The Paiute Tribe of Utah

Gary Tom and Ronald Holt

Tabuts [elder brother/wolf] carved people out of sticks and was going to scatter them evenly around the earth so that everyone would have a good place to live. But Shinangwaw [younger brother/coyote] cut open the sack and people fell out in bunches all over the world and that's why people fight. The people left in the sack were the Southern Paiutes, and Tabuts put them here in the very best place.¹

For a thousand years the Paiute people have lived in an area that is presently known as southern Utah, southeastern California, northern Arizona, and southern Nevada. Their homeland is adjacent to the Great Basin and included the resource-rich Colorado Plateau and a portion of the Mojave Desert.

Neither the written word nor the course of historical events have been kind to the Southern Paiutes. Theirs is a story of resiliency under great pressure and of disappointment after many promises. With the encroachment of Euro-American settlers into the area came the destruction of much of their traditional culture, religion, economy, and the title to their ancestral homeland. It took less than twenty-five years of contact with the Mormon settlers to reduce the Paiute population by 90 percent and turn them from being peaceful, independent farmers and foragers into destitute, landless people who survived by doing seasonal and part-time work for the white settlers. Some Paiute groups even ceased to exist.

To further the official demise of the Paiutes, the federal government and the Mormon church made only feeble attempts to provide needed services. These attempts implemented many ill-conceived policies purported to "help the Indian tribes." In spite of all this, the majority of Paiutes never left their ancestral lands—they remained and survived the barrage of acculturation, relocation, and termination policies and prac-

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tices. The Paiutes survived challenges that would have overwhelmed a less flexible people. They adapted to their changing environment yet retained their distinct identity and deep roots in southern Utah.

The Paiute Lifestyle

The Southern Paiute language is one of the northern Numic branches of the large Uto-Aztecan language family. Most scholars agree that the Numic peoples began moving into the Great Basin and Colorado Plateau about 1,000 years after the beginning of the Christian era.

Prior to their contact with Europeans the Paiutes’ aboriginal land covered an area of more than 30 million acres—from southern California to southern Nevada, south-central Utah, and northern Arizona. These areas provided not only a wide variety and choice in foodstuffs but also climates that were comfortable to live in. The Paiutes knew the fragile environment intimately and were able to exist and maintain a way of life without overtaxing the resources of the land.

Their mobile lifestyle included moving frequently, primarily according to the seasons and plant harvests and animal migration patterns. They lived in independent groups of from three to five households. The largest concentration of Paiutes in Utah lived along the banks of the Santa Clara River.

Paiute housing reflected the seasonal cycles. In the summer a windbreak might be all that was required. In the winter a cone-shaped structure was made of a framework of three or four poles; branches were then leaned against the framework. The walls would then be covered with juniper bark, rushes, or other material. Starting in the 1850s, many Paiutes began to use canvas or skin teepees, adapting this Plains style of dwelling from their contact with the Utes.

Data indicates that the Paiutes were highly sophisticated botanists. They used at least thirty-two families of flora encompassing some ninety-six species of edible plants. The list would be greatly expanded were it to include the equally impressive array of medicinal plants, many of which also had nutritional value. In similar fashion, the Paiutes utilized most of the varieties of fauna found within their territory: hoofed animals, rodents, carnivores, birds, reptiles, and insects. Many Euro-Americans commented at great length on the fact that no portion of the area’s fauna—from ants to deer—was overlooked as a food source. The mountains of the Great Basin provided a great source of pine nuts from pinyon pines. Lakes provided fish and other aquatic resources. The major gatherings of the pre-contact period were centered around the pine nut harvest and
the spring fish spawning time at Fish Lake. These gatherings provided a
good time to catch up on news and to socialize. In many instances, mates
were found at these gatherings.

Groups of Paiutes usually centered around one or more major food
or water resources. Groups often used resources within other groups’
core areas, and groups such as the Moapa in Nevada were often seen in
Utah. This mobile existence and the lack of ethnographic data make it
somewhat unclear how many bands of Paiutes existed in Utah, but at
least sixteen major groups, or thirty-five smaller groups, have been iden-
tified. The major groups have been categorized by their main area of
activity; they include: Parowan area; Santa Clara—three to seven groups;
A Paiute family and their home. (USHS)

Kaiparowits; Cedar City—at least two groups; Beaver Dam area; Tonoquints—multiple groups; Ash Creek—Toquer’s group and possibly others; Antarianunts; Panguitch Lake; Harmony; Uinkarets; Virgin River—multiple groups; San Juan—two groups; Beaver; and Kaibab.²

One factor that may help account for a lack of consistency in band names is the dramatic changes that were taking place in Paiute life when data initially was gathered on their social organization. In most cases, the Paiutes did not have the population or the stable residence to be designated as “tribes” as defined by the federal government. However, with the loss of their best lands and decimation by introduced diseases due to the arrival of Mormon and other settlers, members of the various original Paiute groups coalesced to form sedentary groups.
The Paiutes

Leadership roles also began to change with the arrival of the Euro-Americans. Major decisions were made in council meetings, with adult males, old women, and other interested persons present. The traditional Paiute leader was called *niave*. He would be identified by each community to lead by example and through a search for consensus. Although such a “chief” was not a decision maker, he would offer advice and suggestions at council meetings and would later work to carry out the council’s decisions as well as other prescribed duties. White settlers assumed that the Paiute “chiefs” had more authority than they actually did. As early as 1855, Mormon settlers were “setting apart” as chiefs those Paiutes who were allied with them. The Mormon practice of appointing band leaders and backing those Paiutes who stressed accommodation with whites may have led to factional splits within Paiute groups.3

At the time of European contact, traditional rituals associated with childbirth, puberty, and funerals were still taking place. Paiutes prayed and conducted rituals to influence the spirits of nature and show their respect and gratitude to them. In the Paiutes’ view of the natural world, there was one most-powerful spirit being, often called simply the “one who made the earth”. The sun was one visible aspect of this spirit; most Paiutes made prayers to the sun at sunrise and sometimes at noon or sunset. The Paiutes also associated the mythic heroes Coyote and Wolf with this spirit, seeing the good and virtuous Wolf and wicked and silly Coyote as two necessary sides of the same all-powerful creator. Other supernatural beings such as the Thunder People and Water Babies were also part of the Paiutes’ world. Each of the food and medicinal plants as well as the various game animals also had spirits, according to the Paiutes.

A medicine man was called *paugant* in Paiute, meaning “one who has sacred power.” This medicine man usually had one or more animal spirit helpers. A spirit helper might be an eagle, a porcupine, a squirrel, or some other animal that the *paugant* had dreamed of or had encountered in some other mystical way. He would pray through this animal, perform magico-religious rituals with its feathers or fur, and might even capture one to keep as a pet. These animal spirits were believed to assist medicine men in healing the sick or, when applied to enemies, in causing illness and death through sorcery.

In the late nineteenth century, Paiutes borrowed the “cry” ceremony from the Mohaves and other Yuman-speaking tribes living to the south.4 The Las Vegas area Paiutes may already have adopted this funerary-type ceremony in the era before white settlement. In the “cry,” singers chant songs from evening until dawn over the course of one or more nights.
These songs belong to several sacred song cycles, including the salt song cycle, the bird song cycle, and others. Between spells of singing, relatives and friends of the dead get up and give speeches about the person. When it was first adopted, the “cry” was a separate ceremony from funerals, and often a “cry” was held to honor several people who had died over a given period. Later, the “cry” was combined with individual funeral ceremonies and was held at the same time. In some cases, a second memorial “cry” was held a year, or sometimes two years, after the funeral.

The Paiutes also enjoyed different gambling games. Most notable was the hand “bone” game, which is still played today. Two teams would sit facing each other. Each team took turns hiding one or more pairs of “bones” in their hands. “Bones” were bone or wood cylinders, one of which was marked with a stripe around the middle, while the other was unmarked. While one team was hiding the bones, that team’s members would sing their own game songs to give themselves luck and discourage their opponents. The competing team would then begin to sing its songs. Using traditional hand gestures and special words, one of the members of the second team would try to guess which hand on the opposite team held which bone. Score would be kept by stick counters thrust into the ground near each team. The two teams would play for valuable stakes, such as buckskins, horses, jewelry, and other goods.

