CASE NO. 11-4108

IN THE UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

HACKFORD et. al.
Petitioners/Appellants

vs.

STATE OF UTAH et. al.
Respondents/Appellees

APPEAL FROM AN ORDER
OF
THE UNITED STATES DISTRICT
FOR THE DISTRICT OF UTAH

APPELLANTS OPENING BRIEF

Oral Argument Not Requested

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JURISDICTION

A Motion for Restraining Order or Preliminary Injunction was commenced on April 13, 2011. The district court Order Denying Motion for Injunctive relief issued on May 4, 2011. A Motion of Appeal of Order Denying Motion for Injunctive Relief being filed on May 10, 2011 in district court, United States Court of Appeals for the Tenth Circuit order for appellants opening brief be served on or before September 23, 2011.

ISSUES

The district court cites reasons for denial as follows:

1. State defendants have responded to the motion, and in doing so have [expressly reserved their rights to challenge the sufficiency of process as raised in the concurrently filed Motion to Quash Service and to Dismiss for Failure to Serve within Time Limits.]

2. Plaintiffs have [failed to satisfy the necessary pleading requirements and substantive grounds for injunctive relief as required by Federal Rule of Civil Procedure 65.]

3. Plaintiffs have failed to [file an affidavit or verify complaint]

4. Plaintiffs have also failed [to set forth specific and comprehensible facts demonstrating that immediate and irreparable injury is about to occur.]

5. Plaintiffs have failed [to allege facts sufficient for this court to fashion a proper order under Rule 65(d).]

6. District courts (example) plaintiffs' motion asks this court to grant ["a restraining order or preliminary injunction against the above listed parties as to insure and protect both our lives, personal safety, freedom and liberties,"] Such conclusory language, absent factual support in the record, does not provide this court with adequate basis for determining what, if any, injunctive relief would be proper.

7. Because plaintiffs failed to satisfy the requirements of Rule 65 of the Federal Rules of Civil Procedure, plaintiffs' motion for injunctive relief is DENIED.

STATEMENT OF THE CASE

On September 23, 2010 the plaintiffs' (Appellants') filed In the Eighth Judicial District Court of Duchesne County, State of Utah, Roosevelt Department a civil rights action against the State of Utah, and subsidiaries or defendants' (Appellees) filed as State of Utah Federal Legislation Jurisdiction, P.L. 671- Ute Partition Act.

Subsequently the plaintiffs' (Appellants') not having any legal experience, and acting Pro Se, on December 21, 2010 had to re-file to include the word Complaint.

The State of Utah and subsidiaries remained motionless on this case until the state defendants (Appellees) sent notice of their action by Notice of Removal of a

Civil Action from State Court to Federal Court, were it remains today with the entry of the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints hereafter referred as *(COP). Upon the State defendants (Appellees) removal to Federal Court filed January 20, 2011 said removal included the following:

1. Re-filed Complaint Civil Case No. 100000146 CR filed December 21, 2010
2. Request for Verification of Ute Blood Case No. 100000146 CR filed October 27, 2010
3. Request to Submit for Decision filed November 8, 2010

The appellants filed on April 13, 2011 the Motion for Restraining Order or Preliminary Injunction against the following: 1. State of Utah and Sub-agencies or subsidiaries, 2. (LDS) Church of Jesus Christ of Latter-day Saints *COP or Mormons, 3. Ute Indian Tribe and or Northern Ute Tribe as co-conspirators, 4. The Ute Tribal Court and (BIA) Bureau of Indian Affairs Police Department.

To verify all lands being claimed by all the above, as the land claims are how jurisdiction is being claimed or assumed, requesting that all the above be Restrained until all lands being claimed be verified as having been released from the 'federal trust status' of the United States, as to protect the appellants from any further or future police harassments and abuses by means of the restraining

order or a preliminary injunction or both, be issued until the district court makes or issued a final decision or ruling on the whole of the civil rights case, as the city police, the Utah Highway Patrol Officers, and Adult Probation & Parole Agents abuses, and assaults as *(COP) corporate members were the bases for the civil rights complaints being filed.

STATE OF UTAH

The State of Utah claims or assumes state jurisdiction over the appellants based upon three principal factors as follows: 1 State and county governments, under 1905 Homestead and Town sites, 2 P.L. 671- Ute Partition Act, and subsequent acts that followed under fraud, 3 Hagen case 'Ruling' obtained under the above acts of fraud.

FACTS – HISTORICAL

Most of these historical facts the courts have all been well versed in and familiar with, however not as adversely experienced or seen through the eyes of the four appellants in this particular case, who now render [the appellants version of history] before the court as applies and has adversely affected the appellants.

A. President Abraham Lincoln set aside and reserved the Uinta Valley Reserve on October 3, 1861 by Presidential Secretarial Executive Order. The United States Congress confirmed and ratified this Order on May 5, 1864, stating the Uinta

Valley was "set apart for the permanent settlement and exclusive occupation of such of the different tribes of Indians of said [Utah] territory as may be induced to inhabit the same".

1. The Uinta Agency consisted of the Shoshone Indians of Utah Territory later known as or called the Uinta Shoshone Indians of the Uinta Valley Indian Reservation.

2. The Mormons known today as the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints as individual 'corporate members' entered and began their [encroachment] within the boundaries of the Uinta Valley Reservation at the same time the reservation was set aside and confirmed.

* 3. The Mormon population [encroaching] on the Uinta Valley Reservation lands did by Petition to the Mormon Utah State Legislators', Petition for Uintah County said Petition establishing on February 8, 1880 Uintah County within the Uinta Valley Reservation boundaries 'federal trust status lands'.

4. The seven bands of "Ute Indians" residing in the Western one third of what is now the State of Colorado both the White River and Uncompahgre Utes had established reservations in Colorado Territory, until the White Rivers killed their Indian Agent resulting in both Ute bands being expelled under military escort and relocated, as a temporary relocation to the Uinta Valley Reservation in 1880.

5. The seven bands of Colorado Utes were confederated into four tribes, the White River Utes, Uncompahgre Utes, the Southern Utes , and the Ute Mountain Utes.

* 6. The White Rivers being placed in Ashley Valley within the Uinta Valley Reservation, the Ouray Reservation was created for a temporary use and occupancy for the Uncompahgre Utes from Shoshone lands.

* 7. The Shoshone Indians of the Uinta Valley Reservation were consolidated with the two bands of Utes, White Rivers, and Uncompahgre as the Uinta & Ouray Agencies.

* 8. Homesteads Subchapter 1 – General Provisions, 161. Entry of un-appropriated public lands, Chapter 7 Homesteads, 4. Public Lands or domain third paragraph quote "The fact that the title to land is in the United States, does not necessarily make it a part of the public domain which is subject to homestead settlement, since any lands which have been reserved by any treaty, law, or proclamation of the President, [are not part of the public lands of the United States], so far as homestead entry is concerned, [so long as such reservation continues".]

* 9. 1902 and 1905 Acts of Congress, State of Utah *(COP's) corporate membership claims Homesteads and Town sites.

10. By 1910, the White Rivers and Uncompahgre Utes joined the Ute Mountain Utes and the Southern Utes in a lawsuit as the Confederated Band of Ute Indians seeking payment for their lost reservation lands in Colorado taken in 1880.

* 11. The *(COP's) Mormon population [encroaching] on the Uinta Valley Reservation lands did once again by Petition to the *(COP's) Mormon Utah State Legislators', by Petition for Duchesne County said Petition establishing on January 1915 Duchesne County within the Uinta Valley Reservation boundaries 'federal trust status lands', dividing the Uinta Valley Reservation in half with the states [creation] by *(COP's) corporate memberships petitions for [Uintah & Duchesne] counties.

* 12. In 1934, The Indian Reorganization Act initiated by the Congress, and the (BIA) Bureau of Indian Affairs induced and coerced the Shoshone Bands, the White River Utes and Uncompahgre Utes to [adopt] the Act, and to organize as the "Ute Indian Tribe", a Federal Corporation of the Uinta & Ouray Reservations

* 13. In 1950 before the United States Court of Claims would award the judgment funds the four Ute tribes had to submit a [plan] to Congress for approval in the division and use of the judgment funds. They had both an emergency three (3) year short-term plan and a long-range plan for their

rehabilitation and [emancipation] or [termination] that was approved by Congress and signed into law in 1951 as Public Law 120 (65 Stat. 193). The long-range plan would begin at the end of the three (3) year plan in 1954.

* 14. Under prior Secretary of the Interior Stewart Udall a 'corporate member' of the *(COP), under title 25, chapter 14-Miscellaneous, Subchapter XXVII- *Ute Indians of Utah, Section 672- Division of trust funds; ratification of resolution; crediting of shares; [release of the United States from liability in certain cases.]

The Secretary of the Interior is *authorized and directed to divide the trust funds belonging to the [Confederated Bands of Ute Indians] and deposited in the United States Treasury pursuant to section 399 of this title, section 315j of title 43, and the Act of June 28, 1938 (52 Stat. 121 *[amended] including the interest thereon, by crediting 60 per centum to the Ute Indian Tribe of the Uintah and Ouray Reservation, consisting of the [Uintah], Uncompahgre, and White River Utes, and 40 per centrum to the Southern Utes, consisting of the Southern Utes of the Southern Ute Reservation and the Ute Mountain Tribe of the Ute Mountain Reservation. The *[resolution adopted June 1, 1950], by the members of the Uncompahgre, White River, and [Uintah] bands of [Ute Indians] compromising and settling all existing controversies between themselves as to ownership and distribution of any judgments which may be obtained against the United States

and [as to ownership of land within the Uintah and Ouray Reservation] and income issuing therefrom by providing that the same shall become the [tribal property] of [all the Indians of the Ute Indian Tribe] of the Uintah and Ouray Reservation without regard to band derivation is ratified, approved and confirmed. The funds apportioned to the Southern Utes under this section shall be divided between the Southern Utes of the Southern Ute Reservation and the Ute Mountain Tribe of the Ute Mountain Reservation as agreed between said tribes. The shares of the respective groups shall be credited to the existing accounts established pursuant to sections 155 and 161a to 161d of this title. None of the funds involved herein shall be credited or distributed to the Ute Indian Tribe of the Uintah and Ouray Reservation, consisting of the Uintah, Uncompahgre, and White Rivers Utes, *[until the Uncompahgre and White River Bands present to the Secretary of the Interior a *[release] satisfactory to him], relieving the United States of any liability resulting from the [inclusion] of the [Uintah Band] in the disposition or use of said trust funds.

* 15. (S. 1357) the Shoshone Indians of Utah Territory of the Uinta Valley Reservation [filed a disclaimer] with the court, saying they had [NO] interest in said Ute Judgments.

* 16. In 1953 Federal Policy changed with HCR 108 to one of terminating the

governments supervision over Indian Tribes, by 1954 when the "Utes" mandated "long-range plan" was put into effect the program initiated was * [P.L. 671- Ute Partition Act (68 Stat. 868) August 27, 1954], under this act partitioning the lands and assets on the [Uinta] & Ouray Reservations between the Mixed-blood and Full-blood Ute members consisting of White River, Uncompahgre, and Uintah Utes this was Ute legislation mandated for all the relocated Colorado Ute Indians who had been paid and settled with by the United States Government, and were now ready for their emancipation or termination from all Federal Supervision as Indians, under * 13., listed above.

LEGISLATIVE

Addressing * Numberings: A. Utah State Legislation:

* 3. State of Utah (COP) Mormons [encroaching] within the boundaries of the Uinta Valley Reservation [encroachment] by petition to Utah State (COP) Mormon legislators to establish [Uintah County] on February 8, 1880. [VOID] invalid, state legislators acting outside their authority to [create] a county within the federal trust lands of the Uinta Valley Reservation without the express and explicit consent or mandate from Congress, and the Shoshone Indians of the Uinta Valley Reservation. 1st Violation, Encroachment.

* 9. State of Utah (COP) Mormon representative George Sutherland pushes,

declares, and petitions for and gets 1905 Homesteads and Town sites. [VOID] outside the states authority, by Congress as long as the Uinta Valley Reservation continues, the Uinta Valley Reservation has never ceased to continue.

2nd Violation, Encroachment.

* 11. State of Utah (COP) Mormons [encroaching] again within the boundaries of the Uinta Valley Reservation [encroachment] by petition to (COP) Mormon state legislators to establish [Duchesne County] on January 1915. [VOID] invalid state legislators acting outside state authority to [create] a second county within the federal trust lands of the Uinta Valley Reservation, without the express and explicit consent or mandate of Congress and the Shoshone Indians of the Uinta Valley Reservation continues. 3rd Violation, Encroachment.

B. Federal Legislation:

* 6. Ouray Reservation [temporary] for the Uncompahgre Utes, from Shoshone lands.

* 7. Under the consolidation of the Shoshone Indians of the Uinta Valley Reservation with the two Ute bands of White River, and Uncompahgre as the Uinta and Ouray Agencies, under this [consolidation] the inherent rights of the Shoshone people under the Congressional Act May 5, 1864 of the Uinta Valley Reservation [holds all inherent rights as to all lands and natural resources which

could not be shared and holds precedence] over the White River Utes and over the Utes under the Ouray Reservation, as the "Ute Indian Tribe".

* 8. 1902- 1905 Homesteads and Town sites- The Uinta Valley Reservation was reserved by the Presidential Secretarial Executive Order 1861 and confirmed and ratified on May 5, 1864 by Congress. As such should have been [exempt] from homesteads and town sites under the Homestead Act, as the Uinta Valley Reservation is held in federal trust land status, and did not fall under [public domain]. *(COP) Mormon representative George Sutherland, was "in accurate" in stating that the Reservation was [created] by the President and Congress so *they the *(COP) corporate membership didn't need the [consent] of the Shoshone Indians of Utah Territory of the Uinta Valley Reservation. The President and Congress did not *[create] anything; however what they did do was *[set aside lands that have always [belonged] to the Shoshone Indians of Utah Territory]. A big difference in a play of words, *Congress in overriding *8 Homesteads Subchapter 1, third paragraph quote "The fact that the title to land is in the United States, does not necessarily make it part of the public domain which is subject to homestead settlement, any lands which have been reserved by any treaty, law, or proclamation of the President, are not part of the public lands of the United States, so far as homestead entry is concerned, so long as such

reservation continues." *Congress treated the Shoshone Reservation lands as if they were the lands of the United States, or their own when Congress allowed homestead entry or homestead encroachment within the Uinta Valley Reservation the beginning of suppressions of the Shoshone Indians of the Uinta Valley Reservation and a 'breech' of the Congressional Act of May 5, 1864, thus allowing for a permanent [breech] by means of [encroachment] by the *(COP's) corporate membership within the Congressional Act of May 5, 1864.

