

THE PAIUTES

THE SOUTHERN PAIUTES OF UTAH: FROM TERMINATION TO RESTORATION

TEACHER BACKGROUND

In 1954, the Southern Paiutes, like many other tribes, had their federal trust relationship severed. Public Law 62 “terminated” the federal government’s responsibility to the Southern Paiutes and left them with no official political status within the United States and Utah. The consequences of termination were dire, as the Paiutes lost aboriginal rights to land ownership and territorial practices important to the maintenance of tribal sovereignty.

For twenty-six years the Southern Paiutes fought to regain their official status as an American Indian tribal government, and finally, in 1980 the federal government restored the Paiute Tribe of Utah as a recognized sovereign entity. Under restoration, the Paiute tribe has begun the process of economic, cultural, and social resurgence. The story of Paiute termination illustrates the importance of Indian sovereignty and the responsibility of the federal government to Indian peoples.

OBJECTIVE

The student will be able to evaluate the effects of the federal government’s termination and restoration policies on the Paiute Tribe of Utah and connect this history to the importance of Native American sovereignty.

TEACHER MATERIALS

At a Glance: The Southern Paiutes and Termination

We Shall Remain: The Paiute (chapter 4, 7:45–9:20; chapter 5, 9:20–10:17)

STUDENT MATERIALS

Excerpt from Gary Tom and Ronald Holt, “The Paiute Tribe of Utah,” p. 139–62 (available online at www.UtahIndians.org)

Carl Jake and Roy Tom Discuss the Reservation and Termination Periods

Worksheet

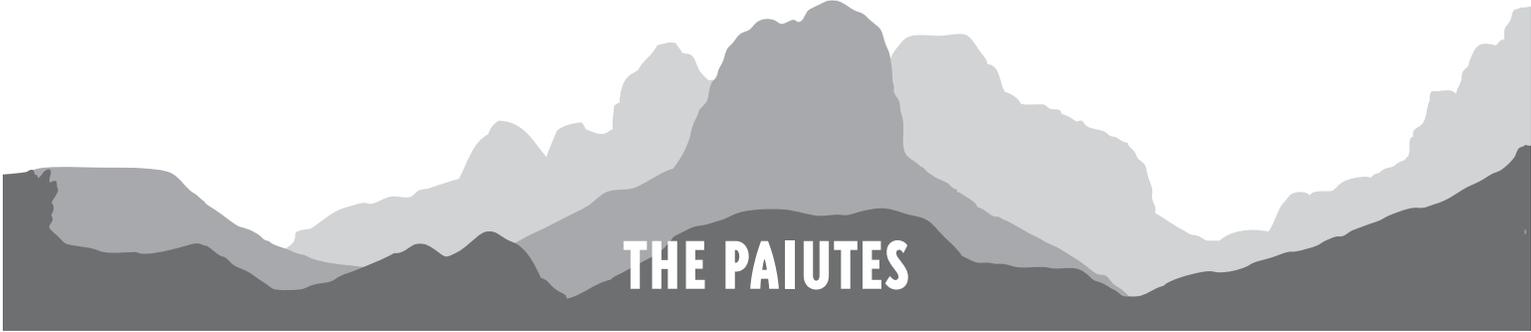
Essay Questions

TIME FRAME

Two or three forty minute periods

PROCEDURE

Assign the excerpt from “The Paiute Tribe of Utah” and the excerpt from Carl Jake and Roy Tom’s oral history. Have students complete the worksheet. The worksheet will be their reference material for the next activity. (This can be a class work or a homework assignment.)



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PROCEDURE (CONT.)

Screen the entire film *We Shall Remain: The Paiute* or show the clips listed above, and lead a class discussion. Some possible discussion questions include: How do Paiute tribal members feel about the history of termination of their tribe? Did the Paiutes' relationships with their lands change when they were "terminated"? Did the Paiutes' relationships with their lands change again when the tribe was "restored"? How so? Students may want to take notes on the film and discussion to use on their essays.