Another popular gambling game was played with stick dice—a die being a flat piece of wood colored on one side and white on the other. A player would strike the dice on hard stone, usually a metate, making the dice fly up and fall to the ground with one side up. Different combinations of plain and colored sides had different point values. Score was kept in different ways, usually by moving a counter along a row or circle of stones.

The Newcomers

Originally the Spanish considered Paiutes and Utes to be one group. They believed the area northeast of the Hopi was populated by those they called “Yutas,” a term the Spanish used to refer to both the Paiutes and their neighbors to the east, the Utes. The Spanish term gave the present state of Utah its name. Paiutes and Utes both use another term—pronounced Payuts by the Paiutes and Payuch by the Utes—to refer to the Paiutes as distinct from the Utes. Up until the mid-1600s, the Utes and Paiutes essentially shared a similar way of life. Once the Utes acquired the horse, however, a series of cultural changes took place among the Utes based on the mobility provided by horses. Later, the horse would
prove to be devastating to their generally friendly relationship with the Paiutes, as the Utes began to raid Paiute villages and take women and children as slaves to trade in the Rio Grande Valley and in California. Other slave raids also came from the Navajos and the Spanish. This activity created a population imbalance among Paiutes of males to females and children. In 1776 the Domínguez-Escalante party from Sante Fe made the first recorded European visit to Utah Paiute lands.

Through the mid-1800s the Paiutes had encountered only a few Euro-Americans, primarily traders, travelers, and trappers. The Old Spanish Trail from Santa Fe to California flourished from 1830 to about 1850 and passed right through the middle of Paiute territory. Most of the travelers were passing through to the fertile fields of California. Eventually the traffic through some Paiute farming areas was so heavy that the Paiutes had to abandon fields that were too close to the trail. Skirmishes were few, being limited to random potshots by the intruding pioneers and the theft of some livestock by the Paiutes.
Meanwhile, in 1847 Brigham Young led a group of settlers into the Great Salt Lake area in an attempt to set up a quasi-independent state. The pioneers were members of a persecuted religious group, the Church of Jesus Christ of Latter-day Saints (LDS), commonly known as Mormons. By 1849 the Mormon population had increased to the point that they began to expand their colonization efforts. Brigham Young envisioned a string of Mormon settlements from Salt Lake City to southern California—a “Mormon corridor” that would link Salt Lake City to the sea. Young’s oft-repeated Indian policy was that “it was better to feed the Indians than to fight them,” although Mormons, like white settlers elsewhere, had no qualms about taking Indian lands for their own use. Upon exploring Paiute territory, the Mormons identified some good sites for settlement. Unfortunately for the Paiutes, these sites were often their core living and foraging areas.

Mormon theology came as a two-edged sword for the Paiutes. According to Book of Mormon teachings, Indians were seen both as a chosen people and as a cursed people. Many Mormons believed that the Paiutes had to be “civilized” before they could be “saved.” It seemed that their Indian culture was considered to be a major stumbling block to their salvation. One of the major points of contention with the Mormons was that the Paiutes and other tribes should not worship symbols such as the sun, stars, and moon.

The lives of the Paiutes shifted dramatically as Mormons became full-time residents in Paiute country in 1851. The Paiutes utilized various adaptive strategies in an effort to keep their population and culture intact. However, their lifeways were to be altered ecologically, economically, and socially. The influx of settlers also brought large numbers of domesticated livestock to Paiute country. This livestock was allowed to graze anywhere, and eventually overgrazing would take its toll on the Paiutes’ food sources. Now, not only was the land being taken but also the seeds that provided a significant portion of the people's diet were being consumed. Much of the Indians’ culture was lost or significantly changed.

One of the main reasons for Mormon expansion was that more land was needed to house the many new converts coming to the region. Mormon colonization of Southern Paiute lands was rapid. By the end of 1858, eight years after colonization efforts began, Mormons had established eleven settlements in Southern Paiute territory. The best farmlands and sources of water were taken for the new Mormon towns. The industrious Paiutes were hired to provide much of the labor needed to create the
new settlements. They helped prepare the fields for planting and performed various domestic chores. The Mormons, in turn, provided new sources of material goods, food, and agricultural knowledge.

The Paiutes viewed the Mormon settlements with mixed feelings. The Mormon presence provided some protection from the depredations of the wagon trains and the slave raiding of the Utes, Navajos, and Mexicans. But the Paiutes would have been less accommodating if they had understood the sheer magnitude and devastating consequences of Mormon settlement. Prior to 1851, the Paiutes had adapted to the many changes brought on by the Euro-Americans as they passed through Paiute country. But the worst period for the Paiutes in southern Utah and Nevada was the decade or so following Mormon settlement. During those years, the Mormon settlers themselves suffered from epidemics of diseases such as cholera, scarlet fever, whooping cough, measles, mumps, tuberculosis, and malaria. Since Paiutes were frequently living near the settlements, they soon contracted these diseases but had less acquired immunity to them. Some Paiute groups during this time experienced more than a 90 percent drop in population.6

The Mountain Meadows Massacre

One of the most controversial results of Mormon-Paiute interaction in the decade following Mormon settlement of the area was the reported collaboration of individuals of the two groups in one of the most horrific events of early Utah history—the Mountain Meadows Massacre, in which more than one hundred California-bound emigrants were attacked and then treacherously murdered in the area southwest Cedar City in early September of 1857.

The tragic event still remains somewhat clouded in mystery despite some extensive and valuable treatment by historians. The whole story does not need to be retold in detail here, as it is commonly available; but it is important to note that many Paiute leaders (among others) believe and claim that, contrary to most published accounts, Indians did not participate in the initial attack on the wagon train nor in the subsequent murder of its inhabitants.

The basic account, current for decades now, essentially maintains that Indians initially attacked the wagon train—most likely under urging or encouragement from local Mormon leaders—but that the emigrants were able to repel the attackers after some loss of life and injury. The Indians then were said to have appealed for assistance from area Mormons, who perhaps on their own determined to take advantage of
the situation involving perceived antagonists in those emotionally charged times following the zealous Mormon Reformation of 1856 and the prospect of war with federal troops looming on the horizon—the so-called Utah War of 1857–58.

The common history continues that local Mormons approached the besieged emigrant wagon train under a flag of truce and convinced the
emigrants to surrender their weapons, promising in return a safe escort out of the area. The desperate emigrants agreed, only to be slaughtered by their would-be protectors a few miles away, it again being claimed that Native Americans helped take part in this brutal act of treachery.

Accounts collected by the Paiute Tribe call into question this recounting of events, claiming that in great part Paiutes have been wrongfully blamed for assisting in something that was not of their making. Some of the interviews collected were with descendents of area Paiutes of that time, but the interviews suffer from the limited vocabulary and command of
English of the tellers plus a garbling of facts generally characteristic of such long-range reminiscences. Excerpts from a couple of these interviews are presented below. The interested reader can consult the Paiute Tribe for more complete transcripts and accounts.

One interview was conducted with Yetta and Clifford Jake on November 18, 1998. Mr. Jake started the interview by introducing himself and stating that he was eighty years old. He then continued:

I used to chop wood for the old man Isaac Hunkup and his sister.... He was telling me a story, telling me what they see and what they hear also. And the Mountain Meadow massacre and Paiute didn't know anything about what was taking place over there. They were calm and quiet. They didn't know nothing about nothing. There was two brothers that come to the pine valley, hunting deer.... But what he was telling me was that they were there camping out there in the mountain. In the morning during the day [they] heard a gun, like popping, popping like a firecracker. So they went up on the mountain. There was a wagon train the people where people were shooting and killing the wagon train people, is the way he used to tell it. Oh, my goodness! Two guys were still waiting when they got down, they got everything, everything. Even their houses, the wagons were tipped over, they had some cows and sheep and the pigs and chickens and the womenfolks also. They got womenfolks. They were running around and getting shot there. They were watching from a knoll. Them two guys, "Oh, my god," they said, "they are killing them people." They said that "I don't see no Indians around here," he said. No Indians live around this area. This is their hunting place, not the pine valley.