* 12. (IRA) Indian Reorganization Act, organized the formation of the "federal corporation" [Ute Indian Tribe] of the Uintah and Ouray Reservation. [Invalid] as the [Shoshone Indians of Utah Territory of the Uinta Valley Reservation] are the only Indians under the Congressional Act of May 5, 1864, leaving the [UTES] of the "Ute Indian Tribe" federal corporation without valid claim or standing as the [Ouray] Reservation of White River and Uncompahgre Utes having no rights under the Congressional Act of May 5, 1864, being relocated Colorado Utes not original as Indians of Utah Territory. The (IRA) did not nor could not have the power or authority to change the racial ethnic nationality of the *Host Tribe Shoshone Indians of Utah Territory of the Uinta Valley Reservation to that of alleged Ute nationality. This would constitute [racial discrimination] against the Host Tribe of Shoshone Indians of Utah Territory of the Uinta Valley Reservation, and constitute

[racial and cultural genocide] of the *Host Tribe of Shoshone Indians as the Host Tribe and the "Only Tribe" under the Congressional Act of May 5, 1864, this act didn't they all still remained [each claiming their own separate identities'].

* 14. Prior Secretary of the Interior Stewart Udall and (COP) corporate member Mormon under Section 672- Division of trust funds; ratification of resolution; crediting of shares; release of the United States from liability in certain cases. [resolution] adopted June 1, 1950 as to [ownership of land] within the [Uinta] and Ouray Reservation and [income] issuing therefrom by providing that the same shall become [tribal property] of ['all the Indians of the 'Ute Indian Tribe'] of the [Uinta] and Ouray Reservation [without regard to band derivation] is ratified, approved, and confirmed.] Prior Secretary of the Interior was acting far outside his legislative power and authority in his resolution as to [ownership of land] as the 'Utes' are not under the Congressional Act of May 5, 1864 only the Host Tribe of Shoshone Indians of Utah Territory of the Uinta Valley Reservation own lands within the boundaries of said reservation, as to [income] issuing therefrom by providing that the same shall become [tribal property] of [all the Indians of the 'Ute Indian Tribe'] a federal corporation formed under the (IRA) *[without regard to band derivation] this is when the Shoshone peoples *[identity changed] this should never have been [ratified, approved, and confirmed] as the relocated and

now paid for and compensated Colorado Ute bands of White River, Uncompahgre and the special *[inclusion of Uintah Utes] not being under the Congressional Act of May 5, 1864 of the *Host Tribe of Shoshone Indians of Utah Territory of the Uinta Valley Reservation, under *(COP's) corporate member prior Secretary of the Interior rewarded the three relocated Colorado Utes and handed them a *[undivided interest] under fraud to the Uinta Valley Reservation.

The *Host Tribe of Shoshone Indians of Utah Territory of the Uinta Valley Reservation filed a disclaimer (S. 1357) with the court stating they had [No Interests] in the said Ute judgment. The [Uintah Colorado Utes] that prior Secretary of the Interior Stewart Udall *(COP) corporate member as a Mormon's [special inclusion of the Uintah Utes] lad the ground work for the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints, Mormons to use in his agreement satisfactory to him "Stewart Udall's" inclusion of the Uintah Utes to "masquerade and impersonate" the *Host Tribe of Shoshone Indians of Utah Territory of the Uinta Valley Reservation, this is "*when the Shoshone peoples of the Uinta Valley Reservation *'identities' got stolen from them and the Shoshone Reservation became a Reservation for the Relocated Ute people consisting of the three relocated Ute groups of White River, Uncompahgre with the special inclusion of the [Uintah Utes]". Stewart Udall a

*(COP) corporate member used this inclusion against the Shoshone people of the Uinta Valley Reservation, who were nick named or dubbed 'Uinta' do to the location of the Uinta Mountain Range, as was the Uinta Valley Reservation so named and the Shoshone became known as the Uinta, however [their nationality or race remains consistent, as does the appellants being [Shoshone Indians]. This is how the *(COP's) corporate membership was able to attempt to [steal] the Uinta Valley Reservation from the Shoshone people, and to deny the appellants their heritage, lineage, and inherent rights under the Congressional Act of May 5, 1864, to apply it the to (COP's) corporate membership and to their co-conspirators of the Ute Indian Tribe, of relocated Colorado Utes by fraud in the use of a single word [Uinta] & [Uintah], which is not a "Ute" word, as it was applied long before the Utes were relocated to the Uinta Valley Reservation and were never within Utah Territory till their removal and relocation under military escort to within the Uinta Valley Reservation boundaries. It opened the doorway for the Shoshone people to be under the use of the two separate and distinctly different [Uinta] & [Uintah] groups of Indians to be labeled together, then under Ute legislation only terminate the Host Tribe of Shoshone people by listing the heads of each Shoshone family, thus wiping out the whole of the *Host Tribe of Shoshone people under fraud, while attempting to rewrite Utah history through

the publication of the (COP's) corporate membership, and to keep the ancestral remains or 'bones' and artifacts of the Shoshone people locked away in the Utah State University denying their existence within Utah and the Uinta Valley Indian Reservation, by replacing the Shoshone in Utah history as being [Utes] of the State of Utah.

* 16. P.L. 671- Ute Partition Act, the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints corporate member prior Secretary of the Interior *Stewart Udall conspired with the prior members of the relocated Colorado Utes of White River, Uncompahgre, and with the inclusion of the Uintah Utes, leading to the [alleged] termination of the *Host Tribe of Shoshone Indians of Utah Territory of the Uinta Valley Reservation under fraud of P.L. 671- Ute Partition Act, did under fraud of said act by the *(COP's) corporate membership beginning with *Secretary of the Interior Stewart Udall, continuing with the *(COP's) corporate membership as Utah State legislators, Senator Arthur V. Watkins, and *(COP's) corporate member John S. Boyden, Utah licensed attorney and legal representative for *[both] the alleged mixed-blood and full-blood Ute groups through 'verbal gentlemen agreements' which continue to this day between the alleged Ute Indian Tribe Business Committee members, and the State of Utah representatives did place on the final mixed-blood Ute roll, [without

the explicit mandate, consent or approval from Congress], and the *Host Tribe of Uinta Shoshone Indians of Utah Territory of the Uinta Valley Reservation under fraud of [Ute Legislation] was mandated with explicit consent and approval of the 'termination' of the three Ute bands of White River, Uncompahgre, and Uintah Utes. Which are by an act of Congress in 1880 and by law under the 'Ute tribe' judgment in 1950 landless tribes, at this *point or juncture the federal corporation known as the 'Ute Indian Tribe' [dissipated] or [dissolved], doesn't [exist] within the land base or boundaries of the Uinta Valley Reservation which never should have existed as a 'federal corporation', it exist today under fraud. Prior Secretary of the Interior *Stewart Udall a corporate member of the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints as a corporate member acting on the *(COP's) behalf [without] and [void] of any direct explicit mandate, approval or consent of the Congress to any of *14., resolution adopted June 1, 1950, as to [ownership], [income issuing therefrom], [tribal property], [all Indians of the "Ute Indian Tribe"] a federal corporation under the (IRA) Indian Reorganization Act, [without regard to band derivation.], committed acts of fraud, as it was not in his power to divide nor to extend the *[inherent rights of the Congressional Act of May 5, 1864 of the *Host Tribe of Shoshone Indians of Utah Territory of the Uinta Valley Reservation] to the three

bands of relocated Colorado Utes, who were being settled with and compensated for the relinquishment of the reservation lands in Colorado, under the *(COP's) fraud by *Stewart Udall as a corporate member by extending and including them under the lands of the *Host Tribe of Shoshone Indians by Congressional Act of May 5, 1864, without Congressional mandate, approval or consent is fraud.

PROCEDURAL

The State of Utah appellees as *(COP's) corporate members have [expressly reserved their rights] appellants ask rights to 'what', as [raised] under acts of continued fraud, in the concurrently filed [Motion to Quash Service, and to Dismiss for Failure to Serve within Time Limits] we ask the court how the appellees can seek a Motion to Quash Service, over the appellants when they have absolutely no proper jurisdiction over them [except under continued acts of fraud], and as to [Dismiss for failure to Serve within Time Limits] we ask how the appellees seek to place any Time Limits upon the continuation of appellees fraud against the United States Government, the United States Congress, the United States Secretary of the Interior- Indian Affairs, (BIA) Bureau of Indian Affairs, and the appellants being members of the Host Tribe of Shoshone Indians of Utah Territory of the Uinta Valley Reservation by Congressional Act of May 5, 1864, said Uinta Valley Reservation remains as was set aside and confirmed and ratified

therefore the [Inherent Rights] of the appellants, under said act must also [remain fully intact]. Which places the appellants outside the appellees *fraudulent assumed state jurisdiction. We ask the court how the Rules of Civil Procedure 65 were determined and applied under fraud when being applied to all the *fraudulent court cases which are to numerous and diverse to mention between the appellees and their co-conspirators of the fraudulent Ute Indian Tribe in bring their cases before this court under acts of continued fraud. The appellants have to ask the court to take into consideration the whole of the facts as presented under the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints, corporate membership as Utah State legislators, state representatives, counties of Uintah and Duchesne representatives, cities of Duchesne, Roosevelt, Ballard, Vernal, and Naples representatives acting with full knowledge of their continued use of the fraud of their predecessors including the Ute Indian Tribe Business Committee members knowledge of their predecessors conspiracies', with both prior Secretary of the Interior *Stewart Udall, Utah Senator *Arthur V. Watkins, Associate Commissioner before the Indian Court of Claims Commission Docket Nos. 44 and 45, The Uintah Ute Indians of Utah, Plaintiffs, vs. the United States of America, Defendant, June 13, 1960 an act of fraud under use of Stewart Udall's inclusion of the [Uintah Utes], including the trade under the use of [Uintah

Utes] of the Shoshone lands to [form] the "White Mesa Ute Reservation" under fraud of the inclusion of [Uintah Utes]. Utah licensed attorney *(COP's) corporate member *John S. Boyden representative for *[both] the Shoshone Indians of Utah Territory of the Uinta Valley Reservation being alleged as mixed-blood Utes and the full-blood Utes of [Uintah], White River, and Uncompahgre relocated Colorado Ute groups an act of fraud. *Stewart Udall, *Arthur V. Watkins, and *John S. Boyden all participating active members of the *(COP's) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints. Which raises the issue of corporate laws, and monopoly laws as pertains to fraud against the *United States Government, the United States Congress, the United States Secretary of the Interior- Indian Affairs (BIA) Bureau of Indian Affairs, raising the issue of whether this constitutes an act of [Treason], in as much as the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints through its corporate membership have taken upon themselves the *[act of obstinate defiance rebelling against the federal laws, that govern Indian reservations and Indian peoples], especially involving the strength and means used by the *(COP's) corporate membership against the Shoshone people being the *Host Tribe of Indians of Utah Territory of the Uinta Valley Reservation and against and including the above listed *[federal government agencies], the *(COP)

acting under fraud committed what constitutes criminal fraud in violation of the Congressional Act of May 5, 1864 against the above underlined federal government agencies. The court must reflect and consider this, 'who' are the real violators of the laws in existence are the Pro Se appellants, or the appellees licensed knowledgeable and skilled in the art of law with their degrees in an attempt to yet further get around and protect the *(COP's) corporate memberships scheme under Ute legislation and P.L. 671-Ute Partition Act this has taken premeditated forethought, legal skills, delicate maneuvering and planning in order to execute the final results of taking the Uinta Valley Reservation out from under the nose of Congress, an to throw or place the appellants Shoshone Indian people under fraudulent [state jurisdiction], and otherwise continue under continued acts of more fraud [created] by the *(COP's) corporate membership to continue today to brake the laws already in place by men who took 'oaths' to uphold the [laws of this country], being *(COP) corporate members their actions 'must', and 'needs' to fall within the current existing federal laws in place that govern this country, as the Uinta Valley Reservation boundary lands being held in 'federal trust status as lands' of the 'Uinta Valley Reservation' need and must be preserved and protected along with the appellants who's inherent rights under the Congressional Act of May 5, 1864 have been by the *(COP's) corporate

membership in attempting to *[exterminate the appellants lineage] under fraud by the appellees, who have acted with all premeditated intent executed acts of cultural genocide, racial discrimination, and attempted racial obviation of the Uinta Valley Reservation and of the appellants, Shoshone Indians of the *Host Tribe within the Uinta Valley Reservation.

ARGUMENTS

Appellants statements as to the appellees arguments regarding appellees [assumed forced jurisdiction] within the boundaries of the Host Tribe of Shoshone Indians of the Uinta Valley Reservation appellees have no solid grounds are legal standing the appellees have by the *(COP's) predecessors are acting without the explicit mandate, approval and consent of the Congressional Act May 5, 1864, or by Congress, which *mandated Ute Legislation and P.L. 671-Ute Partition Act for the three relocated Ute bands of White River, Uncompahgre and Uintah Ute groups.

ARUMENTS UNDER ISSUES

Covering the district courts citing's as reasons for denial for injunctive relief, the appellants' believe they have shown how the appellees' had no valid standing to enforce state laws upon the appellants or to have any valid reasons before the court under #1 of (ISSUES).

As to #2 of the (ISSUES) the appellants feel we have indeed met the necessary pleading requirements and have substantive grounds for injunctive relief as required by Federal Rule of Civil Procedure 65,

As to #3 of the (ISSUES) appellants have filed their affidavits and have verified their complaint.

As to #4 of the (ISSUES) appellants have set forth specific and comprehensible facts demonstrating that immediate and irreparable injuries have been incurred from the appellees assumed forced state jurisdiction under fraud of P.L. 671-Ute Partition Act, said law enforcement actions need to be restrained from any further, future or continued abuses and assaults of the appellants who clearly are outside the appellees assumed forced state jurisdiction. The appellees are within the Uinta Valley Reservation under appellees assumed state jurisdiction by none Indian white law enforcement agencies personnel are indeed abusing and assaulting the appellants Shoshone Indians within Indian Country of the Uinta Valley Reservation boundaries 'federal trust status lands'.

As to #5 of the (ISSUES) appellants have shown facts sufficient for this court to fashion a proper order under Rule 65 (d).