Using only their worksheets and discussion/film notes, students will complete a five-paragraph essay (in-class or homework) answering one of the three essay questions.

ASSESSMENT/PRODUCTS

Worksheet
Discussion participation
Essay

VARIATIONS/EXTENSIONS

Show students *We Shall Remain: Wounded Knee* (chapter 5), and have them compare the Paiutes' struggle for recognition from the federal government with the Oglala's struggle for recognition.

Students can research Indian perspectives of termination using the oral histories available at www.UtahIndians.org.

Students can explore the people involved in the restoration of the Paiute Tribe of Utah and discover their other accomplishments in the service of American Indians, Utah, and the United States.

ADDITIONAL REFERENCES

Holt, Ronald. *Beneath These Red Cliffs: An Ethnohistory of the Utah Paiutes*. Albuquerque: University of New Mexico Press, 1992.

Rogers, Glenn. Interview. Sept. 27, 2008. *We Shall Remain*, KUED Public Television.
<http://www.kued.org/productions/weshallremain/pdfs/GlennRogers.pdf>.

Tom, Gary, and Ronald Holt. "The Paiute Tribe of Utah." In *A History of Utah's American Indians*. Ed. Forrest Cuch. Salt Lake City: Utah Division of Indian Affairs and Utah State Division of History, 2000.

STANDARDS ADDRESSED

State Standards

High School – United States History II: 1/3/a,e

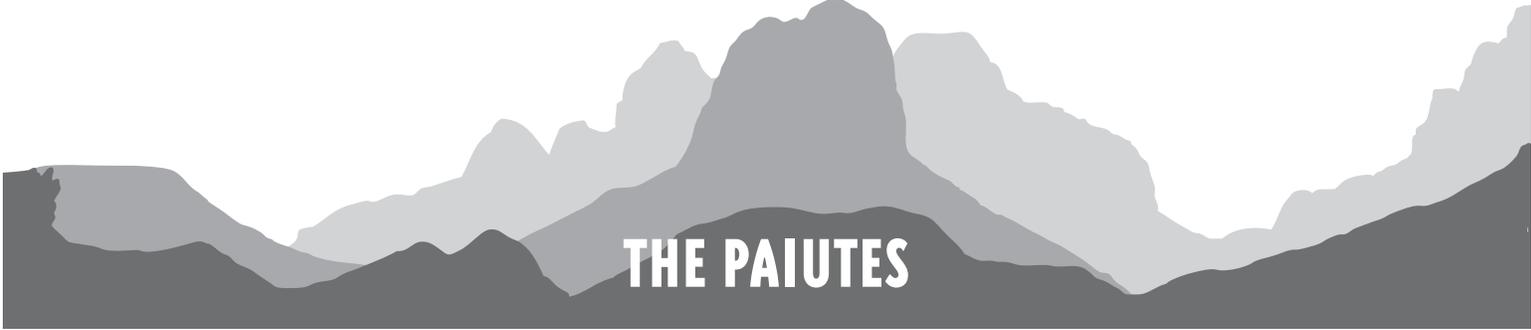
High School – United States Government and Citizenship: 3/1/c; 4/3/a; 6/1/c

Accreditation Competencies Addressed

Social and Civic Responsibility/Demonstrates an appreciation of diversity and interdependence of all people/Understands the history, people, and traditions that have shaped local communities, nations, and the world

NCSS Standards Addressed

High School: 1/b,f; 2/c,d,e; 3/h,i,k; 4/g; 5/a,e; 6/f



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AT A GLANCE: THE SOUTHERN PAIUTES AND TERMINATION

In the middle of the twentieth century, the federal government's American Indian policy shifted dramatically. From the 1930s to 1952, the federal government sought to improve American tribal life by enacting policies that facilitated self-government and cultural renewal. However, in the 1950s, the federal government changed course and began to sever important political relationships with certain American Indian tribes and to attempt to relocate Indians to urban areas without strong native political communities. (For a more detailed explanation of the evolution of U.S. Indian policy, see Appendix B, "Understanding the Political Sovereignty of the American Indian Nations.")