So, anyway, they got down, they got all of those things. Those things they took away from the settlers, the wagon train. And they talked together. "Let's follow the rim about a mile, a couple of miles, away from them, see what they are going to do." So they went. They took all of them people that [were] massacring the wagon train. They went over towards the east. They followed them quite a ways from they followed them till they get to the place to where they are going to change their clothes. So, anyways, they followed them clear to New Harmony. From there they sneak up on them about a half mile. They watch them and they watch them. They sit there. They clean theirselves; they took off their
Indian outfits off—clothes, Indian clothes. And they were white people. Them white people, they washed themselves up and cleaned themselves. They were white people that done it. And they said, “Let’s get going,” they said. “Let’s get going to warn them other people down to Sham [the Paiute encampment].” They traveled to get there as fast [as] they can. I don’t know if they were on a foot or on a horse. But, anyway, they made it down there … to get a hold of them Indians, house to house. I want them to be aware. We are going to [be] blamed for something that we didn’t have happen. For those people, for shooting them wagon train. Better beware. They said they got really scared. After awhile during that day one of the guys from the younger Indians they saddle up their horse and warn the people around the area. Clear to Cedar City and … maybe Moapa too. So beware; we are going to get blamed, going to get blamed for what those white people did. There were no Indians in that massacre….

The authority came down. They got there. They said Indians don’t leave their dead like this. They started blaming the Indians for it. The Paiute Indians around this area, they didn’t know anything about what happened over there. They didn’t even know nothing. There weren’t no Indians around that place there…. That’s what takes a place that time. Us Paiute nation got blamed for that.

An interview in December 1998 with Will Rogers also provided interesting commentary. He said in part:

…they gathered some Indians up there; I don’t remember how much he said, five or six. Well, anyway, them that thing was coming down on the way on this side there was lot of people over them, them that man John Seaman I was telling about he was looking at them white people—they were white people—they were these Mormons, they were going to massacre that, uh, that wagon train. And then he said, “I wonder what they gonna do?” they didn’t tell them people what they was going to do, you know. Well, anyway, they did no Indians went down there, he said; them four guys stayed on that mountain, on that little mountain up there, and watched them guys kill them people—they killed all of them off they said, they killed all of them off. That time they
were going to go down there, but they won’t let that Indians go down there, you know, after it happened; they said it took about, he said it took about three [or] four hours I think he said, you know, to shoot them people all. Some of them were half-dead, some of them wasn’t even dead. And, uh, there was lot of that silver dollars was there; them little coins, silver dollars, those big as a silver dollar, two-hundred-dollar gold piece, gold piece was about a silver dollar. Well, anyway, from there they were going to get some them Indians you know they were going to get some that thing, they wouldn’t let them have any ‘cause that that was, uh, it was something no good, you get sick. “Don’t get it, don’t get anything,” he said [they] told them Indians.

That that man, he didn’t go down there, he said that John Seaman he got scared but only three guys went. But, anyway, he watched all those people die off. It was this white man’s doing it dressed up as Indians; there were about, I he said it could have been forty-five or he said; you know he didn’t count them people.

Gloria Bulletts Benson, who helped conduct the interviews, summarized some of the important points found in the interviews in a memo to Paiute Tribal Chairwoman Geneal Anderson. Most importantly, she stressed that there were no Paiutes involved in the killings, according to the accounts of the interviewees. Paiute involvement was limited to hearing and watching from a distance the killing of the emigrants and some of their animals, and the robbing of the possessions of the dead. Some Paiutes reportedly followed the killers towards New Harmony and saw them take off their “Indian” clothes and bury and/or divide some of the stolen goods. Paiutes were told to avoid the area and not pick up any of the scattered money, as it was “bad medicine.” Area Paiutes were afraid that they would be blamed for the massacre and sent word of it to surrounding band areas to warn others.

A book published by the Kaibab Paiute Tribe in 1978, *Kaibab Paiute History, The Early Years* by Richard W. Stoffle and Michael J. Evans, included commentary on a photograph: “Dan Bullets noted that Tunanita’a [John Seaman’s father] was picked up by John D. Lees’s group traveling to the Mountain Meadow Massacre. One other Paiute accompanied the group, but neither was allowed to participate in the killing. Tunanita’a found a gold coin after the massacre but the Mormons took it away from him, saying it was bad medicine for him to have it.”
Three Paiutes at their wickiup, photographed by John K. Hillers in 1872. Note the woman seated at the grinding stone. (USHS)

Additional information important to historians is found in the oral history of Sybil Mariah Frink that was gathered by her son John E. Scottern and her granddaughters Ruth Scottern and Gyppe Scottern and great-granddaughter Patsy Ruth Carter Iverson. A brief summary of relevant points follows.

Sybil was born in Missouri in 1838. She and her family were early members of the Church of Jesus Christ of Latter-day Saints. Her parents died, but she traveled to Utah with her grandmother and married Byron Warner in 1854, when she was sixteen. Before she married she lived at
the fort in Fillmore and learned some of the Paiute language and Indian ways. She moved with her husband to Harmony, and was there at the time of the Mountain Meadows Massacre. One evening she overheard her husband and other men at her house discussing plans to wipe out the Fancher party wagon train. “She said nothing, fearing for her life. At a later date, these fourteen men met at her home, painted their faces, and dressed themselves as Indians.” She followed them at a distance and reportedly watched the massacre from some bushes. Only a few small children were spared, and it is said that Sybil even cared for some of them until they were claimed by authorities later and returned to relatives.

Her husband is said to have discovered that she knew of the treachery and that he threatened to kill her if she ever told of it. She later divorced him in about 1865 and reportedly either left or was excommunicated from the LDS Church, although she remained in the territory, serving as a nurse and midwife. She married Timothy Scorden in about 1866. She died under mysterious circumstances in 1906 after being summoned to a remote location to care for the sick. Some have seen a conspiracy or vengeance in her mysterious death.9

Although much about the massacre remains shrouded in mystery, resulting in intense speculation and controversy even to the present, the Native American claim that few, if any, of their people were involved in the massacre in any way has seldom been heard or accorded a fair presentation. Though some things in the interviews and accounts cited here are confused and could have their critics, elements of them certainly are plausible and deserve serious consideration in attempts to understand that tragedy. The fact that so much evidence, including relevant pages from the journals of many settlers, has been lost or destroyed, testifies to many Native Americans and their sympathizers that much of the official history cannot be considered to be complete or truthful. However, there is certainly some evidence that Indians with base camps on the Muddy and Santa Clara Rivers were involved at least in the initial siege of the wagon train.

Skeptics of Paiute involvement point to other interesting facts. According to historians, Paiutes had not been known to attack wagon trains, confining their activities to the rustling of stray cattle or other livestock belonging to emigrant parties.10 The fact that the Mormons assigned some blame to them has been seen by some as merely an attempt to put their own culpability in a better light, to protect both their reputation and themselves from prosecution. Paiutes claimed that they had nothing to do with the initial attack, and, even after some Paiutes answered a
summons from Mormon leaders to come to the area, their assistance was non-existent or minimal, one reason being that they did not have the weaponry to attack the emigrants, who were equipped with long-range rifles. Critics also point out that it is highly unlikely that Mormons would supply the Indians with firearms and ammunition when their own supplies of both were limited and they were facing the threat of federal action.10

Paiutes were not prosecuted by federal officials for the massacre, and, although most Mormons successfully avoided prosecution, John D. Lee was eventually apprehended, tried, convicted, and executed for his part in the affair. Many then and to the present have felt that Lee became a scapegoat to end further prosecution efforts against other Mormons.