As to #6 of the (ISSUES) the factual basis contained in the Complaint removed by the state appellees to the federal district court contained in the record each

individual appellants complaint as to the abuses by appellees as concerning each individual appellant, which did provide the court adequate basis for determining 'what' if 'any' injunctive relief would be proper. Appellants feel they have met the requirements of Rule 65 of the Federal Rules of Civil Procedure, and appellants motion for injunctive relief should be granted, as all actions having been taken by the appellees against the appellants were taken under continued acts of fraud under P.L. 671-Ute Partition Act as the appellees have no sound argument for the continued encroachment and forced assumed jurisdiction over the appellants being Shoshone Indians of Utah Territory of the Uinta Valley Reservation all actions having occurred within said reservation boundaries. That all stopping, arresting, citations, court hearings, court fees and or fines, and warrants need to be restrained and a preliminary injunction issued by the court, until the [inherent rights of the appellants] are fully upheld within the boundaries of the Uinta Valley Reservation.

CONCLUSION

Former President Richard Nixon in his special message to the Congress on Indian Affairs in 1970 concerning termination policy firmly renounced termination the Congress has repudiated the policy of termination. Tribes not explicitly restored to federal recognition by acts of Congress have been restored through the federal

court due to lack of Due Process in the termination process. Even the district court itself has issued a comment "The tribal status of the mixed-blood Utes is the most complex of the terminated tribes." Not when one unravels the threads and looks at the simple none complexity of the main and only issue which remains unanswered, did Congress give an explicit mandate, its approval, and consent to the termination of the Shoshone Indians of Utah Territory of the Uinta Valley Reservation, under Ute Legislation as administered by the *(COP's) corporate memberships predecessors as continued by state appellees, void of any direct explicit mandate, being approved and consented to by Congress, the appellees have a problem. It is the resolution to that problem called 'fraud', which the appellants are seeking today, the court has within its power and authority to end the 'lies, deceit, and viciousness of the treachery of sixty years called P.L. 671-Ute Partition Act, Senior Utah Senator Orrin Hatch *(COP) corporate member on his local television appearances stress to the *(COP) corporate membership to keep "Big Government" out of Utah, what's implied here is to keep the "Federal Government" out of Utah, as the *(COP) corporate membership as Utah legislators have and continue to 'fraud' "Big Government" for 60 years under Ute legislation with P.L. 671-Ute Partition Act. Orrin Hatch fights for Wilderness lands stating its in the power and authority of Congress, not the Secretary of Interior,

yet the Uinta Valley Reservation was never [public domain lands] and that rule did not apply when the *(COP's) state legislators want to [encroach] within the Uinta Valley Reservation, and [force assumed state jurisdiction] upon the appellants being Shoshone Indians of Utah Territory under Congressional Act of May 5, 1864. The (*COP's) corporate membership under *(COP) member Stewart Udall as prior Secretary of the Interior, took power out from under Congress in dividing the lands and income of the Uinta Valley Reservation with the help of the inclusion of the Uintah Utes and the Ute groups to *[usurp] control of the Uinta Valley Reservation, and to place the Shoshone Indians appellants under fraudulent [state control and jurisdiction] within the boundaries of the Uinta Valley Reservation. The court has full authorized power to "end the benefits gained" by the appellees [State of Utah] being *(COP's) corporate members and their co-conspirators the [Ute Indian Tribe] under law by court action to issue a decision against the appellees and predecessors who've knowingly and premeditatedly acted outside the established Indian laws and without any explicit mandate from Congress to terminate the Shoshone Indians the court must rule in full favor of the appellants who's inherent rights under the Congressional Act May 5, 1864 have been viciously and violently usurped by the appellees, yet has never been abrogated by Congress nor has the Uinta Valley Reservation been abolished by act of Congress.

ORAL ARGUMENT NOT REQUESTED

The appellants are financially unable to travel to Denver for oral argument as three of the appellants are on Social Security Disability, and the other appellant is currently incarcerated at the Utah State Prison, Draper Utah. However we will offer a closing statement as a [family] so adversely affected by the single actions having been taken by the *(COP) and its corporate membership, our Shoshone people have longed laid the termination upon the shoulders of the United States Government, in retrospective the federal government has had to hold the proverbial bag for actions of the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints, or [Mormons] by a monopoly in legislative positions embarked with contempt the full premeditated planning of demoralizing, degrading, dehumanizing, by the [termination] of the Shoshone Indians of Utah Territory of the Uinta Valley Reservation without an explicit mandate from the Congress of the United States, to usurp and enforce white none Indian jurisdiction, and policing by white Mormon law enforcement resulting in the abuses an assaults, all without proper jurisdiction or jurisdiction under fraud the kidnapping of the Shoshone people while jailed or incarcerated, and in the removal of Shoshone people off the Uinta Valley Reservation unto white lands for purposes of state incarceration or imprisonment over the

appellants. While embarking upon the pillaging, plundering, and stealing of the Shoshone appellants financial revenue, natural resources and all other Shoshone assets derived from the Uinta Valley Reservation. The appellees hereafter must be held fully responsible and completely liable for the continuing welfare of appellees co-conspirators the members of the Ute Indian Tribe from this point forward, as the relocated Ute groups of White Rivers, Uncompahgres, and the special inclusion of [Uintah Utes] were not, and are no longer the sole burden nor responsibility of the Shoshone peoples of the Uinta Valley Reservation, we the appellants only desire is to end the hatred, bigotry and prejudices created as the end results of Stewart Udall's inclusion of the Uintah Utes under actions taken by a single monopoly organized under the constitution of the United States as a 'organized religion' the *(COP) Corporation of the [President] of the Church of Jesus Christ of Latter-day Saints, by the ["President"] of Utah's Mormon State of Deseret, who to Mormons holds as much state power through its (COP's) corporations legislators as state, counties, cities, and as federal employees, as President Barack Obama holds federal power over the 'United separate States', the above is an act of sedition if not outright treason.

Appellant Richita Hackford born August 15, 1951 at the Fort Duchesne Indian Hospital, with a State Birth certificate under race: Ute/Ind., born under act of

fraud, lived 60 years under an act of fraud resulting in the other three appellants living under acts of appellees fraud. It is up to the court to determine whose reality is the [truth], the appellants, or the appellees, who under Mormonism believe Indians or Lamanites, and unless or until they become baptized into the *(COP) corporation or church, they remain heathens, not seen by God as saved, thus justifiable 'termination' its strictly the opinions of the appellants that the appellees under Mormonism are unable to determine fiction as none reality from facts being reality, so we trust the court to make the proper determination and single definition of what is [truth], as Pilate asked Christ, what is truth.

DATED this 6th day of September, 2011.

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UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

Hackford et. al.

Plaintiff/Petitioner - Appellant,

v.

State of Utah et. al.

Defendant/Respondent - Appellee.

Case No. 11-4108

Appellant/Petitioner's Opening Brief

NOTICE AND INSTRUCTIONS

If you proceed on appeal pro se, the court will accept a properly completed Form A-12 in lieu of a formal brief. This form is intended to guide you in presenting your appellate issues and arguments to the court. If you need more space, additional pages may be attached. A short statement of each issue presented for review should precede your argument. Citations to legal authority may also be included. This brief should fully set forth all of the arguments that you wish the court to consider in connection with this case.

New issues raised for the first time on appeal generally will not be considered. An appeal is not a retrial but rather a review of the proceedings in the district court. A copy of the completed form must be served on all opposing counsel and on all unrepresented parties and a proper certificate of service furnished to this court. A form certificate is attached.

APPELLANT/PETITIONER'S OPENING BRIEF

1. Statement of the Case. (This should be a brief summary of the proceedings in the district court.)

Refer to attached Answers in Response to Form A-12 to all questions 1-9 of this form including two (2) attachments, (1) 18 pages Proposed Points, (2) Michael L. Humiston 12 pages

2. Statement of Facts Relevant to the Issues Presented for Review.

3. Statement of Issues.

a. First Issue:

Argument and Authorities:

b. Second Issue:

Argument and Authorities:

4. Do you think the district court applied the wrong law? If so, what law do you want applied?

5. Did the district court incorrectly decide the facts? If so, what facts?

6. Did the district court fail to consider important grounds for relief? If so, what grounds?

7. Do you feel that there are any other reasons why the district court's judgment was wrong? If so, what?

8. What action do you want this court to take in your case?

9. Do you think the court should hear oral argument in this case? If so, why?

Nathan Callett

Richard Hackford

September 6th 2011
Date

Richard Hackford
Signature

Opal Hackford

ANSWERS IN RESPONSE TO FORM A-12

1. Appellees are acting under fraud of Ute Legislation as appellees predecessors administered P.L. 671- Ute Partition Act and is continued by appellees. Appellants sought a Restraining Order or Preliminary Injunction to cease or to stop appellees fraudulent, law enforcements harassments, physical abuses, assaults, detaining, arresting, jailing, and incarceration and state court actions, hearings, fines and fees against the appellants by and through the (COP) Corporation of the President of the Church of Jesus Christ of Latter-day Saints corporate membership as appellees.

2. Appellants are Shoshone Indians of Utah Territory having been born and residing within the Uinta Valley Indian Reservation under Congressional Act May 5, 1864. Richita Hackford appellant mother of the other three appellants was terminated under fraud by appellees under appellees administration of P.L. 671-Ute Partition Act, from whence appellees are assuming fraudulent assumed jurisdiction over the appellants.

3. Under the Confederated Colorado Ute Court of Claims Judgments

   a. by 672. Division of trust funds; ratification of resolution; crediting of shares; release of the United States from liability in certain cases.

Argument and Authorities: as amended- Uintah Utes (Dell Uintah's) inclusion of Ute Indians into the Ute Indian Tribe 'federal corporation'. Resolution adopted June 1, 1950 the beginning of fraud, "Identity theft" of the plaintiffs and 'theft' of the Uinta Valley Indian Reservation as regarding ownership of land within the Uinta and Ouray Reservation(s) and income issuing therefrom, the same shall become tribal property of (all) Indians of the Ute Indian Tribe 'federal corporation' without regard to band derivation, fraud by prior Secretary of the Interior a member of the (COP) a Mormon in his sharing the lands and assets of the Uinta Valley Indian Reservation belonging to the Shoshone Indians of Utah Territory, with the three Colorado Ute groups giving them an undivided share of the Uinta Valley Indian Reservation.

b. Under Ute Legislation and the administration by appellees of P.L. 671- Ute Partition Act which mandated and approved by Congress under the Confederate Colorado Ute judgments by the Court of Claims governing the three Ute Groups, beginning with the inclusion of the Uintah or Dell Uintah's, the White Rivers, and the Uncompahgre Utes termination from all federal supervision as Indians, which said act did not mandate the termination of the plaintiffs Shoshone Indians of the Uinta Valley Indian Reservation.

Argument and Authorities: Appellees and predecessors used Ute Legislation under prior Secretary of the Interior- Indian Affairs a (COP) corporate member a

Mormon Stewart Udall's special inclusion of the Uintah Ute or Dell Uintah's group into the Ute Indian Tribe 'federal corporation' to administer under acts of fraud to Congress under P.L. 671- Ute Partition Act the fraudulent termination of the Shoshone Indians of Utah Territory of the Uinta Valley Indian Reservation by placing appellant Richita Hackford on the final mixed-blood Ute roll # 143 as being a Uintah Ute or Dell Uintah under fraud, thus placing my children the other three appellants under fraud of P.L. 671- Ute Partition Act.

4. Yes, the law or laws that should have been applied governing fraud under the acts against the United States Government, the United States Congress, and the United States Secretary of the Interior- Indian Affairs and (BIA) Bureau of Indian Affairs, said Congressional Act May 5, 1864, federal laws, statutes, and regulations that govern and apply to the appellants being Indians within Indian Country verify all appellees actions as open rebellion, sedition and treason against the Federal Government, all currently being maintained by appellees which have adversely affected the appellants by persecuting and prosecuting of the appellants as such the appellees all of whom need to be prosecuted to the fullest extent of the laws and incarcerated at Guantanamo Bay as 'terrorist' by performing acts of terrorism against the federal government of the United States by acting under fraud to usurp 'federal trust status lands' from the Uinta Valley Indian Reservation and to allege them as Uintah & Duchesne Counties as being 'taxable lands of the state', issues involving the (IRS) as illegal taxation of federal trust status lands under

fraud.

5. Yes, under the (COP) Corporation of the President of the Church of Jesus Christ of Latter-day Saints, and its corporate membership as appellees both prior and present have under organized religion taken steps against the federal government agencies above through 'organized religion' which does not exempt neither the (COP) or its corporate membership being appellees from prosecution.

6. Yes, appellees fraud resulting in white Mormon (COP) corporate memberships law enforcements harassments, hindering, arresting, physically assaulting to obtain illegal life blood-with drawl from one appellant and abusing appellants by the issuing of citations and court actions, hearings, court fees and fines, warrants, jailing, and incarceration of yet another of the appellants into the Utah State Prison under acts of fraud resulting in both physical and emotional stresses, anxieties and duress of the appellants under listing #1.

7. Yes, how many of these judges or corporate members of the (COP) Corporation of the President of the Church of Jesus Christ of Latter-day Saints that have been involved in the decisions of plaintiffs case, up and including the appellees attorneys, and the (COP) attorneys the plaintiffs seek verification of the relationship if any of (COP) attorney Daniel S. McConkie to Utah Solicitor Office of the Solicitor, U.S. Dept. of Interior William Robert McConkie.

8. Appellants seek action from the court for a Permanent Restraining Order against the appellees by means of court order terminating P.L. 671-Ute Partition Act, and termination of both Uintah and Duchesne Counties established by appellees by petition from the (COP) corporate membership within the federal trust lands of the Uinta Valley Indian Reservation, and termination of the 1905 Homesteads and town sites claimed by appellees including allowing the Preliminary Injunction for relief from and or removal of the appellees oppressions, anxieties, distress and injuries incurred to the appellants that the appellant Richard Hackford be released from illegal state custody and incarceration at the Utah State Prison Facility, Draper Utah allowing all appellants be compensated for injuries incurred by appellees jurisdiction initiated under fraud of P.L. 671- Ute Partition Act and continued acts of fraud listing #1., 2., 6.

9. No, appellant Richita Hackford has endured 60 years of appellees oral or verbal arguments and the age of her children attest to their years endured by each of the three appellants, including the years this court has endured hearing cases resulting in appellees fraud, what is 'truth', but the 'LAW', established law or laws as set down will ultimately establish the truth of all, for all the appellants as the laws of the federal government are humanitarian laws being based upon moral and spiritual laws as established must ultimately prevail preventing under 'organized religion' as the (COP) Corporation of the President of the Church of Jesus Christ of Latter-day Saints corporate membership have done

being appellees under fraud of Ute legislation an appellees administration of P.L. 671- Ute Partition Act establishing and showing there is absolutely NO separation of church and state as being applied by the appellees as such both church and state need and must be prosecuted together as both have received both financial and material gains by and through the (COP) Corporation of the President of the Church of Jesus Christ of Latter-day Saints acting as a business corporation under fraud of Ute legislation and administering of P.L 671- Ute Partition Act to encroach upon and within the Uinta Valley Indian Reservation and to use said act to deny the inherent rights by Congressional Act of May 5, 1864 of the appellants.