In August 1953, House Concurrent Resolution 108 mandated that the U.S. government abolish federal supervision of Indian tribes. This policy, which came to be known as "termination," was justified based on the idea that Native Americans should assimilate with mainstream American society, but it essentially meant that the United States would no longer uphold its treaty agreements with tribes. Though not all Indian tribes ended up being terminated, the Southern Paiutes of Utah became one of the first targets of the policy.

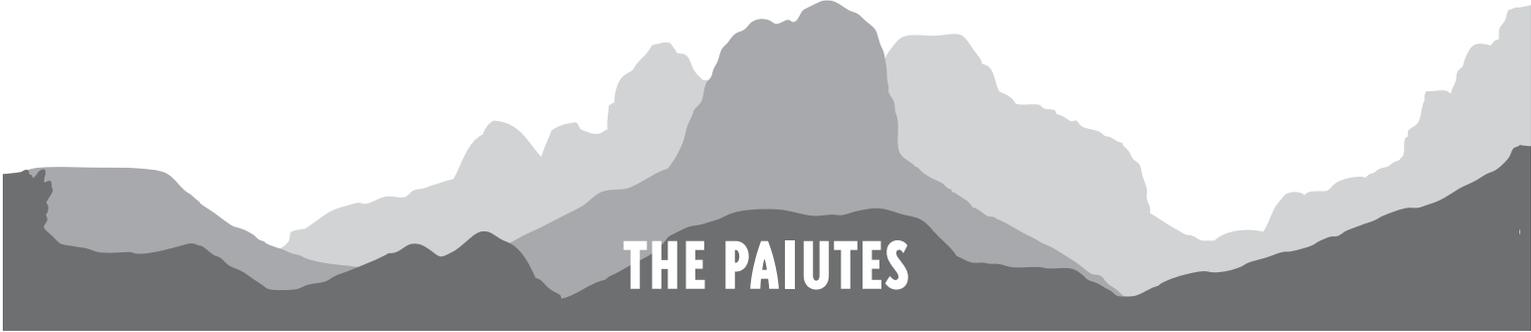
In 1954 Congress passed Public Law 762, an act that "terminated" the federal government's responsibility to the Southern Paiute tribes in Utah and left the Paiutes in an unrecognized political status within the United States and Utah. Once terminated, the land held by the Paiutes became taxable and fell under the jurisdiction of the State of Utah, and the Paiutes could no longer

govern their own affairs without the interference of both federal and state governments.

Denied federal welfare, education, health, and employment assistance, the Paiutes were plunged into deep poverty and despair. Alcohol use increased. A medical consultant's report listed obesity, tuberculosis, an "extreme degree" of malnutrition among young infants, sanitation, and sewage-disposal problems as major health issues among the Paiutes. Without basic health and sanitation services, almost one-half of Utah's Paiutes died during the termination period.

In an interview for *We Shall Remain: The Paiute*, Glenn Rogers, Chairman of the Shivwits Band of Paiutes, discusses the effects of termination policies upon the Paiutes and their relationship to their traditional lands. Rogers says that one of the reasons they were singled out for termination was that Paiute land held valuable minerals that private industry was interested in mining. Rogers describes the process of land dispossession under termination: "So we didn't have it [legal assistance] back then, so they took advantage of us as a little scattered tribe and they took over the land and they said well, they can pay for their land through taxes, um, how were we going to pay for our land . . . what we have through taxation and taxes? And that's how a lot of these little tribes, for instance Kanosh and Indian Peaks lost a part of their reservation is because they couldn't pay their taxes."

