate" themselves in 1954.

Lawsuits have been filed over the years seeking to question the manner in which the UPA has been administered or if it was even constitutional. It is not enough to say that this Act of Congress is legally or morally correct because those cases have been unsuccessful and decided in favor of this strangely remaining federal "termination law". Under no justification can Congress let this wicked law remain as a legacy of a long renounced federal policy of "racial eradication". We must all remember that the "Jim Crow" laws made racial segregation and discrimination the law of our United States before *Brown v. Board of Education* placed this social issue before the courts. Congress correctly acknowledged the moral wrong done to the our Japanese-American Citizens for their forced internment during WWII.

My clients in *Felter* urge you to take a moral stand against one of the last remaining laws that stands as an evil reminder that in 1954 the U.S. Congress enacted a racially selective law targeting for extermination the poor, uneducated and hapless "Mixed-Blood" members of the Uinta Band. Unfortunately, my clients, who were one of the original terminated "490", were forced to endure the indignity of having the Bureau of Indian Affairs serve as their "guardian" during the entire termination process. It was this federal agency that twisted the truth and lied to the U.S. Congress that the Mixed-Blood Uintas had voluntarily relinquished the Indian status at a lawfully called and validly conducted meeting held in 1954. Historical accountings also show that a duplicitous attorney took every unconscionable opportunity to insure that the Original 490 were fleeced of their Indian status and valuable property. For these and other numerous reasons, we seek your sponsorship of an Act of Congress to repeal the UPA.

Letter to Sen. Orrin Hatch

Re: Request for Sponsorship of Bill to Repeal UPA

December 7, 2006

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We have mounted a massive effort at educating the public, both national and international, about an unjust and racist federal termination law that remains on the books of law of our own United States. The lead plaintiff in the *Felter* action, Oranna Bumgardner Felter, was only a minor in 1954 when the UPA forced life-changing experiences upon her and other of her Proud Uinta People. By the repeal of this poisonous law, the UPA, our Country will prove to other Nations that the U.S. Congress reaffirms our shared national commitment of equal justice for all.

The shameful chapter of our Nation's history that gave rise to the evil era of termination of Indians and Tribes has been routinely remedied by litigation or Acts of Congress to restore status to victimized Tribes. Why is this one law that has exacted terrible consequences of the lives of thousands of your Utah constituents been allowed to live on? Undoubtedly, the UPA is an unremedied festering "sore" in a Nation known worldwide as granting justice and fairness to even its most poor and unrepresented Citizens. No "cosmetics" can cover over and hide the enormous social and economic toll that continues to be forced unwillingly upon Utah's own Indigenous People.

I would be available to meet with you in Washington, D.C. on the afternoon of December 11 as well as anytime on December 12. We would like to discuss with you and other members of the U.S. Congress sponsorship of a law to repeal the UPA. We would like propose the formation of a "commission" to study this complex, confusing and maladministered federal law to establish a firm basis for its repeal.

Ms. Linda Amelia of my staff will contact your Office to followup on my request for a meeting. I can be reached at (916) 804-6567 while traveling and look forward to hearing from you soon on this matter of International Human Rights.

Respectfully,

cc: Oranna Felter
Calvin Hackford

Dennis G. Chappabitty
Counsel for the Terminated Uintas