Relationships with Early Settlers

The Mormon settlements continued to grow, and newer arrivals, some less tolerant, came to the region. Prospectors and miners came in search of precious metals, coal, and lead. The remaining lands of the Paiutes soon were being taken. Soon, enough Mormons had moved into the area that they no longer needed or desired Paiute labor. By the 1870s, the Paiutes who lived near the region's settlements had become destitute.

Justification for taking land was given by the Mormon church and its members, including the idea that the Indians were not making efficient use of the land and therefore the Mormons had the right to take it over because they could support more people by their methods of agriculture than the Indians could. Although their theological view saw the Indians as potential converts and chosen people, the common pioneer view of the Paiute was as a savage and beggar. The Mormons assured their dominance over the Paiutes and the other Great Basin Indians through a combination of physically displacing them from the resources necessary to sustain their aboriginal lifestyle and dealing with them according to an attitude that has been called theological paternalism.12

In 1856–57, agent George W. Armstrong became the first official governmental contact person for the Southern Paiutes. His first act was to attempt to establish two farm sites for the Paiutes totaling 1,200 acres. However, nothing came of this recommendation.13

In 1865 a series of treaties was negotiated with the Indians of Utah. These treaties virtually would end the Indians' claim to any and all land and remove them to a reservation in the Uinta Basin. The Paiute leader Tutzegubet, who had become friendly with the Mormons, signed this treaty. He was to receive “one dwelling house,” five acres of plowed and
fenced land, and one hundred dollars per annum for the term of twenty years. Upon his arrival at the reservation he also would receive oxen and farming implements, a high price indeed for the some 30 million acres of land to which the Indians were supposedly relinquishing their claims.

Life on the reservation would have posed additional problems for the Paiutes. The Utes were continuing their practice of stealing Paiute women and children, yet officials expected the Paiutes to move to the same reservation to which the Utes had been moved. Attempts to remove the Paiutes from their homeland were a complete failure. The situation with the Paiutes grew worse; despite their theological status in Mormonism as a chosen people, they came to be considered no more than a nuisance that the Mormons felt compelled occasionally to feed.

In 1873 John Wesley Powell and George W. Ingalls headed a special commission to look into the problem. The commission identified 528 Paiutes left in Utah and suggested that they be moved to the Moapa reservation in nearby Nevada. Money for such a move was scarce, however, and the Paiutes refused to leave their homeland.
The first Paiute reservation came into being during this period. Anthony Ivins was mayor of St. George and ran cattle in the “Arizona Strip” country. However, hungry Paiutes were stealing from his livestock operation in the Mt. Trumbull area. When Ivins found them in his way, he utilized federal channels to get himself named a “Special Indian Disbursing Agent,” serving from 1891 until 1893, and removed the Shivwits from their homeland in northern Arizona to southern Utah. Through his efforts the first Paiute reservation was established in 1891 on the Santa Clara River west of St. George. This began a new phase in Paiute history, with the Indians now dependent on both Mormon church charity and the federal government’s good will. The Paiutes who had originally been residents of the reservation area were either dead or had moved—most to the Moapa reservation in Nevada or to Cedar City. This fact illustrates the devastating effects of white colonization, since the Virgin and Santa Clara Rivers had been the riverine core of the Paiute homeland and its center of densest population. The new reservations would prove to be too small and have too few resources for the Paiutes to sustain themselves from them.

Ivins purchased land and farming equipment for the Indians at Santa Clara with a $40,000 congressional appropriation. The reservation was formally established by the government in 1903. In 1916 President Woodrow Wilson issued an executive order which expanded the size of the reservation to its current 26,880 acres. Three other Paiute reservations soon followed. The Indian Peaks reservation was established on August 2, 1915, and was enlarged between 1921 and 1924. The reservation consisted of 10,240 acres of rough rocky land mostly covered with juniper but which also yielded large quantities of pine nuts from pinyon pines. The Indian Peaks Band was composed of remnants of the Parogoon, Pahquit, and Tavatock bands. Their ancestral land blended into the traditional Shoshone lands, and some intermarriage with Shoshones was not uncommon. Their land stretched from Indian Peak into Nevada. Isolated, they were the last group to become dependent on whites. They lived some seventy miles northwest of Cedar City in five log homes.

The Koosharem Band of Paiutes/Utes was established in 1928, and their reservation was enlarged in 1937. These people considered themselves Utes and were possibly a remnant of the Fish Lake Utes. Their ancestral homeland stretched from Richfield to Escalante. They were under de facto control of the local Mormon church—Sevier Stake—which also was trustee of their water rights until the Paiutes sued for those rights in 1958.
Kanosh would be the last reservation to be formally established in Utah until 1984. It was created in 1929 and was expanded in 1935 and 1937. The Kanosh Band members were descended from the Pavant Indians who inhabited the Corn Creek area near Fillmore at the time of the arrival of the Mormons. Earlier, several attempts to no avail were made to remove the Pavants to the Uintah Reservation.

The last group of Utah Paiutes to achieve official status was the Cedar City Band. As early as 1899 the federal government appropriated money to buy land for the Cedar band; however, no lands were purchased and the money was returned to officials. In 1919 the Cedar City area Paiutes were administrated to as a “scattered band” out of the Goshute reserva-
This Paiute Indian was photographed in the vicinity of St. George by John K. Hillers between 1871 and 1875. (USHS)

tion to the northwest. They had use of eighty acres of land for farming plus five and one-half acres they lived on. Consequently, they were encouraged to move to either the Indian Peaks or the Goshute reservation; but, once again, they were too attached to their homeland to leave.

Because many deaths from tuberculosis had taken place, attempts were made by the government to move the Paiutes in 1924, and money was appropriated to purchase nine lots in Cedar City. Two months later, however, William Palmer wrote an article for a local paper saying that the government refused to do anything for the Paiutes. Some city officials thought that the Indians could be made into a tourist attraction. On December 15, 1926, the Paiutes moved to property purchased for
them by the Mormon church, which retained title to the land. Their old camp, shacks, and belongings were burned and the Indians were moved to their present location near the Little League ballpark in Cedar City.

Continued efforts to help the Paiutes were sporadic and disorganized. William Manning, then the director of the Music Department at the Branch Agricultural College (now Southern Utah University), organized an “Indian show” in order to raise money to buy blankets and clothing and provide the local Indians with a bit of cash. In the early 1920s Manning wrote of the Paiutes’ lifestyle:

Each family lived in a little one room shack which was their kitchen, bedroom, and living room. Around the walls ranged bed rolls in the day, and at night the floor was covered with beds, especially if company came. Food was prepared on a small stove and eaten from a small table with the pot or frying pan set in the middle. Each helped himself out of the pot with his fingers, and at on the floor, the room being too small for very many chairs.¹⁷

**FederalPaternalism**

The federal government did establish two schools for the Utah Paiutes: the Shebit day school in 1898 and a school near Panguitch in Orton, Utah, in 1901, which was moved to Shivwits in 1908. Once the federal government became involved, it too would impact the lives of the Paiutes through its Indian policies, some of which had been made for Eastern tribes. The Paiutes would be subject to rulings which might not fit their situation. One such opinion was that of early Supreme Court Chief Justice John Marshall, who described American Indians as “domestic dependent nations” in the Supreme Court case of the Cherokee Nation vs. Georgia in 1831. The argument of the time was that, while the tribes retained rights as independent political powers, they were subordinate to the United States and were becoming dependent on the United States for their welfare and existence. The Indians had the right to occupy their lands until the federal government chose to extinguish their title. This situation brought with it the notion that the “white man’s burden” was to civilize the Indians. Of course, this brought other players into the process such as Mormons, other religious denominations, eastern Indian sympathizers, and Congress. Matters of interpretation of “trust responsibility” were part of the political and social climate.

One of the first Indian policies to affect the Paiutes was the allotment of tribal lands to individuals under the Indian Homestead Act of
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1875. There basically were two approaches to Indian affairs: the gradual approach and the immediate approach. Senator Henry Dawes favored the gradual assimilation of Indians into white society through gradual allotment. On the other hand, many land speculators, reformers, and homesteaders favored the immediate allotment of all reservation land. The Dawes Severalty Act of 1887 served as a compromise. Indian lands were divided up into individual plots and, after an initial twenty-five-year “trust” period, they would become liable to taxation. Lands declared “surplus” would then be sold to the whites.

