

UTE TRIBE ABANDONS SOVEREIGNTY AND SUPPORTS TERMINATION

1. The Ute Tribe is doing everything it can to abandon sovereignty.

Consider this sequence:

a. In 1981, Judge Jenkins of the federal district court for Utah ruled that all land within the exterior boundaries of the Uintah and Ouray Reservation remains under exclusive tribal and federal jurisdiction. This was called Ute I.

b. In 1983, a three-judge panel of the 10th Circuit overruled Judge Jenkins and held that the reservation is as small as the State of Utah says it is. This was Ute II.

c. In 1985, the 10th Circuit sitting en banc *overruled* Ute II and held that the entire reservation remains under exclusive tribal and federal jurisdiction. This was Ute III. Except as modified by Hagen, Ute III *remains the law*.

d. In 1994, the State of Utah circumvented the 10th Circuit by running the Hagen case through State court to the U.S. Supreme Court.

e. In 1995, the State of Utah attempted to tell Judge Jenkins that Hagen obliterated the reservation off the map. Instead, Judge Jenkins ruled that Ute III remains the law, except for 1905 homesteads and townsites. Judge Jenkins' 1995 ruling was Ute IV.

f. In 1997, the 10th Circuit confirmed that the whole reservation, except for the 1905 homesteads, *remains under exclusive tribal and federal jurisdiction*. In other words, the Ute Tribe *won*. This is Ute V. Ute V is the law.

Here's where it gets weird:

g. In 1999, notwithstanding the Ute Tribe *won* Ute III and Ute V, it *surrendered* to the State of Utah all the jurisdiction it had just won. The Ute Tribe has agreed to be bound *not* by its *victorious* rulings in Ute III and Ute V, but by its *obsolete 1983 defeat* in Ute II!

h. In 2005, the *Utah* Court of Appeals held in Reber, over the *objection* of the Ute Tribe, that nearly 4,000,000 acres of Indian land fall under exclusive tribal and federal jurisdiction.

i. In the State's appeal of Reber to the Utah Supreme Court, the Ute Tribe has filed briefs *supporting* the State and *renouncing* tribal jurisdiction over the Indian lands defined in Ute V.

The so-called "exterior lands" created by the 1999 agreement between the Ute Tribe and the State of Utah are the difference between Ute II and Ute V. However, *no* federal statute creates any such category as "exterior lands." *No* federal ruling creates such a thing as "exterior lands." Under Ute V it's all Indian land. *There ain't no such thing as "exterior lands"!!*

2. The Ute Tribe is the only tribe in America that is arguing in favor of a termination act.

There is much that America's many Indian tribes disagree on. However, with one exception, they all support tribal sovereignty, and they all oppose termination, a policy that was discredited by the mid-1960's and was formally renounced by the federal government in 1970.

Notwithstanding the threat which termination poses to all tribes, in 2006 the Ute Indian Tribe of the Uintah and Ouray Reservation is still arguing vehemently *in favor* of the Ute Partition Act of 1954. The UPA terminated the Uintah Band, one of the three constituent bands of the Ute Tribe, and the only band holding treaty rights to the lands occupied by the Ute Tribe in Utah.

The Ute Tribe would abandon its own sovereignty in order to spite the Uintah Band, and by defending the UPA it is doing just that. Any tribe that supports a termination act is creating a precedent that endangers the sovereignty of all tribes.