

Background and History of Southern Utah Paiute Bands

The various tribes of Paiute Indian people once lived as farmers and hunters in an area encompassing what is now southern Utah, northern Arizona, southern Nevada and southeastern California. They lived as small, separately sovereign groups composed of extended families.

The first official contact between the US government and the southern Paiute tribes was in 1856 when George W. Armstrong visited the area to observe the condition of the Paiutes. In his report, he recommended that suitable farmlands be kept as reserves for the various bands. This recommendation was made at a time when US government policy was to establish reservations for Native Americans, but no actual government action was taken.

Soon after Armstrong's visit, the Federal government tried to consolidate all the Native Americans in Utah onto one reservation, a policy advocated by the Utah settlers. As part of this consolidation effort, a treaty was negotiated with a few southern Paiute tribes in 1865. The treaty became known as the Spanish Fork Treaty, and on June 18, 1865, was signed by the Utes. By this Treaty, the southern Utah Paiutes were supposed to move to the Uintah Reservation with other Utah Indians. However, this treaty was never ratified by the Senate.

A commission headed by John Wesley Powell and G.W. Ingalls was sent in 1873 to find reservation sites for tribes that did not relocate to the Uintah reservation. This commission concluded that it was not feasible to establish a reservation for each Band within its own territorial area, and there was not enough good agricultural land left un-occupied by non-Indians to establish one single reservation in southern Utah. The southern Utah Paiutes were left with the choice of moving to the recently established Moapa Reservation in Nevada or going without a reservation. Some Paiutes moved to Moapa, but most stayed in their traditional areas.

In the late 19th century, the many earlier Paiute Bands of southern Utah formed into the five separate tribes, or bands now known as the Cedar, Indian Peaks, Kanosh, Koosharem, and Shivwits. Between 1903 and 1929, the Kanosh, Koosharem, Shivwits, and Indian Peaks Band had reservation land established for them. The first account of any official government action taken on behalf of any of these Bands was in 1891 when Congress authorized the purchase of improvements on lands along the Santa Clara River in St. George. This land was formally established as a reservation for the Shivwits Band by the Secretary of the Interior in 1903 and enlarged by executive order in 1916 and by Congress in 1937. Congress treated the Shivwits Band as a separate, sovereign Indian tribe.

The Indian Peaks Reservation was established by executive order in 1915, and enlarged in 1921, 1923 and 1924. In 1928, a reservation was established for the Koosharem Band which was enlarged in 1937. The Kanosh Reservation was formally established in 1929 and enlarged in 1935 and 1937. In 1899 and again in 1925, money was appropriated to purchase land for the Cedar Band, however, this money was never spent and was returned to surplus. By these executive orders, the Executive branch of the federal government treated each Band as a separate, sovereign Indian tribe. The Cedar Band of Paiutes did not have a reservation established by executive order. The Cedar City Relief Society of the Mormon Church purchased land for use by the Band. The lots occupied by the Cedar Band became known as “Indian Village.”

The only southern Utah Paiute Bands that organized under the Indian Reorganization Act (June 18, 1934) were the Shivwits and Kanosh Bands. In 1940, the Shivwits Band set up a constitution and bylaws, and in 1943, the Kanosh Band did the same. Under the Act, the federal government treated each of the Bands as a separate, federally recognized tribe.

The Indian Claims Commission was established in 1946 to handle Indian claims against the government. The Southern Utah Paiutes filed a claim against the government. It was not until 1965 that the Commission made its final judgment (the claims money was not actually distributed until 1971). In the final judgment, the Paiutes were awarded \$8,250,000 for 29,935,500 acres of land— amounting to \$0.27 per acre. These funds were disbursed to individual members with a payment of \$7,522 to each adult and the same amount placed in a trust fund for each minor. The total settlement included payments to Nevada southern Paiutes as well as to the southern Utah Bands.

In 1954, the federal government terminated each Band, except the Cedar Band. Since the Cedar Band did not have a land base and they were ineligible to receive federal funding, they were de facto terminated. After termination, the Bands continued to perform self-governing functions, either through elected representatives or in meetings of the Bands' general membership. No joint Tribal government existed.

No 'Paiute Indian Tribe of Utah' was ever recognized by Congress, terminated by Congress, or recognized by the Executive Branch.

On April 3, 1980, Congress passed the Paiute Restoration Act, P.L. 96-227, reestablishing the trust relationship between the federal government and the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah and restored or confirmed with respect to the Cedar Band of Paiute Indians of Utah.

Each of these Bands were separate, sovereign Indian tribes since time immemorial. This sovereign status was confirmed by Public Law 96-227: "The Federal trust relationship is... restored to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah and restored or confirmed with respect to the Cedar City Band of Paiute Indian of Utah." 94 Stat.

317, Section 3(a). In that Act, “the term ‘tribe’ means each individual Band. Id., Section 2(1). The federal trust relationship was confirmed as to the Bands. No federal trust relationship was restored or established by Congress in the Restoration Act to the PITU Council or the Paiute Indian Tribe of Utah.

Each Band now has its own community located on or near its traditional lands or former reservation lands: Cedar and Indian Peaks in and near Cedar City; Kanosh in and near Kanosh; the Koosharem in and near Richfield, Utah and the Shivwits Reservation northwest of St. George, Utah.

The Restoration Act required the election of an Interim Tribal Council, to be a temporary (six month) governing body for all of the restored Bands. The Interim Tribal Council was an administrative entity that was used for the logistical convenience of the Bureau of Indian Affairs and because it mirrored the familiar governance structure of a non-profit corporation that had been established during termination to preserve assets of the terminated Bands. Through the Interim Tribal Council, the Bands chose to delegate certain authorities to ‘the Paiute Indian Tribe of Utah’ (PITU). PITU is now an administrative organization that is exercising authority delegated by the Bands. There is no congressionally-recognized federal trust relationship to the Tribal Council and PITU in the Restoration Act.