By the late 1960s, the federal government ended termination due to the overwhelming evidence that it failed to facilitate American Indian tribal



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sovereignty or better the lives of Indian people. For twenty-six years, the Southern Paiutes fought to regain their recognized status as an American Indian tribal government, and in 1980, the United States federal government restored the Southern Paiutes as the Paiute Tribe of Utah, with five bands also recognized as sovereign entities. In her interview for *We Shall Remain: The Paiute*, Karman Grayman, member of the Shivwits band of the Paiute tribe, explains the improvement in Paiute life after restoration: “When we first started with restoration and we had health coverage then more of our people started living. . . . We didn’t have so many deaths. Our age went up.” Because it restored federal services, restoration improved the physical health of the tribe.

Since restoration, the Paiutes have worked to reestablish cultural traditions and gain and develop land. A new cultural activity is the

Restoration Powwow, which is held every year to celebrate the return to recognized tribal status and the pride that came with it. As historian Gary Tom points out, “One of the primary benefits of the [Restoration] 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.” Land development has remained a challenge, as the endangered species status of the prairie dog, for example, complicates tribal land management. On the other hand, with economic growth from endeavors like Suh’dutsing Technologies, the tribe is now in a better position to overcome these challenges than ever before.

CARL JAKE AND ROY TOM DISCUSS THE RESERVATION AND TERMINATION PERIODS

KF: So you say the reservation has been sold, then?

CJ: Yes, it's been sold.

KF: And it's no longer . . . was everyone paid for that land?

CJ: Yes.

KF: Who owns it now, then?

CJ: Fish and Game.

KF: Fish and Game. How long ago was it sold?

CJ: I don't know how long ago. . .

RT: It was in '57.

...

KF: In those days before 1956, how was the medical or doctor situation handled? Did you pay your own?

...

RT: The government paid while we was under government all the time. They paid for like, we went in hospital or something like that. They paid until we were terminated.

...

CJ: I went over there [the former Indian Peaks Reservation] about two years ago. It was all knocked down, those pinenut trees. Those trees . . . they shouldn't knock down like that. . . . George Morris, I think he's the one that sold it. . . .

KF: George Morris? He's the one who sold it or handled the selling?

CJ: Sold it for us, yes.

KF: Do you know whether that was the same time they tried to sell the Shivwits Reservation? The government suggested that they sell that one, too.

CJ: Yes, that about the same time.

KF: . . . I gather that they didn't succeed, though. Those Paiutes still have that one.

CJ: Well, the reason we sold that [Indian Peaks] . . . they terminate that, see, but we didn't have no money to pay for tax on it. Terminated, well, we decided "Well, go ahead, sell it." The government partner tried to sell it. He said, "Go ahead, sell it if you want to." That's when we get out of there, see?

KF: Well, how did people feel about that? Did they really want to sell it or would they rather have kept it if they could?

CJ: Rather have kept it but we couldn't afford to pay for tax, that's one thing.

KF: I guess the one at Shivwits . . . their lease just pays for the tax.

CJ: That's all, the lease.

KF: Yes, but I guess if the taxes go up in another few years, they'll have to pay extra on it.

CJ: That Indian Peaks wasn't a reservation a long time ago.

KF: It wasn't?

CJ: No, just was them old people that claim that

little place there . . . long time . . . had water, lots of water. Claimed it clear back to here. The other side of the mountain, had all the mountain over on this side clear on down here about twenty miles. The Indians used to be scattered clear down through that mountain. Camp and camp and camp and camp, that's the way they lived long time ago, before these white people came. Even after they came but it was still there. Not real long ago he was surveying this country, you know. He says, "We going to put you guys in a reservation." Then they cut it down that much, sixteen sections, four miles each way. That's small now, you see.

KF: Yes, that's not very large.

CJ: No, just keep cutting it down so that portion went, right there. We used to have a lot of water and we used to lease it ourselves, the old people, to sheep men, to cattle men. That's the way those people used to live. They give 'um money . . . leasing it out. All the Indians had plenty to eat then. Wasn't no government doing that at that time.