By 1934, the national tribal land base had been reduced by about 86 million acres through white acquisition. Under this allotment system the Koosharem and Kanosh bands experienced change: at Koosharem, 400 acres in three allotments were patented between 1904 and 1913; at Kanosh, 1,840 acres were patented in twelve allotments in 1919–20. These allotments served as a core of Indian-owned land around which the Paiutes/Utes could organize their work and other movements. The allotments also served to mark land for potential Indian ownership. When the reservations were established at Koosharem and at Kanosh they were adjacent to the allotments. Allotment gave the Indians land where before they had only squatters rights. By the time the allotment policy had reached the Paiutes, and the BIA attempted to fulfill its trust obligations, the federal government was trying to eliminate reservations. This was reflected in the establishment of only four small reservations by executive order between the years 1891 and 1929. They not only were small but also contained little irrigable land or water rights.

On January 1, 1927, the BIA consolidated several offices and put six small reservations and four Indian settlements under the jurisdiction of the Paiute agency located at Cedar City. The young superintendent was Dr. E.A. Farrow, who had previously worked at the Kaibab Paiute Reservation just across the border in northern Arizona. During this period the Indian Peaks Band moved to Cedar City.

Many factors during this period would affect the lives of the Paiutes. In October 1929 the stock market crashed, ushering in the era known as the Great Depression. The low point came in 1933 when the American banking system virtually collapsed. The Depression era, however, actually benefited many Paiutes by providing some federal projects they could take advantage of. The Paiutes overall economic condition seemed to improve. Because their annual yearly income had averaged between $150 and $200, the more dependable incomes many were now able to earn on federal programs seemed a real luxury.
Kwi-toos and his son were Paiute Indians who lived along the Virgin River in the vicinity of St. George. They were photographed by John K. Hillers of the Powell expedition between 1871 and 1875. (USHS)

The Depression brought at least one Mormon church–sponsored project to the Paiutes: church leaders gave William Palmer $500 to develop an arts and crafts business for the Paiutes. Articles such as gloves, moccasins, beaded bookends, and bows and arrows were created for sale to tourists and local whites. Palmer stated that, “During these times when there has been no work for them, this bit of employment has gone far toward supplying actual living necessities. They know that the church has furnished this money and they are grateful to them for it.” Palmer claimed that by reinvesting the original $500, he was able to provide $1,107 worth of employment in approximately one year.18
Termination

Termination was one of the government’s poorly conceived policies to acculturate and assimilate the Indians. It seemed to be a carryover from the Dawes Allotment Act of 1887. Many whites believed that tribalism was the major stumbling block to the assimilation of Indians into the mainstream society and that the Indians should not be treated differently from other citizens. With this in mind, the federal government set out to “terminate” from federal trust relationship those Indian tribes deemed ready to survive on their own. The Utah congressional delegation was heavily involved in seeing termination become a reality. As has been mentioned, the acculturation process would continue, although the loss of land also continued for the Indians. Budget constraints and the eventual abolishment of the Bureau of Indian Affairs were among the reasons that made termination a popular idea with many non-Indian Americans.

The implementation of the policy of withdrawal of services and trust status was based on a four-step process: withdrawal of federal trusteeship; relocation of Indians to urban centers; creation of a claims commission to liquidate land claims and thereby eliminate any further reason for tribal allegiance; and the progressive dismantling of the BIA. One important person behind termination in the late 1940s and early 1950s was Senator Arthur Watkins of Utah, who grew up near the Uintah-Ouray Reservation. The former director of the War Relocation Authority (WRA), Dillion Myers, who had been responsible for removing 110,000 Japanese-Americans from the West Coast to concentration camps in the interior was now the Commissioner of Indian Affairs. Myers was appointed in 1950 and quickly appointed some of those who had served him at the WRA. At a meeting including Senator Watkins and Orme Lewis, Assistant Secretary of the Interior, on February 27, 1953, a strategy for termination was developed. Without consulting any Indians, the men decided that termination was to be rapid process in which services were to be transferred from the BIA to the various states; tribal assets would be redistributed to individuals or tribes as groups, and trust responsibility for tribal lands would be transferred; tribal income and funds were to be disbursed on a pro-rata basis; and legislation would be passed for the “rehabilitation” of the Indians and their integration into the dominant society.

The Southern Paiutes of Utah were not mentioned in Assistant Commissioner Zimmerman’s 1947 report on Indian readiness for withdrawal or in House Concurrent Resolution 108. Zimmerman’s criteria for ter-
mination included degree of acculturation, economic resources and educational level of the various tribes and their members, the willingness of the tribe to be terminated, and the willingness of the state to assume responsibility for services. The Southern Paiutes did not qualify in any of the aforementioned areas, yet they were the first group to be considered for termination and, to some degree, served as the model for the withdrawal hearings and the implementation of termination in later tribal cases.

There were many reports that showed how ill-prepared the Paiutes were for termination. During the process there were promises made and meetings held to placate the Southern Paiutes. The Goshutes also were being considered for termination but spoke out against it. It is still a mystery how and why the Paiutes ended upon the list of tribes to be terminated. Many scholars agree with Mary Jacobs when she speculates that: “perhaps Senator Watkins, already a strong believer in the merits of termination included these small groups from his own state because of his own convictions and for encouragement to other legislators to terminate Indians in their own states.”20 Another factor was that the Paiutes were receiving little federal assistance anyway and had little political influence to oppose the process.

One last meeting was to take place before the termination legislation was to be signed. It was held in Fillmore, December 30, 1953, with the Paiute bands; Skull Valley and Kaibab Indians were also there. Senator Watkins extolled the benefits and advantages of termination, claiming it would: 1) release the Indians from government control; 2) help everyone see how well Indians could take care of their own affairs; and 3) provide full citizenship to Indians in which they would get all the benefits available to them from the state and county governments. The Paiutes were advised twice during the meeting that the bill was not final and that they could make changes and suggestions. It was said that the bill would be changed to conform with “any recommended and approved adjustments.” At no time did any of the officials mention anything but the benefits of termination, and, most importantly, at no time were the Paiutes asked if they wanted to be terminated in the first place. Clifford Jake, Indian Peaks spokesman, spoke out against termination and was told to sit down, shut up, and mind his own business.21 Promises continued to be made, such as no limit on the planting of wheat; there also was a promise by an oil company that urged the band to accept termination and then grant the company an oil lease on Kanosh land. Neither of these promises materialized.
The Paiutes

Hearings were set for the termination bill on February 15, 1954, in Washington, D.C. The bill was moving unusually fast through the legislative process. Gary Orfield has documented how Senator Watkins dominated the hearings and forced termination of the Utah Paiutes, writing, “only Watkins of the five Senate members was present for more than one hearing.” Orfield also underscored the lack of concern for the living conditions and dependence of the tribal peoples about to be “set free.” Arguing for termination in the meeting on May 4, 1954, Watkins presented an incredible view of the degree of Paiute assimilation and a distorted account of their history. This left the testimony in favor of termi-
nation a maze of contradictions. Through all this the Paiutes were without money to travel to Washington, D.C., to voice their opposition. Telegrams were sent in opposition by the Kanosh Tribal Council and the Koosharem Tribal Council, and these were followed by opposition from the Indian Peaks and the Shivwits bands. However, these protests came with no particular organization, and there was also the fact that there was disunity within some bands. This indicates that the Paiutes themselves were not adequately informed by the federal government as to the implications of withdrawal of the trust relationship. Even though the Paiutes clearly did not meet the criteria for termination, the legislation sped through Congress, and on September 1, 1954, President Eisenhower signed Public Law 762, the bill terminating the Paiutes, after just one and one-half years of BIA preparation.