Dated September 20th 2011.

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CERTIFICATE OF COMPLIANCE

I certify that the total number of pages I am submitting as my Appellant/Petitioner's Opening brief combined with the courts Form A-12 with answer and response pages, all being combined exceeds the 30 page requirement by 10 pages counting Form A-12 with answer and response pages, I certify that I have counted the combined number of words and the total is 8,512 which is less than 14,000, with combined total of lines being 690 lines of text totaling 40 pages.

Dated September 6th 2011.

Richita Hackford

Richita Hackford

CERTIFICATE OF SERVICE OR MAILING

I hereby certify that on September 6th 2011, I sent a copy of the Appellant/Petitioner's Form A-12 with Answers in response to form A-12 with included attachments 1 & 2, included with Appellant/Petitioners Opening brief with attached documents and listing of Contents A – Q by U.S. Priority Mail to the following:

United States Court of Appeals
Tenth Circuit
Office of the Clerk
1823 Stout Street
Byron White United States Courthouse
Denver, Colorado 80257
1 original and 7 copies

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continued next page

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Kirton & McConkie, P.C.
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Salt Lake City, Utah 8415-0120
1 copy

Dated September 6th 2011.

Richita Hackford
Richita Hackford

c.c 1 copy each to Certificate of Interested Parties attached page

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Dated September 6th ,2011.

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IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

HACKFORD, et al., Plaintiffs, vs. STATE OF UTAH, Defendants.	ORDER DENYING MOTION FOR INJUNCTIVE RELIEF Case No. 2:11-CV-0084 Judge Dee Benson

This matter is before the court on plaintiffs' *pro se* Motion for Restraining Order or Preliminary Injunction. (Dkt. No. 5.) The defendants have responded to the motion, and in doing so have expressly reserved their right to challenge the sufficiency of process as raised in their concurrently filed Motion to Quash Service and to Dismiss for Failure to Serve Within Time Limits. (Dkt. No. 9.) Thereafter, on May 3, 2011, plaintiffs filed two separate reply memoranda (Dkt. Nos. 13 & 15), causing this matter to be ready for a decision by this court.

Having reviewed plaintiffs' *pro se* motion, the court determines that plaintiffs have failed to satisfy the necessary pleading requirements and substantive grounds for injunctive relief as required by Federal Rule of Civil Procedure 65. First, as explained more fully in the defendants' response, plaintiffs have failed to file an affidavit or verified complaint as required for the issuance of a temporary restraining order without notice to other parties. Additionally,

and perhaps more significantly, plaintiffs have also failed to set forth specific and comprehensible facts demonstrating that immediate and irreparable injury is about to occur. See Fed. R. Civ. P. 65(b). Finally, plaintiffs have failed to allege facts sufficient for this court to fashion a proper order under Rule 65(d). For example, plaintiffs' motion asks this court to grant "a restraining order or preliminary injunction against the above listed parties as to insure and protect both our lives, personal safety, freedom and liberties." (Mot. For Restraining Order at 8.) Such conclusory language, absent factual support in the record, does not provide this court with an adequate basis for determining what, if any, injunctive relief would be proper.

Because plaintiffs failed to satisfy the requirements of Rule 65 of the Federal Rules of Civil Procedure, plaintiffs' motion for injunctive relief is DENIED.

DATED this 4th day of May, 2011.

Dee Benson
United States District Judge

ATTACHMENT 1.

A Summary of Legislated History of Mormon

Fraud, Deceit and subsequent cover-up perpetrated against the

Uinta Valley Band of Utah Shoshone Indians of the

Uinta & Ouray Reservations in Utah

1951 – 1954 – 1961 – 2011

A SUMMARY OF LEGISLATED HISTORY OF MORMON FRAUD, DECEIT AND SUBSEQUENT COVER-UP PERPETRATED AGAINST THE UINTA VALLEY BAND OF UTAH SHOSHONE INDIANS OF THE UINTA & OURAY RESERVATIONS IN UTAH

1951 – 1954 – 1961 – 2011

Without knowing it, for the past 60 years, the Shoshone Indians of the Uinta Valley & Ouray Reservations and apparently everyone else who has been touched in some way and confused by the *"Ute Partition Act"* of 1954, (excepting the Utah Mormons) have been experiencing the residual effects of the cover-up of a criminal act that is rooted in the 1951 termination legislation for the Confederated Band of Ute Indians of Colorado that includes the Northern Ute Tribe that resides on the Uinta Valley Reservation in Utah. The 1951 Act became the gateway for the larger orchestrated crime of fraud, deceit, identity theft, and self-enrichment that is now enjoyed by many Mormons throughout the State of Utah and in other states including the Mormon Church who is a stockholder in the Ute Distribution Corporation under the pretext of the tandem Act – Public Law 671, a.k.a. *"The Ute Partition and Termination Act"* of August 27, 1954 (68 Stat. 868). The Federal Government agencies, including the Legislative and Judicial Branch, have been unwittingly drawn into the fraud and deceit by Utah lawyers and agents within its ranks who are either Mormon subscribers or paid participants. It makes no difference, the results are the same.

Upon information and belief, the Utah Mormons have a careless power monopoly over all government agencies within the State of Utah where they set "policy" and demand complete cooperation with their "policy" from everyone in the State, including the Utah Courts. The Mormons within these establishments hide behind "policy" where they feel free to viciously attack anyone who dares to oppose the discrimination taken against them or violates their civil rights to expect equal treatment under the law. It does not matter whether the attack is of a judicial, social, or personal nature the act almost always results in a forced compliance with the Mormon's "policy" due to the monopoly and control they hold in one form or another throughout the State and every town thereof.

RICHITA HACKFORD CASE

August 8, 2011

PROPOSED POINTS

In all cases, 'the face of the Act', the 'surrounding circumstances', and the 'legislative history' are to be examined with an eye toward determining what Congressional intent was. There is no evidence that the history, origin, and treaty rights of the three different tribes residing on the Uinta Valley Reservation was given any consideration after 1950 beyond the "implied" notion in the *Ute legislation* (Resolution No. 3) that the Indians were all "Ute" and come from the same mold and nothing more was said. Utah Senator Arthur V. Watkins had no regard for treaties or treaty rights so that was not a factor that gave him or his cohorts any pause. But, treaties and treaty rights are a major factor that belies all the misrepresentations and falsehoods surrounding the "Ute" termination legislation in 1951-1964 and beyond.

A group of Indians descended from a tribe which signed a treaty may exercise treaty rights as a tribe only if such group constitutes the tribe that signed the treaty, *U.S. v. State of Washington*, C.A. Wash. 641 F.2d 1368.

Consider this: Treaty rights are not interchangeable with other tribes not referenced in the treaty. Even if the Utah Indians of the Uinta Valley Reservation were of "Ute" blood in 1954 (which they were not) that does not change in any way, the fact that they were then, and they are now historically separated from the Confederated Band of Ute Indians of Colorado by Territorial boundaries, treaty rights, executive orders of the President, agreements, contracts and geographic origin. The Utah Indians were not then, and are not now a component part of the Confederated Band of Ute Indians of Colorado for whom the "Ute Termination Legislation was specifically intended by Congress in 1951.

SHOW:

1. Inherent Indian heredity, heritage, and tribal membership;

2. Richita Hackford and all other "Uinta Indians" similarly situated holds an inherent vested right, title, and interest in the Uinta Valley & Ouray Reservation(s) and the entire estate thereof for which the United States (Trustee) has an inherent trust relationship and a fiduciary responsibility to protect.

3. Among the rights which agents of the United States (Bureau of Indian Affairs) and federal agents within Utah and agents in Utah State Government has and is grossly ignoring and violating under the pretext of P.L. 671 are the right to self-determination, the right to fair and unbiased interpretation and application of the law affecting and effecting Indians pursuant to special Acts of Congress,

the right to own and manage property without interference, the right to tribal sovereignty, the right to freely participate in representative government, the right to be free from arbitrary deprivation of property, the right to equal protection of the laws, the right to be free from racial discrimination, the right to an effective remedy for violation of fundamental civil rights, and the right to be free from any form of retaliation.

CONTINUOUS TRUST RELATIONSHIP:

1. The Uinta Valley Shoshone Indians (a. k. a. "*The Uinta Band*) have held a continuous relationship with the United States since the Peace Treaty of Dec. 30, 1849 (ratified by Senate Sept. 9, 1850; 9 Stat. 984) with all Indians residing within the lands enclosed by the Treaty of Guadalupe Hidalgo (Mexican land cession to the United States in Feb. 02, 1848; 9 Stat. 922, 930). Provision 1. "The Utah Tribe of Indians (collectively speaking) do hereby acknowledge and declare they are lawfully and exclusively under the jurisdiction of the Government of said States: and to its power and authority they now unconditionally submit". The many different tribes living in the region were all referred to as "Utas" in reference to the Utah Territory – it did not mean they were of Ute Indian blood which the majority was not. The Ute Indians roamed the areas in the southeast corner of the Treaty Territory in what is now southeast Utah, New Mexico, and Colorado.

2. The relationship with the Uinta Valley Shoshone Indians (*"Uinta Band"*) became an exclusive "trust relationship" with the Executive Order 38-1 (Oct. 03, 1861) that established the Uinta Valley Reservation located in northeastern Utah Territory (confirmed by Congress on May 5, 1864; (13 Stat. 63) *"for the permanent settlement and exclusive occupancy"* of the tribes of Utah Territory.

3. The Mexican land cession in 1848 was partitioned into Territories after 1850. The Colorado Territory was established from Utah Territory on Jan. 28, 1861 that included the Confederated Band of Ute Indians.

4. Approximately ten (10) months later (October 3, 1861) the Uinta Valley Reserve, an area of approximately 2,487,474.83 acres, was set apart in Utah Territory for Utah Indians who actually moved to the reservation, consisting largely of Snake or Shoshone family clans and Bands who had been displaced by Mormon settlers and forced out of the Salt Lake Valley and pushed to the east of the Wasatch Mountains by proclamation of Brigham Young in 1850.

5. The Indians from the Salt Lake Valley who actually settled on the Uinta Valley Reservation by 1865 became collectively known by the geographic name *"Uinta"*. They were so named by Indian Agents and others in the surrounding valley of the Uinta River within Utah Territory distinguishing them as a specific singular Tribe. [The "Uinta" Shoshone Indians in Utah should not be confused with the "Uintah" Ute Indians of Colorado.]

THE CONFEDERATED BAND OF UTE INDIANS OF COLORADO:

1. In January of 1861 when Colorado Territory was carved out of Utah Territory The Confederated Band of Ute Indians became subjects of Colorado Territory and on Oct. 10, 1863 the seven chiefs of the Ute Tribe signed a Treaty under which the Indians ceded all land to the United States, except certain hunting grounds. The Treaty called for all Colorado Ute Bands to relinquish, among other things, all mountain areas settled by Whites. The Tabequache (Uncompahgre Utes) were to be located near Conejos in southern Colorado in exchange.

2. But this treaty was superseded by the Treaty of March 2, 1868 (15 Stat. 619) that established a reservation of about 15 million acres "for the absolute and undisturbed use and occupation" of the seven bands of Utes known today as the Uncompahgre Utes, the Southern Utes, the Ute Mountain Utes (includes the White Mesa Utes), and the White River Band. Collectively these four bands are the historic *"Confederated Band of Ute Indians"* of Colorado Territory.

3. Art. III of the 1868 Treaty - Ceded all claims to lands not included in the Reservation. (We should assume this would include all land claims in Utah Territory)

4. In September of 1879 the White Rivers killed their Agent, Nathaniel Meeker, and by December of that year Congress passed a Joint Resolution authorizing the Secretary of the Interior to declare the Indian's rights to their reservation forfeited and proposed the eventual expulsion of the Utes from Colorado.

5. On March 6, 1880 a delegation of Colorado Ute Chiefs and headmen were taken to Washington where they entered into an agreement by which the Uncompahgre and White River Utes ceded the entire remainder of their reservation in Colorado and agreed to accept only individual allotments - in Colorado. The agreement was ratified on June 15, 1880 (21 Stat. 199). The Southern Ute Reservation is the only part of the 1868 treaty reservation that remains today.

6. The Confederated Band of Ute Indians of Colorado was dismantled in 1880 by the U.S. Government and two of the bands from this larger Tribe were relocated to Utah, where the White River Band and Uncompahgre Ute Band of Colorado Indians (who now call themselves the Northern Ute Tribe) have no lawful claim or interest in "tribal" lands in Utah. No permanent reservation has ever been set apart for them by treaty, act of Congress, agreement, or Executive Order in Utah. Although the Ouray Reservation was set aside for the *"temporary"* use and occupancy of the Uncompahgre Ute Band, it was never ratified by Congress. Additionally, the "Northern Ute Tribe" is <u>not</u> a

federally recognized tribe by BIA standards and not by the provisions of the Indian Reorganization Act passed into law in 1934.

7. Both White River and Uncompahgre Ute Bands (the "Northern Ute Tribe") have resided on the Uinta Valley Reservation with the Uinta Band of Shoshone Indians since 1884, but they have never held any lawful jurisdiction or entitlements over more than just their individual allotments (except through the administrative "Policy" of the BIA). They each hold their own membership rolls apart from the Uinta Band. The Uinta Band of Shoshone Indians is not now and has never been a component part of the Confederated Band of Ute Indians of Colorado or in Utah, but they (the Uinta Indians from the Salt Lake Valley) hold the only treaty rights on the Uinta Valley & Ouray Reservations regardless of all else.

THE FEDERAL CORPORATION:

1. The Uinta Band's trust relationship with the United States was again acknowledged and confirmed, pursuant to the Indian Reorganization Act, (IRA), P.L. 73-383 (48 Stat. 984) June 18, 1934, 25 USC 461 *et seq.,* when it adopted the provisions of the Act and organized as a "Federal Corporation" D/B/A *"The Ute Indian Tribe"* (a misnomer) a federally recognized Tribe of the Uinta Valley and Ouray Reservations in Utah.

2. Section 19 of the IRA provides in part, "that the term Indian "shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation ..."

