

Lawsuit Pending in US District Court

Attorney for terminated Utes says he can see their rights are restored

An attorney for 490 former members of the Ute Indian Tribe is taking aim at a series of laws passed between 1945 and 1961 that ended his clients "Indian status" with the federal government.

Attorney Dennis Chappabitty, a member of the Comanche Nation, said he has successfully represented Native Americans in California helping them regain their status within recognized tribes.

Now a group of "terminated Utes" have hired Chappabitty to do the same for them by taking their case against the federal government to court. Members of the Ute Tribe who had their membership in the tribe terminated in the 1940s contend the government effectively stole their assets, property and even their heritage.

One of those individuals, 82-year old Alvin "Sonny" Denver, grew up identifying himself as a member of the Uinta Band of the Ute Indian Tribe because his grandparents had been adopted into the Ute Tribe, even though they were of mixed Indian and Caucasian blood.

When Denver was 40, his legal rights as a Ute were terminated and his name was removed from the tribal rolls. Although the Ute Tribe is comprised of three bands, only members of the Uinta Band were terminated at a time when the federal government had plans to end their supervision of several Indian tribes by dividing up property.

Ute Distribution Corp. was the entity created to disperse the property and assets that the terminated Utes were given when they were removed from tribal rolls. Now, along with having their status as Ute Indians restored, the 490 members of the Uinta Band also want the federal government to give them an accounting of what has happened to their stocks held in federal trust.

According to Chappabitty, the government's termination of the Uinta Band members is "null and void" because they did not ensure those individuals received the property and stock rights promised to them.

"The U.S. failed to properly convey various assets and property rights and as such they were slowly taken away to the benefit of non-Indians in the area," he said.

The court case was filed Nov. 4, 2002, in U.S. District Court in Washington, D.C. Fort Duchesne resident Oranna Felter, who was 11-years old when her family was terminated, is the lead plaintiff in the lawsuit.

"It was never the intent for non-Natives to benefit in the transfer of assets from mixed bloods," she said.

Chappabitty and terminated Utes from the Uintah Basin gave a presentation on the lawsuit and explained the related issues earlier this month before a crowd of about 150 people at the Indian Walk-In Center in Salt Lake City.