Next came the implementation of the law. It now became evident just how much the Paiutes were dependent on white advice in the early 1950s, especially concerning legislation and tribal business ventures. In a letter to Rex Lee, area director Harry Stevens suggested that $50,000 be allotted to prepare the four Paiute bands “to earn a livelihood, to conduct their own affairs and to assume their responsibilities as citizens.” The Paiutes were given until February 21, 1957, to prepare themselves for the end of the recognition of their special status as Indians. In order to facilitate this transition, the Bureau of Indian Affairs established a three-pronged support system composed of the BIA Withdrawal Office in Cedar City; an educational/vocational training program administered by the University of Utah (based on relocation); and the national BIA relocation program. The Indian Claims Commission would serve as an integral part of the termination effort, which was presented as holding the future promise of wealth in exchange for the Paiutes giving up all claims to their homelands.

The BIA Withdrawal Office in Cedar City included Director Wesley T. Bobo; a realty officer, Frank M. Scott; and a clerk/stenographer. The Cedar City withdrawal office was not established until August 1955, and Scott did not arrive until December of that year. From the Paiute viewpoint, therefore, nothing had really happened since they had been scheduled for withdrawal; from the BIA viewpoint, almost an entire year of the three years allotted was lost due to funding and administration problems. From November 1955 to June 1957 Bobo and Scott were engaged in an intensive effort to explain and discuss the implications of the termination bill with area Paiutes. Once again the resiliency and adaptability of the Paiutes was evident as they adapted to the changes being thrust
The Paiutes

upon them. The BIA offered the Paiutes various options for the disposition of their land: a trusteeship for their property could be created; the tribal property could be sold and the proceeds distributed on a per-capita basis; or the property could be divided into individual parcels. It is indicative of the poor quality of the Paiute reservation lands that no acceptable bids were made (estimates of an acceptable bid in the case of the Shivwits reservation varied from $1.00 to $2.65 an acre). The Indian Peaks property was finally sold to the Utah Fish and Game Department for $39,500 to serve primarily as an antelope reserve.

In implementing the withdrawal of the federal trust responsibility, one of the duties of the BIA was to designate a trust authority to assume responsibilities for the land and for Paiute minors. The convoluted logic of termination insisted that, although the Paiutes were deemed ready to be released from the federal trust relationship, another trustee had to be selected for them. First Security Bank officials had been approached but were not interested. The Utah Attorney General ruled that the state could not assume trusteeship.24 On June 20, 1956, W.T. Bobo met in Salt Lake City with William J. Fitzpatrick, vice-president and trust officer of Walker Bank and Trust. The meeting was originally to ascertain whether Walker Bank would be interested in serving as trustee for the “subsurface rights and monies which we may have for transfer.” Walker Bank was selected as trustee without regard for the wishes of the Paiutes; as a result, the Paiutes left the trusteeship of the BIA, but their meager resources entered the trusteeship of a bank.

Although the Paiutes had received minimal services from the Bureau of Indian Affairs, now they were totally ineligible for any services. The federal government would no longer take an active interest in them and they were left in the care of the local authorities. The period between 1957 and 1975 was characterized by general neglect on the part of the State of Utah for any but the most basic needs of the Paiutes. This was a time of growing hopelessness and social and economic decline for the majority of the Paiute people. By all accounts, increased mortality rates, unemployment, and alcoholism were rampant among the Paiutes during this period. The bad economic times shattered families, and children were often raised by relatives or by whites.

For the terminated tribes, the true impact and meaning of federal withdrawal of trust responsibility became increasingly clear. They suffered the loss of land, federal expertise and legal protection, federal health and education funds to individuals, and training, housing, and business grants. The tribes and individuals were faced with taxes and the loss of
Two Paiute children, Mon-su and Su-vu-it, photographed in the vicinity of St. George by John K. Hillers in the early 1870s. Note the coyote-hide quiver with arrows in the foreground. (USHS)

the limited sovereignty they had enjoyed under the earlier Indian Reorganization Act.

**Life Under Termination**

Almost immediately after Public Law 762 took effect Congress began to speak in favor of economic development instead of termination. Secretary of Interior Fred E. Seaton in a 1958 radio speech abandoned the policy of unilateral termination of tribes.

In the aftermath of the decision to terminate the Southern Paiutes the BIA did make some attempts to relocate and rehabilitate them. The
BIA assumed that Indians had to overcome the common attitude that they were lazy, dirty, ignorant, submissive, and unfit for anything but subservient labor in the white man's fields. The BIA contracted with the University of Utah in July 1955 to implement a relocation/job training plan. The contract included Ute Indians from the Uintah-Ouray Reservation. Like so many of the policies that affected the Paiutes, the University of Utah project disrupted lives but did not last long enough to produce any lasting results. In fact, of the fourteen Paiutes who participated in the Adult Vocational Training through Relocation program, not one stayed away from the reservation or finished the training.
Denied federal welfare, education, health, and employment assistance after 1957, the Paiutes found themselves plunged even deeper into poverty and despair. Memories of termination-period experiences were common among survivors, who recounted increased alcohol use and the early death of others. The medical consultant’s report, by Dr. Glen Leymaster, listed problems among the Paiutes of obesity, tuberculosis, an “extreme degree” of malnutrition among young infants, as well as sanitation and sewage-disposal problems. Tuberculosis was a continuing problem, and it had been the cause of about one-third of recorded Paiute deaths between 1889 and 1926.26

The LDS church also began to make a more conscious effort to spend more time and resources pursuing Indian converts—two proponents of such a policy being George Albert Smith and Spencer W. Kimball. In 1947 an Indian placement program began on an informal basis when a Navajo girl came to live with an LDS stake president, Golden Buchanan, of Sevier County. Official church sponsorship of the program followed in July 1954.27 In 1957 William Manning organized a Cedar Indian Branch. Other branches were established at Richfield (by Judge Reed Blomquist), at Shivwits, and at Kanosh.

The Indian Claims Commission Act of August 13, 1946, created a special commission to which tribes could bring their outstanding grievances against the United States. This was brought about because an 1863 statute barred claims by Indian tribes based on treaties. Although there were many problems with the Indian Claims Commission, it would give the Paiutes an opportunity to receive compensation for land of theirs that had been taken. Since the 1865 Paiute Treaty had not been ratified by the Senate, any claims to land had to be predicated on exclusive immemorial possession, because joint use was not recognized in the claims act. The Paiutes plight was reported by William Palmer, acting as a representative of the mayor of Cedar City; the Cedar City Chamber of Commerce; and the president of the Parowan Stake of the LDS church at a meeting in Washington, D.C., with Commissioner William Brophy. Palmer continued his role as adviser by contacting Ernest Wilkinson, who with Felix Cohen was an author of the claims act. The promise of payment for lost land appeared early in the 1950s, but the tortuous legal process took so long that actual payments were not made until more than twenty years later.

The Paiutes joined with other bands to pursue their claims. There was some maneuvering by the Justice Department to weaken the individual tribal cases through consolidation and to remove lands from settle-
The Paiutes

ment that had traditionally been jointly utilized by two or more groups. Because there were some time limitations and the federal government wanted to eliminate any further claims, there was some incentive to reach a compromise to move the process more quickly. This approach, however, allowed for no appeal from the Indians to either the U.S. Court of Claims or to the U.S. Supreme Court, as did the normal land-claims process. The attorneys negotiated a compromise that represented the Southern Paiute and Chemehuevi tribes. The precise value of the Paiute land was never determined, since the compromise included both Paiute and Chemehuevi lands; but the payment consisted of $8.25 million for 29,935,000 acres of land—thus, the Paiutes were to be paid about 27.5 cents an acre for their land. The Wilkinson law firm was advised informally by the ICC that the compromise was fair and would probably be accepted if first approved by the Indians and the Department of the Interior. 28 Each band was advised by the attorneys that the compromise was the best deal for their land and future. On January 18, 1965, the Southern Paiutes were awarded the sum of $7,253,165.19 for about 26.4 million acres of land, or 27.3 cents per acre.