3. For Indians to be able to organize under Section 16 of the IRA, they must constitute a "Tribe" or tribes residing on the same reservation. The Indians for whom no reservation has ever been set aside or who possess no recognized tribal status are not eligible to organize under this provision of the Indian Reorganization Act.

4. By these statutes, the only legitimate Federally recognized "Tribe" that organized under the IRA and was chartered in 1938 as a Federal Corporation was the historic *"Uinta Tribe"* of Utah Shoshone Indians that also holds the only legal jurisdiction, exclusive rights, title, and interest to the land, water, assets, and proceeds there from, derived through its treaty rights and the Executive Order 38-1 of 1861. None of such property of the Uinta Valley Shoshone Indians has ever been specifically or lawfully abrogated, repealed, ceded, or legitimately altered by any Act of Congress.

5. The damage is in the perpetual abridgement of the vested rights, title, and interests of the "Uinta Band" of Utah Indians through the illegal, unethical,

and deceitful acts and actions of the Secretary of the Interior, agents of the BIA, BLM, and the State of Utah by the discriminatory and unlawful exercise of an "Exclusion Policy" rendered under the pretext of P.L. 671 (68 Stat. 868) August 27, 1954.

THE CONFEDERATED BAND OF UTE INDIANS' TERMINATION LEGISLATION:

1. In 1950 the Confederated Band of Ute Indians consisting of; the Southern Ute Tribe, the Ute Mountain Ute Tribe (in Colorado), and the Northern Ute Tribe (in Utah) won their claims in the Court of Claims in the amount of $ 31,938,473.43 for the taking of their lands in Colorado ceded to the United States Government without compensation by the Act of June 15, 1880. The "Uinta Band" of Shoshone Indians in Utah formally filed a disclaimer with the Court of Claims saying they had no interest in said Judgment Funds. (See; Legislative History, S. 1357, April 25, 1951 and H.R. 3795, July 3, 1951).

2. Before the Judgment would be released by the Court of Claims, the Confederated Ute Tribe had to submit to Congress for approval, a plan for the use and distribution of said trust funds. Two plans was submitted; a three-year assessment plan that would end in 1954 and a long-range plan that would begin in 1954 and end in 1964. Congressional intent was to terminate the trust relationship with only the Confederated Ute Indian Tribe and its members located in Colorado and Utah.

3. While the legislation was still in committee, John Boyden, Attorney for the Utah Ute Indians and Ernest Wilkerson, Colorado Claims attorney submitted a fraudulent amendment to said legislation (Resolution # 3 of June 01, 1950; See: S. 1357 and H.R. 3795) to include the "Uinta Band" in the distribution of the Ute Judgment Funds effectively laying the foundation for the subsequent broader fraud activated by the simple "act of implication" that the Uinta Valley Shoshone Indians were sharing in the Ute Judgment because they were "Ute Indians" with nothing else being said to the contrary. (The resolution is incorporated into a Ute Jurisdiction Act amendment as purportedly being adopted by all three bands of White River, Uncompahgre Ute, and the Uinta Band.

4. Congress passed the Confederated Band of Ute Indians' termination legislation into law as Public Law 120 (65 Stat. 193), August 21, 1951, *"The Southern Ute Rehabilitation Planning Act"* including powers to the Secretary of the Interior for implementation of each program proposed by the Act.

5. The Act of Aug. 21, 1951 ratified the so-called *"share and share alike"* resolution # 3. (65 Stat. 194 (1951) and by implication, artifice, deceit, and device the Uinta Band of Shoshone Indians and the entire corporeal body of their tribal estate encompassed in the Uinta Valley & Ouray Reservation(s) was administratively *"bootstrapped"* to the termination legislation intended

by Congress to only affect the Confederated Band of Ute Indians of Colorado that includes the Northern Ute Tribe in Utah.

6. When the Ute long-range (ten-year) plan was approved and administratively activated by the Secretary in 1954 ... it was Public Law 671, (68 Stat, 868) August 27, 1954, *The Ute Partition Act,* (UPA). [Although Utah Senator Arthur V. Watkins instigated P.L. 671, he could not have carried out his termination program in Utah without the assistance of Wilkerson and Boyden. (M. 38)]

7. Congress had mandated the termination of the Utes so someone had to be terminated. The Confederated Ute Tribe conspired with John Boyden (Attorney for both the so-called mixed-bloods and full-bloods simultaneously), and Ernest Wilkerson (Court of Claims attorney for the Utes), Albert Harris (an Uncompahgre who was working with the Tribe, was employed by the BIA, and was Director of the Utah Division of Indian Affairs simultaneously from 1956 to 1977), Uncompahgre Rex Curry, sundry superintendents, the State of Utah Representatives to Congress, and the Secretary of the Interior to administratively terminate just the Indians with ½ or less "Ute" blood. Other blood-lines were not considered so the Uinta Band of Shoshone Indians was mislabeled as "Mixed-blood Utes" in the language of P.L. 671 and were designated to be terminated from federal supervision by 1961. The Utes were never terminated in 1964 as intended by Congress so the Act has never been fulfilled and neither has the termination legislation been repealed.

8. The origin of the "plan" and purpose for the ambiguities and contradictions in the language of Public Law 671 is actually hidden within the termination legislation for the Colorado Ute Indians. Legislation that was totally unrelated to the land, assets, and proceeds from the Uinta Valley & Ouray Reservations in Utah and the Utah Shoshone Indians, <u>except</u> by the subtle "implication" as to their identity imported by resolution No. 3, John Boyden's misguiding *"share and share alike"* resolution.

THE UTE PARTITION ACT – P. L. 671 (68 STAT. 868) AUGUST 27, 1954:

1. The UPA was <u>not</u> enacted by Congress as specific legislation to terminate the Uinta Band of Shoshone Indians in Utah. The authority to implement the "Ute" ten-year program was given to the Secretary of the Interior through P.L. 120 in 1951 under the deliberately implied notion that he was dealing with just "Ute" Indians. He approved said P.L. 671 as written. (No one was given the opportunity to ask about Treaty rights of the Indians in two different states or the geographic boundaries barring such action).

2. The UPA was not a product of HCR 108. Congress issued its "new" Indian Policy in House Concurrent Resolution 108, 83rd Congress, adopted on August 1, 1953. Its purpose was to eliminate the reservations and turn Indian Affairs

over to the states among other things. HCR 108 was a statement of policy only. Individual Acts of Congress were needed to implement the policy in regard to each specific Tribe, band or group named to be terminated. The foundation to terminate the so-called "Mixed-blood Ute" under the pretext of P.L. 671 was founded in P.L. 120 (1951), *two years earlier*, and administratively activated in 1954. The Uinta Valley Shoshone Indians of Utah have never been the specifically named subject of any Congressional legislation to terminate the "Tribe" or the Uinta Valley Reservation estate and thus both entities have retained their trust relationship since 1849 despite all the espionage, deceit, and subterfuge carried out now for 60 years.

3. Public Law 671 was an Act to partition the lands and assets of the Uinta Valley and Ouray Reservation between the so-called Mixed-blood and Full-blood members of the "Ute Indian Tribe" (without explaining that there are *two* "Ute Indian Tribes" and without defining to which "Ute Indian Tribe" it refers). The first "Ute Indian Tribe is the Confederated Band of Ute Indians of Colorado. The second "Ute Indian Tribe" is the D/B/A "Federal Corporation" chartered in 1937 pursuant to the Indian Reorganization Act of 1934 in which the White Rivers and Uncompahgre Ute (a.k.a. "Northern Ute Tribe) were allegedly not eligible to organize under said statutes. The two meanings of "Ute Indian Tribe" are not synonymous or interchangeable with one another in material fact, but the true distinguished nature of each entity has never been pointed out or clarified in any official forum even though it affects ones understanding of the terms and legitimacy of the 1954 Act ... P.L. 671.

4. The 490 Indians mislabeled and identified as "mixed-blood Ute" in 1956 was purportedly terminated from the Northern Ute Tribe in Utah that is a component part of the Confederated Band of Ute Indians of Colorado under the pretext of P.L. 671 ... not from the Federal Corporation – D/B/A the "Ute Indian Tribe" of the Uinta Valley & Ouray Reservations, a federally recognized Tribe that is today listed on the Secretary of the Interior's list of Federally Recognized Tribes.

FIVE FACTORS THAT REMAINED OUTSIDE THE WORKINGS OF P.L. 671:

There are five (5) constant fundamental rights, title and interest that remained Federally protected and could not be abridged, altered or abrogated by the Secretary of the Interior without additional *specific* Congressional approval, despite the pretext of P.L. 671, and has remained outside the administrative reach of the Secretary of the Interior. However, these five factors have been adversely affected by the Administration's misguided *"Exclusion Policy"* leveled against the Uinta Valley Shoshone Indians (a.k.a. Mixed-blood Ute") regardless that "policy" is not law. The five critical factors are as follows:

A. The Federal Corporation - The Uinta Valley Shoshone Indians (a.k.a. *"Uinta Band"*) have been chartered members of the IRA Federal

Corporation D/B/A as the *"Ute Indian Tribe"* (a federally recognized Tribe) of the Uinta Valley & Ouray Reservations at all times mentioned in this text since 1937. The *Ute* termination legislation was not intended by Congress to touch the IRA Federal Corporation in Utah; its eligible members; their "tribal" assets; and/or Tribal jurisdiction that are inherent products of Treaty rights.

B. The Individual Allotments – The allotments were never mentioned in P.L. 671 and were not intended to be touched by the pretext of P.L. 671. Since the Act was a "partition and distribution" process, the allotments were already divided, distributed, and vested to individual Indians and remain federally protected along with all vested rights, title, and interests of every kind appurtenant to said individual's allotments including all revenue generated there from. Allotted land is not the same thing as "Tribal" land which is communally held, but both holdings are considered "reservation land" held by Treaty rights.

C. The Uinta Valley Shoshone Indians' Inherent Treaty Rights – The Ute Termination Legislation in 1951 was not intended for any other Tribe but the Confederated Band of Ute Indians of Colorado that includes the Northern Ute Tribe residing on the Uinta Valley & Ouray Reservation(s) in Utah. The Colorado Utes do not have a sustainable treaty right claim on the Uinta Valley & Ouray Reservation in Utah. This material fact alone demonstrates but one obvious flaw in the administrative termination of the so-called *"mixed- blood Utes"* in Utah under the pretext of P.L. 671.

D. Jurisdiction – Jurisdiction is central to the "exclusion policy". Jurisdiction of Indian Tribes is manifested through ratified treaties, executive orders of the President, contracts, and agreements with the United States Government. None of these forms of legal claim apply to the Colorado Indians in Utah who call themselves the "Northern Ute Tribe". The temporary relocation of the two Colorado Bands of White Rivers and Uncompahgre Ute in 1880-1884 to the Uinta Valley Reservation did not then and does not now change, alter or abrogate the "Uinta Tribe's" recognized political rights and political existence under the law regardless of P.L. 671. The 1954 Act, could only provide the Northern Ute Tribe with joint jurisdiction over just their allotted lands ... not over the entire tribal and individually held lands and assets of the Uinta Valley & Ouray Reservations despite the division and distribution of 72.5% to the so-called full-bloods and 27.5% to the so-called mixed-bloods. The Northern Ute Tribe's exclusive jurisdiction of record today is only granted through the unlawful and misguided "exclusion policy" of the BIA and the State of Utah under the pretext of P.L. 671.

E. The Uinta Valley Shoshone Indians Continued Trust Relationship – Despite the pretext of P. L. 671, the Uinta Tribe's trust relationship with the United States Government has remained untouched by a specific Act of Congress to terminate or abrogate said trust relationship. To the contrary, P.L. 671 preserved said relationship by holding 27.16186 % of all undivided "Tribal "assets in trust for the so-called "mixed-blood" Indians listed on the Final Rolls and published in the Federal Register in 1956. This same identifiable group of Indians also retained its federally recognized Tribe status, regardless of P.L. 671, as chartered members of the IRA-Federal Corporation, pursuant to the Indian Reorganization Act of 1934 that has never been dissolved by Congress, and by virtue of its tribal organization *"Affiliated Ute Citizens"* that was federally approved in 1956 along with its Constitution & By-laws as the authorized representative for the 490 so-called "Mixed-blood Utes" under the pretext of P.L. 671. The AUC has never been withdrawn, repealed or dissolved by the Secretary of the Interior or Congress since it was authorized by statute of P.L. 671 in 1956.

* * *

THERE ARE THREE REQUIREMENTS TO BRING ACTIONS AGAINST THE U.S.

1. SUBJECT MATTER JURISDICTION:

Pursuant to the General Federal Question Statute 28 USC § 1331 this jurisdiction exists because plaintiff's claims of inherent Indian Status – which are rooted in Treaties, statutes, Executive Orders of the President, statutes and regulations establishing the trust relationship between the United States and the Uinta Valley Shoshone Indians of Utah in which the Plaintiff is a recognized member – arise under the laws of the United States. (See e.g., *Salt River Pima-Maricopa Indian Community v. Kempthorn*, Civil Action, No. 06-2241 (JR), June 6, 07, (Hearing Tr. at 39), Complaint ¶¶ 9, 16.) There is no dispute as to the existence of federal question jurisdiction.

Plaintiffs' actionable rights in this case stem from and are shaped by three bodies of law. First, as a matter of litigating against the government, plaintiff may enforce rights granted to him by statute under the provisions of the APA. (Administrative Procedures Act) ... Second, to the extent that certain government actions cannot be reviewed under the APA, then plaintiff may seek non-statutory review. ... Third, plaintiff may rely upon the rights effectively given to him by the Supreme Court in *Mitchell II.*, as the Supreme Court has repeatedly stated, given the existence of a trust relationship between the government and an Indian tribe, it "naturally follows" that the tribe has the right to sue the government for breaching its trust duties. See, e.g., *Mitchell II,* 463 U.S. at 226; *see also White Mountain Apache*, 537 U.S. at 475-76.

The Court of Appeals in *Cobell VI*, held that "[w]hile *Mitchell II* involved a claim for damages, nothing in that decision or other Indian cases would imply that appellants are not entitled to declaratory or injunctive relief." *Cobell VI,* 240 F.3d at 1101. The Court further explained that it was allowing plaintiffs to proceed with claims for declaratory and injunctive relief because "[s]uch remedies are the traditional ones for violations of trust duties."

Once a fiduciary relationship is established by statute, the government's right to enforce them – follow as a matter of law. While rooted in and derived from various statutes, treaties, and regulations, these duties "are largely defined in traditional equitable terms" and may be filled in by reference to trust law.