KF: You were doing it on your own? Leasing on your own?

CJ: Yes, they were raising potatoes, everything, onions down there. . . . Nobody would help. Wasn't no government then.

KF: And no agent out there?

CJ: No agent or nothing. I remember that. . . . That's the way it used to be out here a long time ago before they put in any reservations. Those sheep men, I used to see those fellows often. . . . They used to lease that country from the old people used to live there. . . . [T]here's no government bothering us then. . . . They [the sheep ranchers] go out and bring the food in for us. During fall when the time was up, they would take the sheep out then they'd bring the food . . . give money too, during winter.

CJ: Yes, and after government reservation . . . After the government comes, we can't do nothing. Depend on the government, then. The government get all of it. Can't do nothing no more.

KF: And in '56 then, it went on the tax roll so that means it would be taxed.

CJ: After that, the government never show. Even the agents, even those workers, they'd never go here. Too far for them, I guess.

THE SOUTHERN PAIUTES: FROM TERMINATION TO RESTORATION

On a separate sheet of paper, answer the following questions based on your reading of Gary Tom and Ronald Holt, “The Paiute Tribe of Utah,” pp. 139–62 in *A History of Utah’s American Indians*. Please answer in complete sentences.

RELATIONSHIPS WITH EARLY SETTLERS, 139–44

1. What motivations were driving non-Indians to settle the Paiute homeland?
2. What excuses were given for taking control of the land from the Paiutes?
3. What actions, and how many failed attempts, led to the Paiutes ending up on a reservations?
4. How many bands ended up on how many reservations during this early reservation period?

FEDERAL PATERNALISM, 144–46

5. Describe “Federal Paternalism,” as established by the Supreme Court in 1831.
6. How did the Indian Homestead Act of 1875 and the Dawes Severalty Act of 1887 affect Paiute land holdings?
7. How did the Great Depression affect the Paiute tribe?

TERMINATION, 147–52

8. What did the government intend to achieve through the policy of Termination?
9. What are the four steps in the termination process?
10. What were the criteria for “termination readiness”?
11. Who were the people pushing the Paiutes toward termination and what was their motivation?
12. What actions were taken to prepare the Paiutes for termination?
13. Once the Paiutes were removed from the trusteeship of the BIA by 1957, how did their lifestyle change?

LIFE UNDER TERMINATION, 152–56

14. How did Termination affect the health of the Paiute people?
15. Why were the Paiutes awarded \$7,253,165.19, and what additional problems did it cause?

RESTORATION, 157–60

16. Who were the people pushing for the Paiutes to be restored, and what was their motivation?
17. What actions were taken to help the Paiutes regain federal recognition?
18. What obstacles had to be overcome?

RESERVATION SELECTION, 160–62

19. What tasks did the Paiutes need to undertake immediately upon being restored to federal recognition?
20. What issues complicated the selection of land for a reservation?

BASED ON YOUR READING OF THE CARL JAKE AND ROY TOM ORAL HISTORY EXCERPT, ANSWER THE FOLLOWING QUESTIONS. PLEASE ANSWER IN COMPLETE SENTENCES.

1. What does Jake suggest about life at Indian Peaks before the reservation period? What does he say about the Paiutes' dependence on the federal government?
2. In what ways, according to Jake, did the establishment of a reservation at Indian Peaks (originally established in 1915) change the economic circumstances of the Paiutes living there?
3. What are some of the consequences of termination that the interviewees identify? What happened to government services? What happened to the Paiutes' lands?

ESSAY QUESTION OPTIONS

1. How did termination affect the financial viability, cultural and educational status, and general health and welfare of the Paiute people?
2. Did termination live up to the expectations of those who implemented it in terms of assimilation, financial independence, and the transfer of land-ownership?
3. What made the Paiutes a poor choice for termination, why were they terminated, and why were they an excellent choice for restoration?