After settlement was accepted, however, another delay faced the Paiutes while it was determined how to administer and distribute the settlement. Once again, white paternalism would play a part in the lives of the Paiutes. Several individuals and groups, including the governor of Utah, went on record against per-capita payments to the Indians. A survey by Leonard Hill indicated that, “the basis of the concern is the fact that these people generally are impoverished, uneducated, unemployed, and inexperienced in handling money of amounts expected to be disbursed from the claim.” 29 Neither the State of Utah nor the BIA wanted to accept responsibility for oversight of the claims funds; this was especially true in the case of the four terminated bands. Attorney John Boyden played a major role in these negotiations as the attorney of record for the case (Docket No. 330) and as the chair of the Utah Governor’s State Board of Indian Affairs. In the end, the Paiutes had renounced, at least in the eyes of the federal government, their rights to over 29 million acres; in return, they had gained only a relatively small monetary payment.

Termination saw people unprepared on all sides. It took some people at the BIA until 1965 to realize that the Indian Peaks and Cedar bands were two different entities. 30 One of the studies used to establish early land use and occupation also suggested how poorly the Paiutes were prepared for being terminated. For many Paiutes the land claims money that was supposed to facilitate their entry into the white world was soon
These Paiute Indians on the Shivwits Reservation in 1933 were playing a card game, using buttons, needles, pins, and other small items to make wagers. (USHS)

gone, and they were left with nothing: no land, no money, no trust relationship, and no expectations for a brighter future. Some Paiutes did improve their lives by remodeling their homes, and some new homes were even built. The land claims process also increased Paiute political activity and awareness. In many ways, the claims case laid the groundwork for the 1980 restoration of tribal status to the Paiutes. Talk for reinstatement began as early as 1958. In many ways, it seems that termination set the Paiutes twenty-five years behind many other tribes.

Many Paiutes continued to work as unskilled laborers, doing seasonal farm work, and some found better work on the railroad. By this time, the traditional knowledge base had deteriorated to the point that less than half of the Paiutes spoke fluent Paiute, very few were tanning deerskin, and very little storytelling or weaving of baskets and cradles was taking place. Social gatherings were very infrequent. Alcoholism began to affect more and more of the Paiutes, physically and socially. This contributed to a low life expectancy of only forty-two years during the early 1980s for Paiute males. The education drop-out rate ranged between 40 percent and 60 percent, with only an eighth-grade attainment level possible for most. Social and health services were almost non-existent. Many Paiutes were still living in substandard homes; but once again the Paiutes proved their durability and adaptability.
Restoration

Although the talk of reinstatement of tribal status for Native Americans began as early as 1958, the first real effort came in 1973 when petitions were circulated among the bands calling for the restoration of tribal status. Utah State Director of Indian Affairs Bruce Parry contacted BIA area director John Artichoker and then met with Morris Thompson, Commissioner of Indian Affairs, in Phoenix, Arizona. Both were supportive of restoration efforts, and a report was drafted by Mary Ellen Sloan, a law student working for the regional Solicitor's Office. Her nine-page memo essentially established that the Paiutes had never met the criteria established for termination and that promises made by Senator Watkins were not kept. The report also provided a policy statement on some of the errors and evils of termination.

In 1975 an Indian attorney named Larry Echohawk was approached by a member of the Paiute Tribal Corporation Board and by Bruce Parry to initiate the legal process required for restoration. Many meetings were held during 1975 to discuss the advantages and disadvantages of restoration and various forms of tribal government. The Menominee Restoration Bill then in process was watched in hopes that it would provide a useful precedent for Paiute restoration. Much support was given by the Paiute bands and some was also received from local entities and the BIA. The records of the meetings held made it obvious that the Paiutes were overwhelmingly in favor of reinstatement of federal status. Utah Senator Frank Moss requested that the BIA draft proposed legislation. Senator Moss and Congressman Gunn McKay, both Democrats, were ready to introduce and support the legislation when Moss was defeated by Republican Orrin Hatch in 1976.

The original 1975 draft version of the restoration bill provided for each Paiute band to be restored as a separate political entity, which was essentially its pre-termination status. After some discussion concerning sovereignty, population, and culture, a third draft of restoration legislation was prepared in 1976 which proposed to include all the bands under one tribal government. Newly elected Senator Orrin Hatch and Congressman Dan Marriott became the supporters needed in Congress.

In 1978 Mary Ellen Sloan, who would later join the Echohawk law firm and be its lead attorney, was asked by Larry Echohawk to write legislation to create a federally recognized tribal entity for the Paiutes. The bill, which was similar to the Siletz Tribe Restoration Bill, accompanied by a study for a for a Paiute reservation, was presented to Senator Hatch. In July 1979 the first meeting of the Paiute Restoration Commit-
tee was held. This group was formed in order to lobby for the Paiute cause. The committee was composed of the Paiute Tribal Council and various influential Utahns from diverse backgrounds. Tactics included encouraging individuals with contacts to write letters of support, make phone calls, and to encourage latent Mormon support and sympathy for the Paiutes. Historical and other materials were compiled to support the Paiute claims that they had suffered unjustly as a result of termination.

The essential strategy devised by Sloan and the committee was one of legislative advocacy. This approach was utilized and refined throughout the process that led to restoration of tribal status and was applied, with some brilliance, during the reservation phase of activity, which followed restoration. The strategy was basically a search for support (mostly in the form of letters) from influential third parties. There was little interest in (although also little serious opposition to) restoration from the white population in southern Utah. But there was opposition from conservative circles to the idea of the inclusion of a reservation plan.

On August 29, 1979, Senator Hatch held a meeting at Southern Utah State College, in Cedar City, to assess opinion on Paiute recognition. At this meeting, several Paiutes (forty to fifty were in attendance) spoke strongly in favor of restoration, the need for a land base for their people, and of discrimination suffered by Indians from local whites. Several examples of blatant discrimination against Paiutes were cited. This testimony seems to have convinced Hatch that the Paiutes were in need of his help. The president of Southern Utah State College noted that the Paiutes, because of their terminated status, were unable to attend college, whereas Indian students from recognized tribes were eligible for tuition and other assistance. Speakers also included county commissioners of Duchesne and Uintah Counties (invited by Hatch), where the Uintah and Ouray Reservation was located, who spoke strongly against restoration and made comments that the Paiutes and others felt were racist. The lessee of the Shivwits grazing land also spoke in opposition of a reservation.

Bruce Parry and Mary Ellen Sloan made a whirlwind tour of southern Utah, meeting with the Paiute bands prior to House hearings on the restoration bill (H.R. 4996) in order to gather statistics on the current socioeconomic status of the Paiutes. This information helped to document the deplorable condition of many Paiutes after termination. This brief survey concluded that Paiute per-capita income was $1,968, in contrast to the $7,004 per-capita income of the average citizen of Utah.

A serious lobbying effort by the Paiute Restoration Committee, with the aim of including a reservation plan in the restoration legislation, cul-
This photograph of Beaverad, a Paiute Indian reported to be nearly one hundred years old, was taken in Milford about 1910. (USHS)

minated when JoJo Hunt, staff attorney for the Senate Select Committee on Indian Affairs, developed a series of fifteen amendments to a bill sponsored by Senator Hatch that included a provision for new reservation lands to be selected and presented to Congress within two years of restoration. The committee chair approved this version, and it was adopted through the acquiescence of Senator Hatch; even with the provision for a reservation plan, he did not kill the bill.

Despite initial opposition from the Office of Management and Budget, which had asked for further study without offering any money to fund it, the restoration act, Public Law 96-227, was signed by President Jimmy Carter and became law on April 3, 1980.
The Paiutes received a good deal of local support for the restoration of the trust relationship; but when it came to receiving reservation lands, such support often ended or became more covert. Throughout the entire reservation planning process, it was made abundantly clear that the Paiutes had the support of the local personnel of the Bureau of Indian Affairs. This support began at the Phoenix Area Office and was especially strong at the Paiute Restoration Project Office, which was established at Cedar City in November 1980 in order to implement the restoration legislation. On June 1, 1983, Interior Secretary James Watt signed a measure giving final approval for the Cedar City office to become a field station serving all of the Paiutes in Utah, Arizona, and Nevada. Full-scale operations began on October 1, 1983, when the field station began to function as a Southern Paiute mini-agency.