There are remedies that are available in equity to an aggrieved beneficiary. The right of action to seek equitable relief commonly available to trust beneficiaries is also available to Indian trust beneficiaries. *See Cobell VI,* 240 F.3d at 1140 (quoting *Klamath & Modoc Tribes*, 174 Ct. Cl. at 487; *see also Restatement (Second) of Trusts §198 (cm. a (1959)* ("Although the beneficiary can maintain an action at law against the trustee ... he has also equitable remedies against the trustee.") and § 199 cmt.a ("The beneficiary of a trust can maintain a suit to compel the trustee to perform his duties as trustee. It is immaterial that there be an adequate remedy at law.").

2. WAIVER OF SOVEREIGN IMMUNITY:

Title 5 U.S.C. of the Administrative Procedures Act, § 702 provides the requisite waiver of sovereign immunity. (*See e.g.,* Salt River Complaint at ¶ 10). Section 702 waives sovereign immunity for actions (such as this one) against a federal official seeking relief "other than money damages." Although the waiver of immunity is housed in the APA it is well settled that the waiver is "not" limited to APA claims. As the D.C. Circuit has made clear, the "APA's waiver of sovereign immunity **applies** to any suit whether under the APA or not."

3. CAUSE OF ACTION: Equitable Defense.

Abridgment of Hackford's tribal and personal rights, title, interests, and heritage as an Indian (and all others similarly situated) by the use of carefully orchestrated false, misleading, and fraudulent actions and activities, particularly in the 50's and 60's and continuing to the present, involving conspirators in the form of: Utah Congressional Representatives, several lawyers from Utah and elsewhere, the Secretary of the Interior, government representative agents within the BIA, the Confederated Band of Ute Indians of Colorado including the Northern Ute Tribe in Utah, and the Ute Distribution Corporation, a state incorporation created by John Boyden in 1958 as a conduit for the distribution of trust funds to the 490 individuals listed on the "mixed-blood" rolls in 1956.

The apparent goal was to defraud the Indians for self-enrichment by taking a false ownership of the Uinta Valley & Ouray Reservations and all the economic and personal

wealth of the Uinta Valley Shoshone Indians of Utah (Uinta Band) by administrative "policy" and artifice, not by any Act of Congress.

The statutes and regulations giving rise to the trust relationship between Hackford, the Uinta Tribe, and the Trustee unquestionably gives rise to trust duties that can be enforced outside the APA. It is axiomatic that a "court of equity, having jurisdiction over the administration of trusts, will give the beneficiaries of a trust such remedies as are necessary for the protection of their interests ..." *See, e.g.,* Willow F. Fratcher, 3 Scott on Trusts § 199, at 203-04 (4th ed. 1988). Accordingly, a Federal Court has the authority and responsibility to enforce trust duties using its inherent equitable powers to ensure protection of the beneficiary. (*See, e.g.,* Vill of Brookfield v. Pentis, 101 F.2d 516, 520-21 (7th Cir. 1939).

EQUITABLE RELIEF:

(Declaratory Judgment Act (1934) 28 U.S.C.A § 2201 – Fed. R. Civil P. 57)

A) Obtain an injunction to stop any further irreparable damages to the Uinta Band members land and natural resources of the Uinta Valley & Ouray Reservation(s).

B) Stop the flow of all product, production, and revenue going from or being collected from the water, gas, oil, and minerals, and all other resources of the Uinta Valley & Ouray Reservation(s) pending reaffirmation and recovery, in whole, of the Uinta Tribe's federal trust relationship with the United States Government, and

C) Pending reaffirmation, recovery and restoration, in whole, of the Uinta Tribe's exclusive jurisdiction over its people, all the lands, resources, and revenue within the original boundaries of the Uinta Valley & Ouray Reservation(s) barring all others.

D) An order for a forensic accounting of all land and assets (individual and tribal), and verification of all land and mineral ownership (white and Indian) within the original boundaries of the Uinta Valley & Ouray Reservation(s).

E) The Government's reaffirmation of a continuing and perpetual federal relationship with the Uinta Valley Shoshone Indians of Utah (a.k.a. *Uinta Tribe)* and exclusive jurisdiction held by the Uinta Tribe over its members, the lands and assets of the Uinta Valley & Ouray Reservation(s) original boundaries, to include all land ownership rights (individual and tribal), all resources and all revenue or trust funds of every kind flowing from or to the Uinta Valley & Ouray Reservation(s).

F) Office of Special Trustee to locate, recover, reaffirm and restore all trust accounts (all individual, organizational, and tribal) belonging to the so-called "mixed-blood Utes"; to the tribal organization, Affiliated Ute Citizens; and/or to the Uinta Band of the IRA, Federal Corporation D/B/A "Ute Indian Tribe" of the Uinta Valley & Ouray Reservation(s) in Utah. There should be an accompanying "comprehensive accounting" for all revenue distributable to each beneficiary or his/her heirs.

G) Congress should repeal Resolution No. 3 in P.L. 120 (65 Stat. 193) and Public Law 671 (68 Stat. 868) August 27, 1954 in its entirety; there should be conducted, in the best interests of the Tribe, there should be initiated Congressional hearings and Justice Department investigations into the corruption on the Uinta Valley & Ouray Reservation between state and federal agencies, and state and tribal business activities of all known and unknown conspirators to be identified, and prosecuted for collusion, conspiracy, and fraud against a federally recognized Indian Tribe of the State of Utah.

THE UTAH CONSTITUTION – ARTICLE III:

ORDINANCE: "The following ordinance shall be irrevocable without the consent of the United States and people of this State";

"The people inhabiting this State do affirm and declare that they forever disclaim all right and title to the un-appropriated public lands lying within the boundaries hereof, and all lands lying within said limits owned or held by any Indian or Indian Tribes, and that until the 'title' thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the 'absolute' jurisdiction and control of the Congress of the United States." (Emphasis added)

The chartered Corporation D/B/A the *"Ute Indian Tribe"* or the *"Uinta Tribe"* of the Uinta Valley & Ouray Reservation(s) in Utah is not now and has never been a 280 Tribe by operation of law.

H) There should be a declaration that the State of Utah is without authority of all nature or kind to arbitrarily exercise any form of jurisdiction on the Uinta Valley & Ouray Reservation(s) over any American Indian resident, his rights, title, and interests or Property (personal or tribal) within the original boundaries of the Uinta Valley & Ouray Reservation(s).

PRECEDENCE:

Memorandum: M – 36991
September 19, 1997

To: Secretary

From: Solicitor

Subject Pokagon Band of Potawatomi Indians

The following are quotes from this memorandum:

S. Rep. No. 103-266, 103d Cong., 2d Sess. At 3. Congress went on in the Act to find that the Band had been administratively terminated. 25 U.S.C. § 1300j(6). The Senate Report described this termination as wrongful:
The Committee concludes that the Band was not terminated through an act of Congress, but rather the Pokagon Band was unfairly terminated as a result of both faulty and inconsistent administrative decisions contrary to the intent of the Congress, federal Indian law and the trust responsibility of the United States. * * *
Documentation submitted to and testimony presented before the Committee has confirmed that the Pokagon Band has continuously been recognized as a viable tribal political entity. The Band's claim of rights and status as a treaty-based tribe, and the need to restore and clarify that status, has been clearly demonstrated.

S. Rep. No. 103-266, at 6 (emphasis added).

Based on these findings and testimony of the Interior Department, the Act provided: "Federal recognition of the Pokagon Band of Potawatomi Indians is hereby affirmed." Id. § 1300j-1. Thus, the Restoration Act revested the Band in its former status as a Tribe with a government to government relationship with the United States.

In 1979 and 1980, when Congress was considering the status of certain Paiute Indian Bands of Utah, which had been terminated in 1954 pursuant to H.R. Con. Res. 108, the Department commented on the fact that the bill was framed in terms of recognition (as in the case of the termination proclamation for the mixed-blood Utes in 1961) but that it was more appropriate, at least to four of the bands, to consider the legialation "restoration legislation," because what had been terminated was the trust relationship, not the tribal status. H.R. Rep. No. 96-712, 96th Cong., 1st Sess. 7-10 (1979). Ultimately, Congress provided: "The Federal trust relationship is restored to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah and restored or confirmed with respect to the Cedar City Band of Paiute Indian so f Utah." 25 U.S.C. § 762(a). (under scoring added).

* * *

SEPARATION OF CHURCH AND STATE IN UTAH

The separation of church and state within the State of Utah is not a difficult concept to understand it just is not consciously practiced by the general population of Mormons when they must interact with the general population of non-Mormons and American Indian Tribes as sovereign nations within Utah.

The object and activities of each community based corporation of the Church of Jesus Christ of Latter-day Saints is to benefit just its immediate membership and their brand of religion, (a common feature of all organized religions.)

The Mormon's community based Church corporations (corporate aggregates) are under the *Corporation of the President of the Church of Jesus Christ of Latter-day Saints,* a corporation sole that was created under state law (Chapter 3, Title 19, of the Compiled Laws of Utah, 1917, on "Churches and Religious Societies") by the President of the Church of Jesus Christ of Latter-day Saints, Heber J. Grant, on the 26th day of November 1923.

Under the title "Group Exemptions"- Tax Exempt and Government Entities Division of the IRS: "The IRS sometime recognizes a group of organizations as tax-exempt if they are affiliated with a central organization. This avoids the need for each of the organizations to apply for exemption individually. A group exemption letter has the same effect as an individual exemption letter except that it applies to more than one organization."

"To qualify for a group exemption, the central organization and its subordinates must have a defined relationship. Subordinates must be: Affiliated with the central organization; Subject to the central organization's general supervision or control; and Exempt under the same paragraph of IRC 501 (c), though not necessarily the paragraph under which the central organization is exempt."

A corporation sole is one consisting of one person only, and his successors in some particular station, who are incorporated by law in order to give them some legal capacities and advantages, particularly that of perpetuity, which in their natural persons they could not have had. In this sense, the sovereign in England is a sole corporation, so is a bishop, so are some deans distinct from their several chapters, and so is every parson and vicar. (In this case so are the community based Mormon Church corporations that are known in law as "corporate aggregates". *Aggregate corporations* are those which are composed of two or more members at the same time.

The Corporation sole, is legally defined as those which by law consist of but one member at any one time, as a bishop in England... it is said in England to include the Crown, all bishops, rectors, vicars and the like. (See; By: Peter Kershaw, *"Corporation Sole Facts", 2004)*

No state in America recognizes a corporation sole as a *canon law entity*. Rather, all corporate soles, if recognized at all, are only recognized as civil law entities. No mention is made anywhere in these statutes of canon law. Rather, all that is recognized is civil law. (p. 7) Those few states which permit the formation of the corporation sole always classify them as a "nonprofit corporation" when they are registered with their Secretary of State office by the Corporation s Division. (p.8)
(See: Utah Code Ann., Corporations Sole Sections; 1 §§ 16-7-1-14)

The Corporation of the President of the Church of Jesus Christ of Latter-day Saints, a Corporation Sole (hereinafter COP) is a "Holding Company" formed to control other companies where it usually confines its role to supervising management and operates in a duel role as an "Investment Company" formed to acquire and manage a portfolio of

diverse assets by owning stock and investing money collected from different sources. (See: COP Articles of Incorporation; The Investment Act of 1940 - § 2 (a) (8), 15U.S.C.A. § 80a – 2(a) (8))

In view of the aforesaid structural make-up of the COP, one corporate policy fits all and therefore one remedy applies to all at both ends of the chain. The Requested Restraining order should be granted.

* * *

There are essentially two governments running in parallel in the State of Utah; the government that is run by the Church of Jesus Christ of Latter-day Saints (includes a church court) and the Government for the rest of the citizens of the state who fall solely under the laws of the United States. Both laws are considered to be state law and are used interchangeably depending on the issue, status of the individual, and circumstances. So the question arises, when it comes to Native American rights, title, and interests on the Uinta Valley and Ouray Reservations or any where within the State, which government is setting policy on and/or off the Reservation for these Native Americans ... the Church government ... or the Government that embraces the laws of the United States? Both are used interchangeably as Utah law. An example of this conflict of interest is the activities of the Ute Distribution Corporation, a state incorporation that handles federally held trust funds for members of a federally recognized tribe with impunity. Not State laws or Federal laws have touched it.

Holding to the aforesaid structural premise, the Mormon Church has established its own social services and employment programs along with many other types of similar church –run programs, including a church court to strictly benefit its membership that is separate and apart from those social services, employment programs and civil courts, etc., used by all other citizen's established and run agencies and programs that are funded by the federal government and the state for other residents of the State who are not members of the Mormon Church.

The spill-over of "no authority" in each of these conditions has tremendous possibilities when these programs are dominated by and administered by employees who, in majority subscribe to the Mormon doctrine and abide by an administratively set policy for the very same employees who administer the programs that are "not" church programs, and herein lies the foundation and legitimate allegations for discrimination, abuse of power, and civil rights violations complained of by the Plaintiff of this case.

PREMISE ON WHICH THIS SCENERIO IS BASED:

In 1987, the following case went before the Supreme Court of the United States: *Corporation of the Presiding Bishop of the church of Jesus Christ of Latter-day Saints et al. v. Amos et al..*, 483 U.S. 327 (1987), No. 86-179, argued March 31, 1987, decided June 24, 1987.

FACTS OF THE CASE: Petitioner was employed at a non-profit organization affiliated with the Church of Jesus Christ of Latter-day Saints. The organization was open to the public, but he got fired because he was not a member of the Church. He claimed that he was religiously discriminated against. The Church argued that its religious affiliation exempted it from being subject to religious discrimination charges. This exemption was instituted in the Civil Rights Act of 1964 (702).

DECISION: In a unanimous decision, the Court found that the exemption in the Civil Rights Act of 1964 was constitutional because it was related to a "legitimate interest." (Emphasis added)

MAJORITY OPINION: (Justice White); The Court used the Lemon test to check the constitutionality of the exemption of religious organizations from religious discrimination laws. "Under the Lemon analysis, it is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions." The state's interest in guarding against interference in religion allows it to not require religious organizations to strictly follow laws that apply to others. The exemption is rationally related to this end that it seeks to further.

SIGNIFICANCE: This decision uses 'neutrality' as an important criteria in ruling on Establishment Clause cases. The exemption to the Civil Rights Act of 1964 does not endorse any particular religion and is limited to enhancing a "legitimate end." (Emphasis added)

This case is significant because in reality, the decision allows unscrupulous individuals to discriminate, abuse their power, and violate the civil rights of other citizens of the State with impunity, at will, outside their religious institutions. The Government of Utah is not a religious institution but the administrators are in majority Mormons that are in the business of furthering the Church's so-called "legitimate interests".

The Church itself may not, by this decision, be in violation of the Civil Rights Laws of the 1960's, but its Church members' hiring practices, management practices, and administrative practices within private businesses and State-run agencies that operate outside the church-run enterprises and institutions many times practice their own forms of discrimination and intimidation of other citizens of the State at will and with impunity like the ones alleged in this immediate case. This kind of story can be found in every State, town, city, or county where members of the Mormon Church have settled and the first order of business is to take control of the local government in furtherance of the Church's "legitimate interests". Under these circumstances the line is very blurred as to Separation of Church legitimate interests, State legitimate interests and each individual citizen's "legitimate interests". Then there is the sovereign interests of the Native American citizens of the State.

THE NECESSITY FOR DELEGATED AUTHORITY:

It is essential for a federal employee to possess delegated authority to perform any particular act; the absence of delegated authority means that the act in question was beyond the scope of the employee's duties, and therefore unlawful.

The necessity for a public employee to possess delegated authority is shown by a wealth of cases. For example, in United States v. Spain, 825 F.2d 1426 (10th Cir. 1987), at issue was the authority of the Drug Enforcement Administration to place certain substances upon the federal controlled substances list and thus make possession thereof a crime. Under former provision of this law, the Attorney General possessed this power to schedule controlled substances, and he had previously delegated that authority to the DEA. But, in 1984, Congress amended the law and provided a new statutory procedure by which such substances could be placed upon the list through a "bypass" procedure. Without delegated authority to schedule drugs under the amendment, the DEA did so and commenced prosecution of parties possessing the newly scheduled drugs. However, Spain's conviction was reversed when the Court held that the DEA's acts were void due to the lack of delegated authority to schedule the drugs pursuant to the new statutory procedure. Other courts have reached the identical conclusion; see United States v. Pees, 645 F. Supp. 697 (D. Col. 1986); United States v. Hovey, 674 F. Supp. 161 (D. Del. 1987; United States v. Emerson, 846 F. 2d 541 (9th Cir. 1988); United States v. McLaughlin, 851 F. 2d 283 (9th Cir. 1988); and United States v. Widdowson, 916 F. 2d 587, 589 (10th Cir. 1990).

In United States v. Mott, 37 f.2d 860, 862 (10th Cir. 1930), an incompetent Indian leased some land and received large money amounts as royalties, which were held in trust by the Secretary of the Interior. An agreement made to disburse those funds was held to be without authority:

"Where an executive officer, under his misconstruction of the law, has acted without or beyond the powers given him, the courts have jurisdiction to restore the status quo ante insofar as that may be done (citation omitted)."

In Continental Casualty Co. v. United States, 113 F.2d 284, 286 (5th Cir. 1940), ("Public officers are merely the agents of the public, whose powers and authority are defined and limited by law. Any act without the scope of the authority so defined does not bind the principal, and all persons dealing with such agents are charged with knowledge of the extent of their authority").

In United States v. Gemmill, 535 F.2d 1145, 1152 (9th Cir. 1976), some Indians were engaged in a demonstration within a federal park. As a result of the presence and protest of the Indians, park officials closed the park and thereafter arrested the Indians, who were convicted of trespass. The decision vacating these convictions was premised upon the lack of delegated authority for the officials who closed the park: "Absent an explicit delegation from the Secretary, the boundaries of the Forest Supervisors' authority

ATTACHMENT 2.

Michael L. Humiston

Attorney at Law

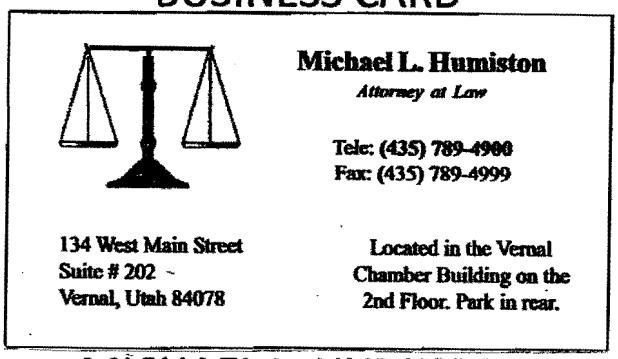
134 West Main Street

Suite # 202

Vernal, UT 84078

2.

BUSINESS CARD



MICHAEL L. HUMISTON

Employed by State of Utah, Uintah County, works as a Public Defender 8Th District Court Vernal Utah, also prior attorney of record for the Timpanogos Tribe, and prior attorney on the [Reber] case no. 08-4057 before the 10th Circuit court and before the United States Supreme Court, case no. 07 103 Petition for Writ of Certioari, and Questar Exploration and Production Company Plaintiff, vs. Cecelia P. Lambeth, an individual Defendant's attorney Michael L. Humiston, Civil No. 2:08- cv- 455. Appellant Richita Hackford hand delivered to Michael L. Humiston a complete copy of everything that was filed in both the state 8th District Court and the refilled complaint removed from state court to the federal court, as being a public defender for Uintah County, along with appellant Richard Hackfords court appointed public defender Clint Hendricks presumably another COP- corporate member as such could not properly represent appellant Richard Hackford as his public defender due to attorneys church state conflicted of interest with appellants tribal and civil rights both attorneys where and are fully aware of the issues and standing of the appellants.

Michael L. Humiston, a fictitious character knowing the 'truth', withholds the 'truth' for his own personal financial gain! Appellants have to ask if he is yet another agent for the Church State government connection within Utah acting on and for their behalf or indeed is he another baptized COP corporate member.

Pro se Appellants filed due to this very reason and actions within the Church State government of Utah, as appellants could not 'trust' any of the state appellees Utah Church State licensed, state board attorneys to file the 'truth' of appellants case without first protecting and preserving their own 'interest' in the continued 'fraud' of Church State government within Utah, in the interest of us as appellants we had no other choice but to file pro se to protect or own interest.

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Church of Jesus Christ of Latter-day Saints (**MORMONS**)

AFFILIATED UTE CITIZENS ORGANIZATION
UINTA VALLEY SHOSHONE INDIANS
UINTA VALLEY & OURAY INDIAN RESERVATION, UTAH

BOARD OF DIRECTORS
P. O. BOX 787
FORT DUCHESNE, UTAH 84026

PHONE: 435-725-5340 FAX: 435-722-3425

July 26, 2011

Utah State Bar
Senior Counsel
Office of Professional Conduct
645 South 200 East, Suite 205
Salt Lake City, Utah 84111-3834
801-531-9110
Fax: 801-531-9912

Re: Unethical, unprofessional and potentially illegal conduct of Michael L. Humiston, Utah State Bar #6749, currently Prosecuting Attorney for Uintah County, State of Utah, 134 West Main, 2nd Floor, Vernal, Utah 84078; Tel: 801-420-1245

Dear Senior Counsel,

When was County Attorney in Utah granted permission to freelance? I was approached with the attached "Agreement" on Thursday, June 30, 2011. I am very concerned because I am the second person he has approached that has rejected his proposal and I am told there is now a third person. Michael Humiston, who works for the State of Utah as the County Prosecutor for Uintah County at Vernal, Utah, presented and signed this "Agreement" in my presence and in the presence of Samantha Safford, a friend of his who was helping him pitch the deal.

I have no idea whether he is acting alone or on behalf of others in the State and Counties but I believe Michael Humiston & Company should be investigated along with his proposed "Agreement". He fully expected me to sign said attached "Agreement" right then and I was not going to do that without first meeting the purported investor and without prior input from the tribe, so I told him I wanted to read it carefully first and he gave me the copy he had just signed as a good will gesture. I am forwarding this document with his signature.

I view this as an unethical covert attempt at exploitation of Indians and Indian property in violation of Federal law: Title 18 U.S. Code; part 1 Chapter 53, § 1163 – Embezzlement and theft from Indian tribal organizations: "Whoever embezzles, steals, knowingly converts to his use or the use of another, willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, goods, assets, or other property belonging to any Indian tribal organization or entrusted to the custody or care of

any officer, employee, or agent of an Indian tribal organization; or whoever, knowing any such monies, funds, credits, goods, assets or other property to have been so embezzled, stolen converted, misapplied or permitted to be misapplied, receives, conceals, or retains the same with intent to convert it to his use or the use of another shall be fined not more than $5,000 under this title, or imprisoned not more than five years, or both. As used in this section, the term "Indian tribal organization" means any tribe, band, or community of Indians which is subject to the laws of the United States relating to Indian affairs or any corporation, association, or group which is organized under any of such laws." Approved; August 1, 1956.

If you have any questions, I can be contacted at the address and phone number found in the letterhead, I trust that you will look into this matter and take the appropriate action. I would appreciate being kept informed or notified in writing of any action that is taken.

Sincerely,

Dora Van

Dora Van, President of
The Affiliated Ute Citizens Organization and
Chairman for the Uinta Valley Shoshone Bands
of Utah Indians (a.k.a. *Uinta Band* of the Uinta
Valley and Ouray Reservations in eastern Utah

Cc: Uintah County Commissioners
Utah Attorney General's Office
U.S. Justice Department – Office of Tribal Justice
Michael Humiston
Samantha Safford

Attachment: "Agreement"

The attached 7 page "Agreement" proposed by Michael Humiston to Dora Van on June 30, 2011 is an exact pattern, only in written form, set by John Boyden in 1958 when he created the Ute Distribution Corporation (as a holding company) under Utah law that put the State Incorporation between the 490 Indian statutory beneficiaries and their trust funds that are under the fiduciary care and responsibility of the Secretary of the Interior. No Secretary of the Interior has ever investigated this issue or stopped the flow of trust finds to the wrong recipients in 60 years. Ute Distribution Corporation is not an Indian, an Indian Tribe, or an Indian Entity of the Uinta & Ouray Reservation(s).

AGREEMENT

The Uintah Tribe of Indians (hereinafter "the Uintah Tribe"), on the one part, and Sovereign Holding, Inc. (hereinafter "Sovereign Holding"), on the other part , hereby agree as set forth herein:

A. DECLARATIONS

WHEREAS the Uintah Tribe of Indians desires to regain its status as an Indian Tribe whose governing body is recognized by the United States Secretary of the Interior independently of any other Indian tribe, and to be included on the Federal Register as a tribe so recognized under 25 U.S.C. §479a-1; and

WHEREAS upon obtaining such recognition the Uintah Tribe desires to confirm its traditional council of clan representatives as its governing body; and

WHEREAS upon obtaining such recognition the Uintah Tribe desires to establish all government services which a sovereign Indian nation is entitled to provide to its members and to those residing within its sovereign territory; and

WHEREAS the Uintah Tribe desires to establish such services to the highest level of quality practical, and to do so to the greatest possible degree of independence from any other tribal, federal, state, or private entity; and

WHEREAS the Uintah Tribe desires to establish such services without, or with as little, input or influence from or reliance upon any other such entities as possible; and

WHEREAS as an independent sovereign Indian nation recognized by the Secretary of the Interior, the Uintah Tribe will possess standing to litigate its rights in the courts of the United States; and

WHEREAS among those rights are rights to own, manage, claim, lease, sell, and receive all possible benefit from all natural resources on all Indian lands to which the Uintah Tribe has a claim of right; and

WHEREAS until those rights have been clearly recognized by the courts of the United States, the Uintah Tribe will not have sufficient revenue to fund the litigation necessary to obtain such recognition of those rights, nor to fund establishment of the governmental infrastructure necessary to the continued and perpetual functioning, prosperity, and defense of the Uintah Tribe; and

WHEREAS upon establishment of its tribal rights, the Uintah Tribe will have access to vast revenues in perpetuity; and

WHEREAS only a small fraction of the rights to which Indians are entitled within the Indian lands to which the Uintah Tribe has rights are currently being asserted by any other Indian tribe inhabiting any portion of those lands; and

WHEREAS the Uintah Tribe is committed to aggressively pursuing all rights that a sovereign Indian nation has an inherent right to pursue; and

WHEREAS Sovereign Holding possesses sufficient financial resources to enable the Uintah Tribe to regain its separate federal recognition; and

WHEREAS Sovereign Holding likewise possesses sufficient financial resources to enable the Uintah Tribe to establish all of the Tribe's rights in relation to all lands to which the Uintah Tribe has a claim of right, including the Tribe's rights to all natural resources appurtaining to such lands; and

WHEREAS the long-term interests of Sovereign Holding in this Agreement can best be secured by taking measures to ensure that the governmental and financial infrastructure of the Uintah Tribe is established on a solid, enduring, and reliable basis; and

WHEREAS Sovereign Holding possesses sufficient financial resources to support the establishment of the Uintah Tribe's governmental and financial infrastructure on a solid, enduring, and reliable basis; and

WHEREAS Sovereign Holding is willing to make these financial resources available to the Uintah Tribe in exchange for a long-term interest in such resources, including natural resources, as to which the Uintah Tribe shall establish its rights under the laws of the United States; and

WHEREAS the Uintah Tribe is willing to grant to Sovereign Holding such an interest in such resources upon such terms and for such duration as to guarantee such interest to the greatest extent possible within the laws of the United States; and

WHEREAS the Uintah Tribe is willing to grant to Sovereign Holding a limited waiver of the Tribe's sovereign immunity to such extent as necessary to guarantee Sovereign Holding's rights under this Agreement; and

WHEREAS the Uintah Tribe is willing to structure such guarantees in such a way as to require as little approval or oversight from the United States, the State of Utah, and any other governmental or private entities as possible;

NOW THEREFORE, the Uintah Tribe and Sovereign Holding hereby agree as follows:

B. DEFINITIONS

1. Uintah Tribe. The Uintah Tribe consists of all persons descended from those 883 identifiable persons who constituted the Uintah Band of Indians as that body existed in 1956, and which 883 persons specifically consist of:

a. the 208 persons who were enrolled in the rump portion of the Uintah Band which after the creation for the first time of a Ute tribal roll in 1956 constituted one of the three bands nominally constituting the Ute Indian Tribe of the Uintah and Ouray Reservation ("the Ute Tribe");

b. the 455 persons who were denominated "Mixed-bloods" under the Ute Partition Act (Act of August 27, 1954), and who were among the 490 persons placed on the "Mixed-blood" roll created under that act; and

c. the 220 persons living in 1956 who were Uintah Band members but were neither enrolled in the Ute Tribe nor included on the "Mixed-blood" roll.

2. Governing Council. The governing council of the Uintah Tribe is the traditional meeting of clan representatives of the Uintah Tribe.

a. Clan representatives are only selected by the members of each clan constituting the Uintah Tribe, and are not appointed by any other person or body.

b. Each member of the council is either one of, or a descendent of, the 883 persons set forth in paragraph B.1., above.

c. The governing council is represented by a chairman.

i. The chairman of the governing council is Dora Van, she having been duly elected to said position at a meeting of said council in August, 2009.

ii. The chairman is authorized to enter into this Agreement on behalf of the governing council of the Uintah Tribe.