**Reservation Selection**

The restoration act required the secretary of the interior to present proposed legislation for a Paiute reservation to Congress by April 3, 1982. The Paiutes were faced with a monumental task, as they had to elect a six-member interim council, establish a membership roll, write a tribal constitution and by-laws, and then elect a council under the constitution. An interim council was elected on May 31, 1980, and a constitution was adopted by the tribe on October 1, 1981. An official tribal membership roll listing 503 members was finished by August 1981. Reservation planning began under the interim council with a September 1980 meeting with Utah Governor Scott Matheson. The interim council was replaced by the newly elected tribal council on October 24, 1981. The fact that Paiutes were able to accomplish all of this within such a compressed timeframe was a tribute to their leaders and to their hard work.

Then came the most exciting, controversial, and certainly most frustrating aspect of the restoration: the reservation planning and selection. Land selection was difficult. Virtually all of the good land in southern Utah was in private hands. Lands managed by the Bureau of Land Management were marginal, and, while some U.S. Forest Service lands contained valuable minerals, they were either leased to or under the watchful eye of powerful interests. With only 503 members, the Paiute population was small and almost destitute, and they seldom voted. Certain LDS church leaders were asked to help with the reservation effort as the morally right thing to do, with the end objective of raising the living standard of Paiutes. Emphasis was placed on the Paiutes' desire for self-sufficiency and the need for good reservation land in order to accom-
Young Paiute pupils assemble in front of their school in Panguitch. (Marriott Library, University of Utah—U of U)

plish this goal. Pressure also was brought to bear on the Utah congressional delegation and local political leaders during this phase through personal visits, editorials, letters, and phone calls.

As various local and political opposition to reservation planning mounted, the support of Senator Hatch waned. One point of contention was that the Indians were being given special treatment not available to the general population, being “given something for nothing.” The general white perception was that the Indians were being given land, not that the land was being restored to its rightful previous owners; also involved was the Mormon tenet that some form of work is necessary from those receiving assistance. After many heated and emotional meetings, five parcels were dropped from consideration. While the restoration legislation called for the land selection from “available public land,” some officials in the U.S. Forest Service and other opponents maintained that forest lands were “not available.” However, in 1956, some Uintah National Forest land had been returned to the Ute tribe, and, in 1974, 100,000 acres of national forest land had been put in trust for the Havasupai Indians of Arizona.
By 1984, tribal council members were resigned to take whatever was offered to them; their mood was one of melancholy powerlessness. The Paiute Tribal Council found itself in the familiar position of taking something with the assumption that it was better than nothing. In the end, H.R. 2898 provided the Utah Paiutes with 4,770 acres of land, less than one-third of the 15,000 acres that the restoration legislation allowed them to select. They could have followed the example of the Western Shoshonis and refuse to settle; however, this possibly would have netted them nothing. H.R. 2898 also authorized a trust fund of $2.5 million, with 50 percent of the interest drawn for tribal government expenses and economic development projects.

**Paiute Indians Today**

All the ingredients seemed to be in place for the Paiutes to be a “bureaucratized” people who could function amid the red tape and legalities of today’s society. Efforts and energies now were needed to provide direction and leadership for the future success of the Paiutes. Internal squabbles, however, would hinder their progress, as some Paiutes had learned the bureaucratic system all too well. The Paiute leadership of the 1980s proved to be able and sophisticated. The tribe has been well served by strong leaders (within the Paiute context) and capable staff. During the restoration and reservation phases, interfamilial and band conflicts were somewhat muted; however, during the latter part of the land-acquisition process, internal squabbles began to increase, which made progress and continuity a bit more difficult. More and more conflict was evident as families sought the help of tribal, BIA, and state agencies in matters pertaining to food, shelter, medical care, education, and jobs.

Since restoration in 1980, the trend has been toward the contracting of functions previously the responsibility of the Bureau of Indian Affairs. The Utah Paiutes now contract almost all of their services; therefore, the direct supervision of their lives by the BIA is minimal. There is still a definite tendency of many tribal members to depend heavily on tribal government and services. The Paiute tribal government acts as a surrogate for the BIA and has become the continued focal point for Paiute aspirations and frustrations. Turnover in the tribal council has been high.

Although health care has improved dramatically since 1980, major problems still exist; for example, 95 percent of tribal deaths from 1981 to 1984 were alcohol related. The tribe hired an alcohol intervention specialist. In 1984 the tribal health department estimated that 68 percent of their people’s health-care needs were not being met, and the life expect-
ancy of a Paiute male in 1984 was forty-two years. Improvements were made, however, and by 1989 not only were most private physicians in southern Utah available to tribal members but also there was a special clinic held at the tribal office building once a month. Dental, eye-care, diabetes, well-baby, and general clinics are held. Travis Parashoonts noted: “Prior to 1980, we had three deaths to every birth. We were a vanishing tribe, slowly going into extinction. Restoration gave us access to health service and we reversed those figures in three years.”

Education has been and continues to be a high priority with the Paiutes. After restoration they immediately hired a director of tribal education. Prior to 1981 about 40 percent of Paiute children dropped out of school by eighth grade, and only eight Paiutes had attended college in the previous ten years. Now, however, the drop-out rate has stayed in the single digits from 1982 to the present. By the spring of 1982, forty-four Paiutes were either attending college or vocational school. Desire for education is evident in the fact that of those between eighteen and forty years of age, 71 percent have participated in higher education or vocational training. Unfortunately, however, some progress remains to be made: only about one in three has finished his or her degree or training programs, and, of those, only about one-half have actually been able to find work in their field. Tribal leaders have worried that, as their children graduate, they may find that the few jobs available in southern Utah are closed to Paiutes because of prejudice. This would force the best and brightest of the young Paiutes to find work away from their traditional homeland.

The Paiute Economic Development Committee was established in 1984 to seek out economic development enterprises closer to home. A sewing plant was established at Kanosh that employs twenty to thirty people (primarily Paiute women). In the summer of 1989, a Cedar City warehouse was refurbished to establish a second sewing plant. Plans are currently underway to build a natural-gas, turbine-powered power plant, and possible development of a golf course, both slated for the Shivwits reservation.

Unemployment and underemployment still plague the Paiutes. In 1988, for example, with a labor force of 137 potential workers, seventy-seven were unemployed at some point during the year, and fifty-two were said to be actively seeking work. Nonetheless, there is now a core of college-educated Paiute professionals of both sexes who can act as role models and help provide the lead in escaping the customary poverty conditions of many Paiute Indians.
The Koosharem Band has begun to benefit from the parcel of land at Joseph; five house trailers have been located there and twelve HUD homes have been built. The tribal administration has done an excellent job of acquiring HUD housing for tribal members at Cedar City, Shivwits, and Joseph.
The Paiutes

Since they reacquired a landbase during the 1980s, the Paiutes have become more visible throughout southern Utah. In 1981, to celebrate their restored trust status, the Paiute Indian Tribe of Utah instituted a Restoration Gathering, to be held in June of each year. This celebration has become a major contemporary social event in the Paiute calendar. The gathering marks the restoration of federal recognition of the Utah Paiute tribe and includes a princess pageant, ball games and hand games, and a parade through downtown Cedar City.

The effort that goes into producing and participating in this event creates pride and solidarity among the participants. The intertribal aspects, such as the dance contests and the hand games, create an opportunity for the Paiutes to meet other Native Americans and exchange information and songs. One of the primary benefits of the Gathering is its visibility; it provides an opportunity for the Paiutes to express their ethnic pride and say to the Anglo community that they are proud of their accomplishments and of who they are. The Paiute people never left their homeland, nor do they ever intend to leave.
Antero’s encampment in the Uinta Valley, photographed by John K. Hillers of the John Wesley Powell expedition in 1873–74. (USHS)