3. Law Firm. Law Firm shall consist of the Law Firm of Michael L. Humiston, P.C., any successor in interest to the Law Firm of Michael L. Humiston, P.C., in which Michael L. Humiston or his personal successor in interest is a principle, and/or any firm or association of lawyers in which Michael L. Humiston is a principle in pursuance of the objects of this Agreement.

4. Sovereign Holding, Inc. Sovereign Holding, Inc., is a C corporation as that term is defined under the Internal Revenue Code of the United States, established for the purpose of conducting any business lawful under the laws of the United States or any State thereof. The president of Sovereign Holding is Michael L. Humiston.

5. Federal Recognition. Federal recognition consists of the recognition of the governing council of the Uintah Tribe, as set forth herein, by the United States Secretary of the Interior as the governing body of the Uintah Tribe, and inclusion of the Uintah Tribe as a separate and independent tribe in the list of tribes published in the Federal Register as a tribe so recognized under 25 U.S.C. §479a-1.

6. Indian Lands. Indian lands shall consist of all lands to which the Uintah Tribe may at any time assert a claim of right of any nature whatsoever, and shall include, but not be limited to, the following:

a. All lands occupied by or to which any tribe or band subsequently constituting a constituent part of the Uintah Tribe could lay claim prior to discovery, occupation, conquest by, or treaty with any persons or nations of European origin;

b. All lands occupied by or to which any tribe or band subsequently constituting a constituent part of the Uintah Tribe could lay claim prior to the Treaty of Guadalupe-Hidalgo of 1848;

c. All lands occupied by or to which any tribe or band subsequently constituting a constituent part of the Uintah Tribe could lay claim under the Treaty of Guadalupe-Hidalgo of 1848;

d. All lands included within the Uintah Valley Reservation as established by the Executive Order of October 3, 1861;

e. All lands indentified as Indian lands under the unratified Spanish Fork Treaty of 1865;

f. All lands included within the Uncompahgre Reservation as established by the Executive order of January 5, 1882; and

g. All lands held by the United States Court of Appeals for the Tenth Circuit to remain under exclusive federal and tribal jurisdiction pursuant to that court's ruling in Ute Indian Tribe of the Uintah and Ouray Reservation v. State of Utah, 114 F.3d 1513 (10th Cir. 1997), *cert. denied*, 522 U.S. 1107, 118 S.Ct. 1034, 140 L.Ed.2d 101 (1998) (Commonly referred to as "Ute V.").

7. Tribal Governmental Infrastructure. Tribal governmental infrastructure shall consist of those governmental institutions and services necessary to govern an independent sovereign Indian nation as well as all non-Indians residing and/or conducting business on tribal lands or in relation to tribal members, and to ensure the Tribe's continued independence, identity, and

federal recognition. In addition to the Tribal Council itself, such institutions may also include, but are not be limited to:

a. Law enforcement;
b. Fire protection;
c. Social services;
d. Dispute resolution, which can include establishment of a tribal court system;
e. Wildlife management;
f. Taxation;
g. Health services;
h. Highway construction and maintenance;
i. Education, including cultural research, preservation, and education; and
j. Business development, including enactment and passage of a tribal business code

C. TERMS OF AGREEMENT

1. Federal Recognition. Sovereign Holding hereby agrees to employ the Law Firm of Michael L. Humiston, as set forth herein, to obtain separate federal recognition for the Uintah Tribe.

2. Commencement of Tribal Governmental Infrastructure. Upon the Uintah Tribe obtaining separate federal recognition, Sovereign Holding hereby agrees to fund the establishment of such stable tribal governmental infrastructure and programs as Sovereign Holding shall deem necessary until such time as the Uintah Tribe's rights in the resources in, on, and appurtenant to Indian lands are sufficiently established to enable the Tribe to fund that infrastructure and those programs independently.

3. Long-Term Lease. In consideration of the foregoing, the Uintah Tribe shall grant to Sovereign Holding a leasehold interest in 45% of the Tribe's interest in all natural resources to which the rights of the Tribe shall be established during the period of said leasehold, said leasehold to continue in Sovereign Holding and/or its successor(s) in interest, for a period of 99 years from the commencement thereof, or to the maximum period permitted under federal law without becoming subject to approval by any outside agency, subject to the following:

a. No revenue from tribal resources shall accrue to Sovereign Holding until such time as such resources provide the Uintah Tribe with sufficient revenue to render the Tribe's governmental and financial infrastructure self-sustaining for not less than the term of Sovereign Holding's leasehold;

b. Notwithstanding the foregoing, Sovereign Holding's leasehold interest shall vest and be deemed to commence upon the issuance of any ruling by a court of the United States granting federal recognition to the Uintah Tribe, and in no case later than upon the first publication of the Uintah Tribe in the Federal Register as a recognized tribe under 25 U.S.C. §479a-1; and

c. Nothing in this Agreement nor in the Articles of Incorporation nor Bylaws of Sovereign Holding shall be construed to prohibit either the Uintah Tribe, as defined herein, or its members from purchasing an ownership interest in Sovereign Holding. However, such right in the Uintah Tribe and its members shall not prejudice or preclude the incorporators and/or directors of Sovereign Holding from placing such restrictions on

voting rights in shares as said incorporators and/or directors shall deem appropriate to attain and protect the objects of this Agreement.

4. Waiver of Sovereign Immunity. The Uintah Tribe holds its sovereign immunity sacred and inviolate. Nevertheless for the express and limited purpose of rendering this Agreement fully efficacious, the Uintah Tribe hereby expressly waives the sovereign immunity of the Uintah Tribe for the sole, limited, and express purpose, in the event of a dispute between the Uintah Tribe and Sovereign Holding under this Agreement, of permitting Sovereign Holding to assert and defend any claim of right as against the Tribe under this Agreement. This limited waiver of sovereign immunity shall be subject to the following terms and conditions:

a. Any dispute as between Sovereign Holding and the Uintah Tribe shall be brought in a District Court of the United States, and unless otherwise required by the circumstances of such action, shall be brought before the United States District Court for the District of Columbia.

b. The chairman of the governing council as defined in this Agreement shall be the exclusive agent of the Tribe for receiving service of process under this Agreement, and may receive such process on behalf of the Tribe in regard to any dispute arising under this Agreement.

c. The terms of venue and jurisdiction set forth in subparagraph C.4.a. of this Agreement may be altered by express written agreement of the parties, and, if so agreed in writing, and including the appropriate waivers, may permit any such action to be brought before a court of the Uintah Tribe. However, under no condition shall any dispute between Sovereign Holding and the Uintah Tribe be brought before any court of the State of Utah, any other state, or of the Ute Indian Tribe.

5. Law Firm. The Law Firm of Michael L. Humiston, as defined herein, shall serve as the exclusive legal representative for the Uintah Tribe in all matters not set forth in paragraph C.4. of this Agreement. This representation shall continue upon the following terms and conditions:

a. In the event that additional lawyers or law firms are necessary to assert and defend the interests of the Uintah Tribe, the Law Firm of Michael L. Humiston shall act as lead counsel and any other lawyers or law firms employed by the Uintah Tribe shall be retained through and remain under the supervision of the Law Firm of Michael L. Humiston.

b. The relation between the Uintah Tribe and the Law Firm of Michael L. Humiston may only be terminated upon one of the following conditions:

i. Mutual agreement of the Uintah Tribe and Michael L. Humiston;

ii. Upon reasonable notice by Michael L. Humiston to the Uintah Tribe, which reasonable notice shall be presumed to be 60 days unless circumstances at such time dictate otherwise;

iii. By an affirmative vote to terminate the contract by a majority of the adult members of the Uintah Tribe eligible to vote;

iv. By unanimous vote of the governing council upon good cause shown.

6. Contingent Agreement. The obligations and commitments set forth in this Agreement are expressly contingent upon the Uintah Tribe obtaining federal recognition. Until such recognition is obtained, Sovereign Holding shall bear all costs and risks of this Agreement,

including the risk that recognition may not be obtained, and Sovereign Holding shall release and hold harmless the Uintah Tribe, the chairman of the governing council, the governing council, and the individual members thereof, from any liability therefor. Sovereign Holding's entire remuneration from the Uintah Tribe under this Agreement shall consist of the leasehold interest set forth in paragraph C.3. of this Agreement. The foregoing shall be subject to the following terms and conditions:

a. The release from liability set forth herein shall not apply to any person who intentionally or deliberately interferes with Sovereign Holding's and/or the Law Firm's efforts to obtain federal recognition for the Uintah Tribe, nor shall the release from liability set forth herein apply to any person who intentionally or deliberately interferes with Sovereign Holding's and/or the Law Firms efforts to establish the Tribe's governmental infrastructure.

b. Nothing in this Agreement shall prohibit Sovereign Holding and the Uintah Tribe, the chairman of the governing council, or the governing council, from entering into other and/or additional agreements for other services, not inconsistent with this Agreement, on other terms of remuneration.

c. The Uintah Tribe, the chairman of the governing council, and the members of the governing council shall keep the terms of this Agreement confidential until such time as the objects of the Agreement have been accomplished. Any breach of this non-disclosure Agreement shall be considered a material breach of this Agreement, and the provisions of paragraph C.6.a. of this Agreement shall be specifically applicable thereto.

d. Any agreement entered into by the chairman of the governing council and Sovereign Holding shall be undertaken solely in the chairman's capacity as chairman of the traditional meeting of clan representatives of the Uintah Tribe, and shall not be affected or influenced by any other office held by the chairman in any other organization, and shall not be binding by and between Sovereign Holding and any other organization of which the chairman may be a member. The foregoing shall not prejudice the chairman's capacity to act independently in his or her capacity in any such other organization to the extent such independent action does not violate paragraph C.6.a. of this Agreement.

7. Political and Financial Independence. It is fully within a federally-recognized Indian tribe's discretion whether to allow itself to be governed vicariously by the Bureau of Indian Affairs or third parties, on the one hand, or to be entirely financially and politically self-sustaining, on the other. In order to establish its sovereignty on as enduring and stable a basis as possible, the Uintah Tribe will undertake to establish all aspects of its governmental infrastructure, as set forth herein, without input from, influence by, or reliance upon the Bureau of Indian Affairs or any other administrative agency of the United States, or of any state or other entity. The Uintah Tribe shall not accept any financial or other assistance from any governmental agency or fund, nor from any non-governmental agency or fund, until the Law Firm, as defined herein, has had a reasonable opportunity to review all aspects of any such program and report to the Tribe's governing council the potential effects such program or fund could have on the Tribe's long-term sovereign interests.

Dora Van, Chairman of the Governing
Council of the Uintah Tribe

Date

Michael L. Humiston, President,
Sovereign Holding, Inc.

6/30/11
Date

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL

MARK L. SHURTLEFF
ATTORNEY GENERAL

JOHN E. SWALLOW
Chief Deputy

Protecting Utah • Protecting You

KIRK TORGENSEN
Chief Deputy

August 16, 2011

Dora Van, President and Chairman
The Affiliated Ute Citizens Organization
Uinta Valley Shoshone Banks of Utah Indians
P.O. Box 787
Fort Duchesne, Utah 84026

Re: Michael L. Humiston

Dear Ms. Van:

As legal counsel for the State of Utah, Division of Indian Affairs, I was forwarded your letter dated July 26, 2011, addressed to the Utah State Bar regarding Mr. Humiston. This is to advise you that the Utah Attorney General's office does not have authority over Mr. Humiston's conduct.

It is our understanding from speaking with the Uintah County Attorney's office that Mr. Humiston is under contract with the County to represent clients as a Public Defender. Mr. Humiston is not an employee of the County and is not prohibited from doing private legal work.

I have forwarded your letter to Ms. Trina Higgins of the Utah Office of the U.S. Department of Justice. Ms. Higgins has agreed to review the letter and the Agreement to ascertain if there is an actionable violation of federal law.

Sincerely,

Katharine H. Kinsman
Assistant Attorney General

cc: Trina Higgins

160 EAST 300 SOUTH, FIFTH FLOOR • P.O. BOX 140857 • SALT LAKE CITY, UTAH 84114-0857 • TEL: (801) 366-0353 • FAX: (801) 366-0352

U.S. Supreme Court denies Reber petition

By Geoff Liesik
Uintah Basin News Service

The nation's highest court will not hear the appeal of Utah man who claims his conviction on a state poaching charge should be overturned because his "treaty rights" allow him to hunt and fish without a license.

Rickie L. Reber, 53, petitioned the U.S. Supreme Court in August to have his case heard after the Utah Supreme Court reinstated his 2004 conviction for the poaching a trophy deer with his teenage son in Uintah County. On Monday the U.S. Supreme Court denied the petition.

"It's not a judgment on the merits (of the case), they simply have too many cases" said Reber's attorney Mike Humiston.

In a unanimous decision in April, the Utah Supreme Court ruled that Reber had no tribal hunting or fishing rights, despite his assertion of membership in the Uintah Tribe, a tribe that is not federally recognized. Reber's parents were among the 490 mixed-blood Uintah Band members of the Ute Indian Tribe whose tribal memberships were terminated in 1956. He was a child at the time.

Humiston has argued that terminating tribal membership only cuts off federal benefits for individuals, it doesn't mean the tribe ceases to exist.

"The tribe still remains the tribe, hunting and treaty rights are not terminated," he told the Uintah Basin Standard in August. "That is well written federal law. They retain their treaty rights."

State and local officials expressed satisfaction with the U.S. Supreme Court's decision not to hear Reber's appeal. The case – through a 2006 Utah Court of Appeals reversal of Reber's conviction – had jeopardized a well-established jurisdictional agreement between the state and the Ute Indian Tribe concerning law enforcement on 2 million acres of prime hunting and fishing land in the Uintah Basin.

The state Supreme Court's decision overturned the lower court's ruling, reinstating Reber's conviction and reaffirming the agreement between the state and the tribe.

"It's nice to have closure on the issues. It allows us to go on with the appropriate law enforcement that the state and county are required to accomplish," said Deputy Uintah County Attorney Ed Peterson, concerning the U.S. Supreme court decision. Peterson prosecuted Reber on the poaching charge.

While conceding Tuesday that the latest court decision ends the Reber case, Humiston said he will continue to challenge the state on legal issues involving Uintah Tribe members.

"The Utah Supreme Court ruling remains erroneous, but it will have to be addressed through a different case," he said.

Contributing: Lezlee Whiting